

**2003 DRAFTING REQUEST**

**Bill**

Received: **01/17/2003**

Received By: **mshovers**

Wanted: **As time permits**

Identical to LRB:

For: **Alan Lasee (608) 266-3512**

By/Representing: **Shari Lord**

This file may be shown to any legislator: **NO**

Drafter: **mshovers**

May Contact: **Rick Stadelman, Towns Assoc. 71**

Addl. Drafters:

Subject: **Munis - miscellaneous**

Extra Copies: **MJL**

Submit via email: **YES**

Requester's email: **Sen.Lasee@legis.state.wi.us**

Carbon copy (CC:) to:

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**Pre Topic:**

No specific pre topic given

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**Topic:**

Limitations on location of city or village annexation of town lands

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**Instructions:**

See Attached. City, village annexations must follow section lines or natural boundaries, or annex to center of highways, and may not cross into neighboring counties.

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**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?							S&L
/1	mshovers 01/28/2003	wjackson 01/29/2003	rschluet 01/30/2003		lemery 01/30/2003	lemery 01/31/2003	

FE Sent For:

*At memo.*

<END>

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By/Representing: Shari Lord

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May Contact: Rick Stadelman, Towns Assoc. 71

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Extra Copies: MTL

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1?	mshovers	1 wlj 1/29					
1/1 MES		1/28/03					

FE Sent For:

Handwritten signature and date: 1/29/03 pb

<END>

MES

# Bill Request Form

**Legislative Reference Bureau**  
100 N. Hamilton Street  
Legal Section 266-3561

*You may use this form or talk directly with the LRB attorney who will draft the bill.*

Date 1-9-03

Legislator, agency, or other person requesting this draft Senator Lasee

Person submitting request (name and phone number) Shari Low

Persons to contact for questions about this draft (names and phone numbers) Shari Low  
6-3512 219 South

Describe the problem, including any helpful examples. How do you want to solve the problem?

*see attached*

Please attach a copy of any correspondence or other material that may help us. If you know of any statute sections that might be affected, list them or provide a marked-up copy.

You may attach a marked-up copy of any LRB draft or provide its number (e.g., 2001 LRB-2345/1 or 1999AB-67).

Requests are confidential unless stated otherwise. May we tell others that we are working on this for you?  YES  NO

If yes:                      Anyone who asks?  YES  NO  
   Any legislator?        YES  NO

Only the following persons \_\_\_\_\_

Do you consider this request urgent?  YES  NO      If yes, please indicate why \_\_\_\_\_

Should we give this request priority over any pending request of this legislator, agency, or person? YES  NO

## **Drafting Request**

**Statement of Purpose:** Seek legislative change to require that city or village annexations should follow section lines or natural boundaries (rivers) or center of highways and not cross county borders if not already in the county.

**Statement of Current Law:** Under current laws for annexation the city or village is not required to follow section lines or natural boundaries (rivers) or annex to the center of the highway. Cities and villages may annex into neighboring county without limitation.

**Request:** Require that annexations under the following sections: Sec. 66.0217; Sec. 66.0219; Sec. 66.0221; and Sec. 66.0223 must follow section lines, natural boundaries (i.e. rivers) or the center line of highways. Further require that cities and village may not annex into a new county that the city or village was not already in as of the date of this law.

**Some other points of interest to address:** (1) Define section lines as defined by surveyors to mean as low as quarter-quarter lines of a section.

For Further Information please contact Rick Stadelman, Wis. Towns Association,  
At (715) 526-3157.



State of Wisconsin  
2003 - 2004 LEGISLATURE

LRB-1588/

MES.....

WLJ  
RMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

D-note

SOON  
IN 1/28/03

gen

- 1 AN ACT ...; relating to: limiting the authority of cities and villages to annex
- 2 territory and specifying the boundaries for certain annexations.

