

PART VII PLANNING AND LAND DEVELOPMENT

Chapter 67 ANNEXATION PROCEDURES

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67.01 Establishing annexation procedures and regulations

The purpose of this chapter is to create a policy to assist the village board in deciding whether to annex territory not presently within the village. This chapter's provisions are guidelines and each annexation proposal will present unique characteristics, so the guidelines set in this chapter are to be considered, but need not all be met for an annexation to be approved.

67.02 Factors to consider for annexing

The factors to be taken into consideration by the village board in determining whether to approve an annexation to the village include but are not limited to:

A. The petition for annexation must meet all of the statutory requirements.

B. Is present use or proposed use of the area proposed to be annexed compatible with the uses in the village adjacent to the territory proposed to be annexed.

C. The costs of providing capital improvements, as considered in the capital cost study described in section 67.03 of this chapter, shall be considered. Ordinarily an annexation will not be approved unless the owners of the property proposing to be annexed agree to pay the capital costs as shown by the capital cost study.

D. The annexation's effect on the village's annual budget, including additional costs to serve the territory and new revenues from real estate taxes, anticipated business license fees, sales taxes and other revenues from the area shall be considered as shown on the budget study provided in section 67.04 of this chapter.

E. The annexation's effect on the village's ability to provide services historically provided to the citizens of the village of Lake Delton.

67.03 Capital costs study

The plan commission shall estimate the capital costs of serving the area proposed to be annexed. Capital costs shall include water mains, sewer mains, new street pavement or street widening, new fire stations or equipment, new police stations or equipment, and any other capital costs related in serving the area. Costs of streets, sewers and water mains to be constructed in the area proposed to be annexed will be dealt with separately, as ordinarily the subdivider or developer developing the property will construct these. The owners of property proposing to be annexed will be notified of the capital costs related to the proposed annexation. The owners will be told it is the village's policy to have a commitment from the owners to pay the capital costs, or the

owner's proportionate share of the capital costs, for the property to be annexed. In the absence of strong circumstances to indicate a contrary decision, ordinarily territory will not be annexed to the village unless the owners of the land to be annexed agree in writing to pay their proportionate share of the capital costs, and said agreement shall be filed with the village clerk-treasurer-coordinator prior to the village board's final action on the annexation.

67.04 Annexation study

The village clerk-treasurer-coordinator shall prepare an annexation study showing said annexation's effect upon the village. Included in the annexation study shall be an analysis of the impact of the proposed annexation on village services and finances. The territory may be annexed whether the costs of providing said services exceed the estimated revenues or whether the estimated revenues exceed the estimated costs of services, but the village board will consider the impact of the proposed annexation on the village budget and its overall ability to provide village services.

67.05 Annexation procedure and fee

A. Petition for annexation. Any person desiring to annex to the village of Lake Delton shall file a petition in accordance with the provisions of the Wisconsin Statutes related to annexations.

B. Documentation. In support of the petition for annexation the petitioner shall furnish, at his cost, the following:

1. A current title opinion addressed to the village, by an attorney licensed to practice law in this state, certifying, in form and substance satisfactory to the village attorney, the names of all legal owners of the property for which annexation is proposed.
2. A map prepared by a professional engineer or land surveyor licensed by the state, illustrating the proposed property to be annexed and illustrating its contiguous relationship with existing village limits, together with a legal description of the property to be annexed.
3. All information necessary for the village clerk-treasurer-coordinator to determine the legal sufficiency of the petition.
4. A plat of all street right-of-ways existing or proposed to be dedicated if the village annexes the property.
5. A petition in such form as prescribed and furnished by the village attorney, containing signatures sufficient to comply with applicable state statutes relating to annexation.

C. Annexation fee.

1. A nonrefundable annexation fee shall be charged against the petitioner to reimburse the Village for all of its expenses incurred in processing the petition and to recover any deferred special assessments or special charges for benefits previously conferred upon the lands.
2. The Village expenses subject to reimbursement include but are not limited to: engineering fees, attorney's fees, mailing costs, publication costs, costs of holding Plan Commission and Village Board meetings and other out-of-pocket expenses.
3. As an advance payment of the fees and expenses, the petitioner shall deposit with the Village Clerk, the sum of five hundred dollars (\$500.00) for annexations of five (5) acres or less or one thousand five hundred dollars (\$1,500.00) for annexations of more than five (5) acres but less than twenty (20) acres and two thousand five hundred dollars (\$2,500.00) for more than twenty (20) acres.
4. The Village Board may increase, reduce or waive the annexation fee when it deems such action is in the public's best interests. Modified and Amended Section 67.05 C Passed: 12/8/2014 Published: 12/13/14

D. Refer to plan commission. Upon receipt of a duly executed petition for annexation and all the supporting documentation along with the annexation fee, or in lieu thereof, a request for waiver of said fee, the village coordinator (clerk?) shall prepare the annexation study. Upon completing the annexation study the petition shall be referred to the plan commission for review and consideration.

E. Plan commission. Upon receiving the petition, supporting documentation and annexation study, the plan commission shall conduct a public hearing pursuant to the provisions of *s. 62.237 Wis. Stats.* The plan commission shall then consider the petition and either approve as submitted, request modifications or reject the petition. Upon approval the petition shall be referred to the village board for final consideration.

F. Appeals. The petitioner may appeal an adverse plan commission decision to the village board. Said appeal shall be heard within 30 days of filing of the appeal with the village clerk.

G. Wisconsin Dells School District. If the proposed land is located in a school district other than the Wisconsin Dells School District, the petitioner shall agree to proceed under the provisions of *Chapter 117 Wisconsin Statutes* for the detaching the annexed land from the existing school district and attaching it to the Wisconsin Dells School District.

H. Annexation of all the petitioner's contiguous lands. If the petition for annexation is unanimous, filed pursuant to *s. 66.021(2)(a) Wis. Stats.* contiguous land of the petitioner shall be incorporated into the annexed land. The intent of this section is to prevent piecemeal annexations.

67.06 Enact annexation ordinance

Within 30 days of receiving the annexation petition, the village board shall take action thereon. In reviewing the plan commission's decision, the village board is not bound by the plan commission's decision or recommendation. The village board may enact the annexation ordinance as recommended by the plan commission, refer the petition back to the plan commission for further consideration with instructions, or modify any aspect of the annexation without referral to the plan commission.

67.07 Zoning annexed land

The annexation petition shall request a temporary zoning classification that the plan commission shall consider when reviewing the annexation petition. Before introducing an ordinance containing such temporary classification, the proposed classification shall be referred to the plan commission and recommended by it. Upon enacting the annexation ordinance, the annexed area shall be temporarily classified as approved by the plan commission, until the zoning ordinance is amended.

67.08 Annexation policy may be changed or waived

The purpose of this chapter is to establish policies and provide guidance to persons seeking to have land annexed to the village. Any provision of this chapter may be changed at any time by ordinance. Any provision of this chapter may be waived by passing an ordinance annexing land without compliance with such provision.

67.09 Annexation policies part of official village plan

The policies set out in this chapter shall be a part of the village's official plan as provided in its various ordinances.