

**Procedure for Direct Annexation of Land into the City Pursuant to Section 66.0217 Wis. Stats.  
(Where There Are Residents in the Territory to be Annexed)**

BEFORE ANY PETITION IS FILED, PETITIONER MUST REQUEST A MEETING WITH THE CITY'S DEVELOPMENT REVIEW COMMITTEE. CONTACT KRIS JACKSON OR TOM PINION TO BE PLACED ON THE NEXT AGENDA: 355-2730.

The following is an outline of the procedure to be followed for the direct annexation of lands into the City where there are residents in the territory to be annexed:

1. The parties petitioning for annexation shall file with the City Clerk a Petition for Direct Annexation by Unanimous Consent. The Petition shall be in the form as set forth and attached hereto; shall be signed by all electors residing in the territory to be annexed and by all the owners of the territory to be annexed; shall contain a scale map and the legal description of the territory to be annexed, and shall specify the zoning classification requested upon annexation. The Petition must also specify the population of the territory to be annexed based upon the last federal census.

The **legal description** of the land to be annexed must be a complete description without internal references to any other document and **must** be described in one of the following ways:

- a. 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 be described in one of the following ways:
  - (1) By government lot.
  - (2) By recorded private claim.
  - (3) By quarter section, section, township, and range.
- b. If the land is located in a recorded subdivision or in an area subject to a certified survey map, reference must be made in one of the following ways:
  - (1) For a plat, describe the name of the plat and the lot and block in the plat (See s.236.28, WI Stats.).
  - (2) For certified survey maps, describe the number of the survey, the volume and page where recorded, and the name of the county (See s.236.34(3), WI Stats.).

The **scale map** must be a map that accurately reflects the legal description of the territory to be annexed and the boundary of the City of Baraboo and **must** include a graphic scale on the face of the map. (See Section 66.0217, Wis. Stats.) Map must be 8 ½ x 11 paper.

2. The petitioners must attach to the Petition a copy of a survey map or a copy of a scale map showing the boundaries of the area proposed for annexation and their relationship to the City of Baraboo. If a scale map is used, the map must accurately reflect the legal description of the property to be annexed, and it must include all of the following:
  - a. Accurately reflect the legal description of the property; and
  - b. The boundary of the City of Baraboo; and
  - c. A graphic scale on the face of the map.
3. On the same day that the Petition is filed with the City, an identical Petition, also originally signed by the petitioners, must be filed by the petitioners with the Town Clerk of the township in which the territory is presently located.

4. Within five (5) days after the Petition for Direct Annexation is filed with the City, the petitioner must file the following additional documents with the City Clerk:
  - a. Affidavit of Ownership and Residency in the form attached hereto.
  - b. Affidavit of Filing in the form attached hereto.

These forms must be prepared by the petitioner, at his/her expense, and must be properly completed before the City will consider the proposed annexation.

5. Within five (5) days of the filing of the Petition for Direct Annexation with the City Clerk, the Clerk shall mail to the Director of the Municipal Boundary Review Department of the State of Wisconsin Department of Administration copies of the following documents: (1) Petition for Direct Annexation, (2) Scale map or survey map showing the boundaries of the proposed annexation area and relationship to the City, and (3) A legal description of the territory to be annexed.

These documents shall be sent by certified mail, return receipt, to the following address:

Erich Schmidtke  
Municipal Boundary Review, WI DOA  
P.O. Box 1645  
Madison, WI 53701-1645

Upon receipt of the above documents, the Department of Administration may request the City Clerk to complete a questionnaire providing more details regarding the annexation. If additional information is requested by the Department of Administration, the City Clerk shall provide the pertinent information to the Department of Administration within 10 days after receiving a request for additional information.

Under Section 66.0217(6), WI Stats., the Department of Administration is required to make its review of the annexation within 20 days after receipt of the notice from the City and to provide its opinion as to whether or not the annexation is against the public interest. The Common Council is required by Section 66.0217(2), WI Stats., to "review the advice of the Department, if any, before enacting the annexation ordinance."

**GIVE A COPY OF PETITION TO TOM PINION FOR MAPPING AND REVIEW PURPOSES.**

6. The documents (petition, survey or scale map, Affidavit of Ownership and Residency, and Affidavit of Filing) shall be submitted to the Plan Commission. The Plan Commission shall review the proposed annexation and shall make a recommendation to the Common Council. The Commission shall make a recommendation as to whether the proposed lands should be annexed to the City and shall make a recommendation as to the zoning for the annexed lands.
7. After receiving the Plan Commission's recommendation, the Common Council shall hold a public hearing to consider zoning for the territory proposed for annexation. Unless otherwise specified in the Annexation Ordinance, all annexed territory shall be zoned 1 and 2 family residential (R-2) by the City. The law does not require a public hearing to deal with the issue whether the proposed territory should be annexed to the City; however, the law does require a public hearing to establish the zoning for lands annexed and the sole purpose of the public hearing shall be to consider zoning only, not the annexation itself, although the two may be interrelated. (The City may annex territory and temporarily zone the land and thereafter schedule and hold a public hearing to permanently zone the land.)
8. Pursuant to Section 66.0217(2), WI Stats., a 2/3rds vote of the elected members of Council is necessary to adopt an ordinance annexing territory to the City.