**Analysis by the Legislative Reference Bureau**

Currently, town territory that is contiguous to any city or village may be annexed to that city or village under several methods. Three of the methods of annexation include the following: 1) direct annexation, under which a petition for annexation that was signed by the required number of electors and landowners is filed with the city or village clerk; 2) annexation by referendum, under which a petition for referendum that was signed by the required number of electors and landowners is filed with the city or village clerk, and a referendum is held and passes in the town; and 3) annexation by court order and referendum, under which the governing body of a city or village adopts a resolution declaring its intention to apply to the circuit court for an order for an annexation referendum. If the city or village submits the resolution and the proper supporting documents and if no petition of protest is filed with the court or if the petition is found by the court to be insufficient, the court shall order the referendum to be held. If the referendum passes in the town, the annexation occurs.

Another method of annexation is direct annexation by unanimous approval. ~~If a petition for direct annexation by unanimous approval signed by all of the electors residing in the territory and the owners of all of the real property in the territory are filed with the city or village clerk and the town clerk of all of the involved towns, along with a scale map and legal description of the property to be annexed, the governing body of the city or village may, generally, annex the property by a two-thirds vote of~~

Have Bureau release

INS ANL



*Department of Administration*

~~the body~~ Such an annexation, however, is subject to ~~DNA~~ review as if the annexation petition were for direct, but not unanimous, annexation or annexation by referendum.

Generally, cities and villages may also annex territory that is owned by the city or village and that lies near but not necessarily contiguous to the city or village by enacting an ordinance to annex such territory.

*One or more of the following:*

Under this bill, no city or village may annex any territory if none of the city's or village's territory is in the same county as the territory to be annexed. Also under this bill, in general, no annexation of town territory may occur unless the <sup>entire</sup> annexation follows a surveyor's section line that is no lower than a quarter-quarter section line; natural boundaries; or <sup>is to</sup> the center <sup>of</sup> a highway.

This bill first applies to any annexation that has not taken effect on the day that the bill takes effect.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

1 SECTION 1. 66.0217 (2) of the statutes is amended to read:

2 66.0217 (2) DIRECT ANNEXATION BY UNANIMOUS APPROVAL. If Except as provided  
3 in sub. (14), if a petition for direct annexation signed by all of the electors residing  
4 in the territory and the owners of all of the real property in the territory is filed with  
5 the city or village clerk, and with the town clerk of the town or towns in which the  
6 territory is located, together with a scale map and a legal description of the property  
7 to be annexed, an annexation ordinance for the annexation of the territory may be  
8 enacted by a two-thirds vote of the elected members of the governing body of the city  
9 or village without compliance with the notice requirements of sub. (4). In an  
10 annexation under this subsection, subject to sub. (6), the person filing the petition  
11 with the city or village clerk and the town clerk shall, within 5 days of the filing, mail  
12 a copy of the scale map and a legal description of the territory to be annexed to the

1 department and the governing body shall review the advice of the department, if any,  
2 before enacting the annexation ordinance.

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182 s. 197; 2001 a. 16, 30.

3 **SECTION 2. 66.0217 (3) (intro.)** of the statutes is amended to read:

4 **66.0217 (3) OTHER METHODS OF ANNEXATION.** (intro.) Subject to s. 66.0307 (7),  
5 and except as provided in sub. (14), territory contiguous to a city or village may be  
6 annexed to the city or village in the following ways:

History: 1973 c. 37, 90, 143, 333; 1977 c. 29 ss. 698, 1654 (8) (c); 1977 c. 187 s. 134; 1977 c. 315, 447; 1979 c. 323; 1979 c. 361 s. 112; 1983 a. 29, 189, 219; 1985 a. 225; 1987 a. 391; 1989 a. 192; 1991 a. 5, 39, 269, 316; 1993 a. 16, 247, 301, 329, 491; 1995 a. 27 ss. 3308 to 3312, 9116 (5), 9145 (1); 1995 a. 201, 225; 1997 a. 27; 1999 a. 96; 1999 a. 150 ss. 44 to 47, 49 to 60, 63 to 65; Stats. 1999 s. 66.0217; 1999 a. 182 s. 197; 2001 a. 16, 30.

7 **SECTION 3. 66.0217 (14)** of the statutes is created to read:

8 **66.0217 (14) LIMITATIONS ON ANNEXATION AUTHORITY.** (a) No territory may be  
9 annexed by a city or village under this section if no part of the city or village is located  
10 in the same county as the territory that is subject to the proposed annexation.

