

1993 Assembly Bill 680

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1993 WISCONSIN ACT 247

AN ACT to amend 66.021 (3) (a) 2 and (b), 66.021 (4) (a), 66.021 (8) (a), 66.021 (11) (a), 66.021 (12) and 66.021 (15); and to create 66.021 (1) (am) and (e) of the statutes, relating to: changing certain procedures used by cities and villages in the annexation of town territory.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 66.021 (1) (am) and (e) of the statutes are created to read:

66.021 (1) (am) "Legal description" means a complete description of land to be annexed without internal references to any other document, and shall be described in one of the following ways:

1. By metes and bounds commencing at a monument at the section or quarter section corner or at the end of a boundary line of a recorded private claim or federal reservation in which the annexed land is located and in one of the following ways:

- a. By government lot.
- b. By recorded private claim.
- c. By quarter section, section, township and range.

2. If the land is located in a recorded subdivision or in an area subject to a certified survey map, by reference as described in s. 236.28 or s. 236.34 (3).

(e) "Scale map" means a map that accurately reflects the legal description of the property to be annexed and the boundary of the annexing city or village, and that includes a graphic scale on the face of the map.

SECTION 2. 66.021 (3) (a) 2. and (b) of the statutes are amended to read:

66.021 (3) (a) 2. A legal description of the territory proposed to be annexed, sufficiently accurate to determine its location and a copy of a scale map.

(b) The person who causes the notice to be published shall serve a copy of such notice, together with a copy of

~~the scale map required under sub. (4) (a) the notice, within 5 days after its publication, upon the clerk of each municipality affected and, upon the clerk of each school district affected within 5 days of the date of publication of the notice and upon each owner of land in a town if that land will be in a city or village after the annexation.~~ Such service may be either by personal service or by registered mail with return receipt requested.

SECTION 3. 66.021 (4) (a) of the statutes is amended to read:

66.021 (4) (a) The petition shall state the purpose of the petition and contain a legal description of the territory proposed to be annexed, sufficiently accurate to determine its location, and have attached thereto a scale map reasonably showing the boundaries of such territory and the relation of the territory to the municipalities involved. The petition shall also specify the current population of the territory by number in accordance with the definition given, as defined in s. 66.013 (2) (b), of the territory.

SECTION 4. 66.021 (8) (a) of the statutes is amended to read:

66.021 (8) (a) The clerk of a city or village which has annexed territory shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat and one copy to each company that provides any utility service in area annexed plus one such copy with the register of deeds and one copy with the clerk of any affected school district, signed by the clerk, describing the territory which was annexed and the associated population. Failure to file shall not invalidate the annexation

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and the duty to file shall be a continuing one. The information filed with the secretary of state shall be utilized in making recommendations for adjustments to entitlements under the federal revenue sharing program and distribution of funds under ch. 79. The clerk shall certify annually to the secretary of state and to the register of deeds a legal description of the total boundaries of the municipality as those boundaries existed on December 1, unless there has been no change in the 12 months preceding.

SECTION 5. 66.021 (11) (a) of the statutes is amended to read:

66.021 (11) (a) *Annexations within populous counties.* No annexation proceeding within a county having a population of 50,000 or more as shown by the last federal census shall be valid unless the person causing a notice of annexation to be published pursuant to under sub. (3) shall within 5 days of the publication mail a copy of the notice, legal description and a scale map of the proposed annexation to the clerk of each municipality affected and the department of administration. The department may within 20 days after receipt of the notice mail to the clerk of the town within which the territory lies and to the clerk of the proposed annexing village or city a notice that in its opinion the annexation is against the public interest. No later than 10 days after mailing the notice, the department shall advise the clerk of the town in which the territory is located and the clerk of the village or city to which the annexation is proposed of the reasons the annexation is against the public interest as defined in par. (c). The annexing municipality shall review such the advice before final action is taken.

SECTION 6. 66.021 (12) of the statutes is amended to read:

66.021 (12) **UNANIMOUS APPROVAL.** If a petition for direct annexation signed by all of the electors residing in such the territory and the owners of all of the real property in such the territory is filed with the city or village clerk, and with the town clerk of the town or towns in which such the territory is located, together with a scale map and a legal description of the property to be annexed, ~~showing the boundaries of such territory and the relation of the territory to the municipalities to which annexation is requested,~~ an annexation ordinance for the annexation of

~~such the~~ territory may be enacted by a two-thirds vote of the elected members of the governing body of the city or village without compliance with the notice requirements of sub. (3). In such annexations, subject to sub. (11), the person filing the petition with the city or village clerk and the town clerk shall, within 5 days of such the filing, mail a copy of the scale map and a legal description of the territory to be annexed to the department of administration and the governing body shall review the advice of the department, if any, before enacting the annexation ordinance.

SECTION 7. 66.021 (15) of the statutes is amended to read:

66.021 (15) **ANNEXATION OF TOWN ISLANDS.** Upon its own motion, a city or village by a two-thirds vote of the entire membership of its governing body may enact an ordinance annexing territory which comprises a portion of a town or towns and which was completely surrounded by territory of the city or village on December 2, 1973. The ordinance shall include all surrounded town areas except those exempt by mutual agreement of all of the governing bodies involved. The annexation ordinance shall contain a legal description of the territory ~~sufficiently accurate to determine its location,~~ and the name of the town or towns from which such the territory is detached. Upon enactment of the ordinance, the city or village clerk immediately shall file 5 certified copies of the ordinance in the office of the secretary of state, together with 5 copies of a scale map ~~showing the boundaries of the territory annexed.~~ The secretary of state shall forward 2 copies of the ordinance and scale map to the department of transportation, one copy to the department of revenue and one copy to the department of administration. This subsection does not apply if the town island was created only by the annexation of a railroad right-of-way or drainage ditch. This subsection does not apply to land owned by a town government which has existing town government buildings located thereon. No town island may be annexed under this subsection if the island consists of over 65 acres or contains over 100 residents.

After December 2, 1973, no city or village may, by annexation, create a town area which is completely surrounded by the city or village.