

2013 DRAFTING REQUEST

Bill

Received: 7/17/2013 Received By: mshovers
Wanted: As time permits Same as LRB:
For: Kathleen Vinehout (608) 266-8546 By/Representing: Joel
May Contact: Rick Stadleman, WI Towns Assoc. Drafter: mshovers
Subject: Local Gov't - zoning Addl. Drafters:
Extra Copies: EVM

Submit via email: YES
Requester's email: Sen.Vinehout@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Limit city and village annexation of non-contiguous land; require town approval

Instructions:

See attached. Limits to "balloon on a string" or non-contiguous land annexation. Require town approval for annexations where 50% or more of the area to be annexed is 1/4 of a mile or more from the city/village border. Prohibit a series of "quick succession" annexations to avoid the town approval requirements.

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>
/?	mshovers 8/1/2013			_____			
/1		scalvin 8/15/2013	jmurphy 8/16/2013	_____	sbasford 8/16/2013	srose 1/27/2014	State S&L

FE Sent For:

At
Intro.

<END>

2013 DRAFTING REQUEST

Bill

Received: 7/17/2013 Received By: mshovers
Wanted: As time permits Same as LRB:
For: Kathleen Vinehout (608) 266-8546 By/Representing: Joel
May Contact: Rick Stadleman, WI Towns Assoc. Drafter: mshovers
Subject: Local Gov't - zoning Addl. Drafters:
Extra Copies: EVM

Submit via email: YES
Requester's email: Sen.Vinehout@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Limit city and village annexation of non-contiguous land; require town approval

Instructions:

See attached. Limits to "balloon on a string" or non-contiguous land annexation. Require town approval for annexations where 50% or more of the area to be annexed is 1/4 of a mile or more from the city/village border. Prohibit a series of "quick succession" annexations to avoid the town approval requirements.

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>
/?	mshovers 8/1/2013			_____			
/1		scalvin 8/15/2013	jmurphy 8/16/2013	_____	sbasford 8/16/2013		State S&L

FE Sent For:

<END>

2013 DRAFTING REQUEST

Bill

Received: 7/17/2013 Received By: mshovers
Wanted: As time permits Same as LRB:
For: Kathleen Vinehout (608) 266-8546 By/Representing: Joel
May Contact: Rick Stadleman, WI Towns Assoc. Drafter: mshovers
Subject: Local Gov't - zoning Addl. Drafters:
Extra Copies: EVM

Submit via email: YES
Requester's email: Sen.Vinehout@legis.wisconsin.gov
Carbon copy (CC) to:

Pre Topic:

No specific pre topic given

Topic:

Limit city and village annexation of non-contiguous land; require town approval ✓

Instructions:

See attached. Limits to "balloon on a string" or non-contiguous land annexation. Require town approval for annexations where 50% or more of the area to be annexed is 1/4 of a mile or more from the city/village border. Prohibit a series of "quick succession" annexations to avoid the town approval requirements.

Drafting History:

Vers. Drafted Reviewed Typed Proofed Submitted Jacketed Required

/? mshovers

11 sac
08/15/2013

1/1 MES 8/1/13

Jm
8/15

Jm + Jm
8/16

FE Sent For:

<END>

Shovers, Marc

From: Nilsestuen, Joel
Sent: Monday, July 15, 2013 10:47 AM
To: Shovers, Marc
Subject: annexation draft

Marc,

The problem we are trying to solve is when municipality attempts a "balloon on a string" or non-contiguous annexation. For example, we've had cities interested in annexing frac sand mines/processing plants into city limits. Here, the parcel being annexed is some distance from the municipal boarder. The proposed annexation is the mine/plant parcel (large area) which is connected to the city via a long and narrow piece of land, i.e. the balloon and string.

Sen. Vinehout wants to require town approval for annexations where $\geq 50\%$ of the area of the annexation is $\frac{1}{4}$ of a mile or more from the municipal boarder.

Furthermore, we want to prevent a municipality from making a series of annexations in quick succession to avoid securing town approval. We'd want town approval if, over a three year period, any series of annexations, in combination, meet the description described above.

We have discussed this idea with Rick Stadleman of WTA. Please feel free to contact him about the draft if it would be helpful.

Sorry for the miscommunication earlier, I'm unsure what happened to the written instructions. Please let me if anything further would be helpful.

Thanks,

Joel Nilsestuen
Office of Sen. Kathleen Vinehout

PO Box 7882
Madison, WI 53707-7882

(608) 266-8546
Joel.Nilsestuen@legis.wisconsin.gov

Joel - Vinehout 6-8594

Annexation - limit annex where the
annexation is "abalone on a string"

i.e. $> 40\%$ of the land is $> \frac{1}{4}$
mile from the main boundary -

if that's the case, town board must
approve

i.e. city or village annexes a narrow strip
of land, and a large area for
a mine



MPR *Sac*

2013 BILL

MPR 8/16

1 **AN ACT ...; relating to:** limiting city and village authority to annex town territory.

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 if, in general, some of the city's or village's territory is in the same county as the territory to be annexed, ~~unless both the town and county boards approve of the proposed annexation,~~ and the city or village agrees to make limited payments to the town based on property taxes that the town levied on the annexed territory. *either* *or the town and the city or village enter into a boundary agreement*

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.

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 is 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 the body. Such an annexation, however, is subject to Department of Administration

BILL

advisory 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.

Under this bill, a city or village may not complete an annexation under which 50 percent or more of the territory to be annexed is located 25 miles or more from the city's or village's border (a non-contiguous annexation) unless the town board of the town in which the territory to be annexed is located adopts a resolution approving the annexation.