11 (b) No territory may be annexed by a city or village under this section unless  
12 the <sup>entire</sup> annexation follows one or more of the following:

13 1. A natural boundary.

14 2. The center line of a highway.

15 3. A surveyor's section line that is no lower than a quarter-quarter section line.

16 **SECTION 4. 66.0219 (intro.)** of the statutes is amended to read:

17 **66.0219 Annexation by referendum initiated by city or village.** (intro.)

18 As a complete alternative to any other annexation procedure, and subject to sub. (10)  
19 and s. 66.0307 (7), unincorporated territory which contains electors and is  
20 contiguous to a city or village may be annexed to the city or village under this section.

21 The definitions in s. 66.0217 (1) apply to this section.

History: 1979 c. 89; 1987 a. 391; 1991 a. 269; 1993 a. 301, 329; 1995 a. 201; 1999 a. 150 s. 68; Stats. 1999 s. 66.0219; 1999 a. 182 s. 200; 2001 a. 30.

22 **SECTION 5. 66.0219 (10)** of the statutes is created to read:

1           66.0219 (10) LIMITATIONS ON ANNEXATION AUTHORITY. (a) No territory may be  
2 annexed by a city or village under this section if no part of the city or village is located  
3 in the same county as the territory that is subject to the proposed annexation.

4           (b) No territory may be annexed by a city or village under this section unless  
5 the <sup>entire</sup> annexation follows one or more of the following:

6           1. A natural boundary.

7           2. The center line of a highway.

8           3. A surveyor's section line that is no lower than a quarter-quarter section line.

9           SECTION 6. 66.0221 (1) of the statutes is amended to read:

10           66.0221 (1) Upon its own motion and subject to sub. (3), a city or village, by a  
11 two-thirds vote of the entire membership of its governing body, may enact an  
12 ordinance annexing territory which comprises a portion of a town or towns and which  
13 was completely surrounded by territory of the city or village on December 2, 1973.  
14 The ordinance shall include all surrounded town areas except those that are exempt  
15 by mutual agreement of all of the governing bodies involved. The annexation  
16 ordinance shall contain a legal description of the territory and the name of the town  
17 or towns from which the territory is detached. Upon enactment of the ordinance, the  
18 city or village clerk immediately shall file 6 certified copies of the ordinance in the  
19 office of the secretary of state, together with 6 copies of a scale map. The secretary  
20 of state shall forward 2 copies of the ordinance and scale map to the department of  
21 transportation, one copy to the department of natural resources, one copy to the  
22 department of revenue and one copy to the department of administration. This  
23 subsection does not apply if the town island was created only by the annexation of  
24 a railroad right-of-way or drainage ditch. This subsection does not apply to land  
25 owned by a town government which has existing town government buildings located

1 on the land. No town island may be annexed under this subsection if the island  
2 consists of over 65 acres or contains over 100 residents. Section 66.0217 (11) applies  
3 to annexations under this subsection. Except as provided in sub. (2), after  
4 December 2, 1973, no city or village may, by annexation, create a town area which  
5 is completely surrounded by the city or village.

History: 1999 a. 150 s. 62; 2001 a. 16.

6 **SECTION 7.** 66.0221 (3) of the statutes is created to read:

7 66.0221 (3) (a) No territory may be annexed by a city or village under this  
8 section if no part of the city or village is located in the same county as the territory  
9 that is subject to the proposed annexation.

10 (b) No territory may be annexed by a city or village under this section unless  
11 the <sup>entire</sup> annexation follows one or more of the following:

- 12 1. A natural boundary.
- 13 2. The center line of a highway.
- 14 3. A surveyor's section line that is no lower than a quarter-quarter section line.