These procedures, and the attached forms, are only for the use of City of Baraboo officials. This procedure is not intended to give legal advice to any person petitioning for annexation to the City of Baraboo and any person petitioning for annexation of territory to the City is advised to seek legal advice from a personal attorney. The City reserves the right to change the above procedures at any time and the City disclaims any liability whatsoever to any  
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person for any loss, damage, claim or delay incurred as a result of using or relying on the above procedures.

### **ADDENDUM TO ANNEXATION PROCEDURES**

Section 66.0217(14) of the Wisconsin Statutes provides that no territory may be annexed by the City unless the City agrees to pay annually to the Town an amount equal to the amount of property taxes that the Town levied on the annexed territory as shown by the tax roll in the year in which the annexation is final. The City Council has determined that, unless special circumstances exist, the owner of the territory proposed for annexation shall reimburse the City for the annual tax paid by the City to the Township under this ordinance. The annexation ordinance adopted by the Common Council will usually provide the following:

“The owner of the territory proposed for annexation shall reimburse the City for the annual tax paid by the City to the Township from which the property has been detached for the period and to the extent required by Section 66.0217(14), Wis. Stats. If the charge is not paid within 30 days after being invoiced, such charge shall be extended upon the current or next tax roll as a special tax against the annexed property and shall accrue interest at the rate of one percent per month until paid.”

**City of Baraboo**  
**101 South Blvd.**  
**Baraboo, WI 53913**  
**(608) 355-2700 phone**  
**(608) 356-9666 fax**

**PETITION FOR DIRECT ANNEXATION**  
**BY UNANIMOUS APPROVAL**  
**Pursuant to Section 66.0217(2) WI Statutes**

<b>For Office Use Only</b>  A non-refundable fee of \$350 must accompany this petition.  Fee Paid \$ _____ Receipt # _____
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**To: The Mayor and Common Council**  
**City of Baraboo, Wisconsin**

We, the undersigned, constituting all of the owners and electors of the following described territory proposed for annexation to the City of Baraboo, petition the Mayor and Common Council of the City to annex in accordance with Section 66.0217, Wis. Stats. to the City of Baraboo, Sauk County, Wisconsin the territory described below presently located in the Town of \_\_\_\_\_, Sauk County, Wisconsin.

The territory to be annexed is contiguous to the City of Baraboo.

To current population of the territory to be annexed is \_\_\_\_\_.

All territory proposed to be annexed is located in Sauk County, Wisconsin.

A copy of scale map showing the area proposed for annexation is attached hereto and incorporation by reference. The zoning classification requested upon annexation is \_\_\_\_\_.

Signature of Petitioner	Address	Date of Signing	Status
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

**AFFIDAVIT OF OWNERSHIP AND RESIDENCY**

STATE OF WISCONSIN )  
 ) SS  
COUNTY OF SAUK )

\_\_\_\_\_, being first duly sworn on oath, deposes and says:  
(Insert Name of Petitioner)

1. That he/she, \_\_\_\_\_, is one of the petitioners who signed the Petition  
(Insert Name of Petitioner)

for the Direct Annexation of the following described territory to the City of Baraboo:

(Insert Description of Real Estate in this space)

- 2. The undersigned makes this Affidavit in support of a Petition for Direct Annexation of the above described territory to the City of Baraboo, Sauk County, Wisconsin, on unanimous consent pursuant to Section 66.0217(2) of the Wisconsin Statutes.
- 3. The Petition for Direct Annexation was signed by all of the electors residing in the above described territory and by all of the owners of the above described territory and to the best knowledge and information of the undersigned no other person or entity has any ownership interest whatsoever in and to said territory.

\_\_\_\_\_  
Address

\_\_\_\_\_  
Petitioner

Phone numbers of all petitioners: \_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_

Notary Public, Sauk County, Wisconsin  
My Commission Expires on \_\_\_\_\_, 20\_\_.

**AFFIDAVIT OF FILING**

**STATE OF WISCONSIN            )**  
**) SS**  
**COUNTY OF SAUK                )**

\_\_\_\_\_, being first duly sworn on oath, deposes and says that on the  
(Insert Name of Petitioner)

\_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, he/she filed with the Town Clerk of the Town of \_\_\_\_\_, Sauk County, Wisconsin, a Duplicate Petition for Direct Annexation (Unanimous Approval) of the following described territory:

(Insert Description of Territory to be Annexed in this space)

\_\_\_\_\_  
**Petitioner**

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
**Notary Public, Sauk County, Wisconsin**  
**My Commission Expires on \_\_\_\_\_, 20\_\_.**