Also under the bill, if over a consecutive 3 year period a city or village completes a number of annexations under any of the allowable methods of annexation which, if the series of annexations were attempted as a single annexation, would have resulted in a non-contiguous annexation, the final annexation in the series may not occur unless the town board of the town in which the territory to be annexed is located adopts a resolution approving the annexation.

PF-5L

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

1 SECTION 1. 66.0217 (14) (c) of the statutes is created to read:

2 66.0217 (14) (c) 1. Except as provided in subd. 2., no territory may be annexed
3 by a city or village under this section if 50 percent or more of the territory to be
4 annexed is located 25 miles or more from the city's or village's border.

5 2. An annexation described under subd. 1 may occur if the town board of the
6 town in which the territory to be annexed is located adopts a resolution approving
7 the proposed annexation.

8 SECTION 2. 66.0217 (14) (d) of the statutes is created to read:

9 66.0217 (14) (d) 1. If over a consecutive 3 year period a city or village
10 completes a number of annexations under this section, or under s. 66.0219 or s.
11 66.0223, such that an annexation described in par. (c) 1. would have occurred if those
12 separate annexations had been done as a single annexation, the city or village may

BILL

1 not annex territory under this section to complete the final annexation in the series,
2 except as provided in subd. 2.

3 2. The final annexation described under subd. 1 may occur if the town board
4 of the town in which the territory to be annexed is located adopts a resolution
5 approving the proposed annexation.

6 **SECTION 3.** 66.0219^x (10) (c) of the statutes is created to read:

7 66.0219 (10) (c) 1. Except as provided in subd. 2., no territory may be annexed
8 by a city or village under this section if 50 percent or more of the territory to be
9 annexed is located ^p25 miles or more from the city's or village's border.

10 2. An annexation described under subd. 1 may occur if the town board of the
11 town in which the territory to be annexed is located adopts a resolution approving
12 the proposed annexation.

13 **SECTION 4.** 66.0219^x (10) (d) of the statutes is created to read:

14 66.0219 (10) (d) 1. If over a consecutive ³⁰three₃ year period a city or village
15 completes a number of annexations under this section, or under s. 66.0217 or s.
16 66.0223, such that an annexation described in par. (c) 1. would have occurred if those
17 separate annexations had been done as a single annexation, the city or village may
18 not annex territory under this section to complete the final annexation in the series,
19 except as provided in subd. 2.

20 2. The final annexation described under subd. 1 may occur if the town board
21 of the town in which the territory to be annexed is located adopts a resolution
22 approving the proposed annexation.

23 **SECTION 5.** 66.0223[✓] (1) of the statutes is amended to read:

24 66.0223 (1) In addition to other methods provided by law and subject to sub-
25 subs. (2) and (3), and ss. 59.692 (7), 66.0301 (6) (d), and 66.0307 (7), territory owned

BILL

1 by and lying near but not necessarily contiguous to a village or city may be annexed
 2 to a village or city by ordinance enacted by the board of trustees of the village or the
 3 common council of the city, provided that in the case of noncontiguous territory the
 4 use of the territory by the city or village is not contrary to any town or county zoning
 5 regulation. The ordinance shall contain the exact description of the territory
 6 annexed and the names of the towns from which detached, and attaches the territory
 7 to the village or city upon the filing of 7 certified copies of the ordinance in the office
 8 of the secretary of state, together with 7 copies of a plat showing the boundaries of
 9 the territory attached. Two copies of the ordinance and plat shall be forwarded by
 10 the secretary of state to the department of transportation, one copy to the
 11 department of administration, one copy to the department of natural resources, one
 12 copy to the department of revenue and one copy to the department of public
 13 instruction. Within 10 days of filing the certified copies, a copy of the ordinance and
 14 plat shall be mailed or delivered to the clerk of the county in which the annexed
 15 territory is located. Sections 66.0203 (8) (c) and 66.0217 (11) apply to annexations
 16 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; 2003 a. 171, 317, 327; 2007 a. 43.

17 **SECTION 6.** 66.0223 (3) of the statutes is created to read:

18 66.0223 (3) (a) Except as provided in par. (b), no territory may be annexed by
 19 a city or village under this section if 50 percent or more of the territory to be annexed
 20 is located ⁰/₂₅ miles or more from the city's or village's border.

21 (b) An annexation described under par. (a) may occur if the town board of the
 22 town in which the territory to be annexed is located adopts a resolution approving
 23 the proposed annexation.

BILL

3
2
=

1
2
3
4
5
6
7
8
9
10
11
12
13

(c) If over a consecutive ~~three~~ year period a city or village completes a number of annexations under this section, or under s. 66.0217 or s. 66.0219, such that an annexation described in par. (a) would have occurred if those separate annexations had been done as a single annexation, the city or village may not annex territory under this section to complete the final annexation in the series, except as provided in par. (d).

(d) The final annexation described under par. (c) may occur if the town board of the town in which the territory to be annexed is located adopts a resolution approving the proposed annexation.

SECTION 7. Initial applicability.

(1) This act first applies to any annexation that commences on the effective date of this subsection.

(END)

Rose, Stefanie

From: Nilsestuen, Joel
Sent: Monday, January 27, 2014 11:28 AM
To: LRB.Legal
Subject: Draft Review: LRB -2730/1 Topic: Limit city and village annexation of non-contiguous land; require town approval

Please Jacket LRB -2730/1 for the SENATE.