15 **SECTION 8.** 66.0223 of the statutes is renumbered 66.0223 (1) and amended to  
16 read:

17 **66.0223 (1) Annexation of territory owned by a city or village.** In  
18 addition to other methods provided by law and subject to sub. (2) and ss. 59.692 (7)  
19 and 66.0307 (7), territory owned by and lying near but not necessarily contiguous to  
20 a village or city may be annexed to a village or city by ordinance enacted by the board  
21 of trustees of the village or the common council of the city, provided that in the case  
22 of noncontiguous territory the use of the territory by the city or village is not contrary  
23 to any town or county zoning regulation. The ordinance shall contain the exact  
24 description of the territory annexed and the names of the towns from which

1 detached, and attaches the territory to the village or city upon the filing of 7 certified  
 2 copies of the ordinance in the office of the secretary of state, together with 7 copies  
 3 of a plat showing the boundaries of the territory attached. Two copies of the  
 4 ordinance and plat shall be forwarded by the secretary of state to the department of  
 5 transportation, one copy to the department of administration, one copy to the  
 6 department of natural resources, one copy to the department of revenue and one copy  
 7 to the department of public instruction. Within 10 days of filing the certified copies,  
 8 a copy of the ordinance and plat shall be mailed or delivered to the clerk of the county  
 9 in which the annexed territory is located. Section 66.0217 (11) applies to annexations  
 10 under this section.

History: 1973 c. 90; 1977 c. 29 s. 1654 (8) (c); 1991 a. 269; 1993 a. 329; 1995 a. 27 s. 9145 (1); 1995 a. 201; 1997 a. 27; 1999 a. 150 s. 69; Stats. 1999 s. 66.0223.

11 **SECTION 9. 66.0223 (2)** of the statutes is created to read:

12 **66.0223 (2) (a)** No territory may be annexed by a city or village under this  
 13 section if no part of the city or village is located in the same county as the territory  
 14 that is subject to the proposed annexation.

15 (b) No territory may be annexed by a city or village under this section unless  
 16 the <sup>entire</sup> annexation follows one or more of the following:

- 17 1. A natural boundary.
- 18 2. The center line of a highway.
- 19 3. A surveyor's section line that is no lower than a quarter-quarter section line.

20 **SECTION 10. Initial applicability.**

21 (1) This act first applies to any annexation that has not taken effect on the  
 22 effective date of this subsection.

23 (END)

A handwritten note consisting of the text "D-note" enclosed in a hand-drawn circle. Two arrows originate from the circle: one points to the right and slightly upwards, and the other points downwards and to the right.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1588/?dn  
MES.....  
wlj

Senator Lasee:

This bill is drafted according to your instructions in that it requires an annexation to follow one or more of the following:

1. A natural boundary.
2. The center line of a highway.
3. A surveyor's section line that is no lower than a quarter-quarter section line.

Although the term "quarter-quarter section" appears in the statutes, I'm not sure if the phrase suggested in the instructions, "A surveyor's section line that is *no lower* than a quarter-quarter section line" is workable. You may wish to consult a land surveyor to determine whether this phrase is accurate.

Also, is my reading of the instructions correct in that you want the <sup>g</sup>the limitations in created s. 66.0221 (3) (b) to apply as drafted? Section 66.0221 applies to town islands which were town islands on December 2, 1973. I'm wondering whether the conditions specified in s. 66.0221 (3) (b) may be difficult to apply to these town islands, which might make annexation impossible. Likewise, it may be difficult to apply these conditions to territory owned by a city or village that lies near but not necessarily contiguous to a city or village, as required by created s. 66.0223 (2) (b). Please let me know if I've misinterpreted your intent.

Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.state.wi.us

**INSERT ANALYSIS:**

No ff

Under this method, the governing body of the city or village may, generally, annex property by a two-thirds vote of the body if all of the following are filed with the city or village clerk and the town clerk of all of the involved towns: 1) a petition for direct annexation by unanimous approval signed by all of the electors residing in the territory and signed by the owners of all of the involved towns; 2) a scale map; and 3) a legal description of the property to be annexed.

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-1588/1dn  
MES:wlj:rs

January 29, 2003

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Marc E. Shovers  
Senior Legislative Attorney  
Phone: (608) 266-0129  
E-mail: marc.shovers@legis.state.wi.us



**Emery, Lynn**

---

**From:** Lord, Shari  
**Sent:** Friday, January 31, 2003 9:01 AM  
**To:** LRB.Legal  
**Subject:** Draft review: LRB-1588/1 Topic: Limitations on location of city or village annexation of town lands

It has been requested by <Lord, Shari> that the following draft be jacketed for the SENATE:

Draft review: LRB-1588/1 Topic: Limitations on location of city or village annexation of town lands