

2461
The City of Baraboo, Wisconsin

Background: Town of Baraboo residents Nicholas Gene Anstett, Nicole Rene Anstett and Paul S. Young, have requested their property located at in the 100 Block of Moore Street, respectively, be annexed by the City of Baraboo thereby making certain lands in the Town of Baraboo become a part of the City of Baraboo.

On June 20, 2017, the City Plan Commission reviewed the proposed annexation and zoning thereof and recommends the adoption of this ordinance.

Fiscal Note: (check one) ☒ *Not Required* ☐ *Budgeted Expenditure* ☐ *Not Budgeted* **Comments:**

An Ordinance amending §§ 1.49(2), 8.01(3), and 17.18(4)(b) of the Municipal Code of the City of Baraboo thereby annexing certain lands in the Town of Baraboo to the City of Baraboo pursuant to a petition for annexation filed by Nicholas Gene Anstett, Nicole Rene Anstett and Paul S. Young and permanently zoning the subject lands, located in the 100 Block of Moore Street, upon annexation as R1-A, Single Family Residential, County Supervisory District 14.

THE COMMON COUNCIL OF THE CITY OF BARABOO, WISCONSIN, DO ORDAIN
AS FOLLOWS:

WHEREAS, a petition for direct annexation by unanimous consent, together with a scale map, attached, has been presented to the Common Council requesting annexation of the territory described below to the City of Baraboo from the Town of Baraboo and it having been represented to the City in a sworn affidavit that the petition has been signed by the owners of all the lands and area and assessed value within the territory to be annexed, and by all the electors residing in the territory to be annexed and that said territory lies contiguous to the City of Baraboo, and that the petition has been filed with the City Clerk of the City of Baraboo and the petition further requests that said parcel be permanently zoned as R1-A, Single Family Residential, District 14, and the Plan Commission has reviewed the proposed annexation and zoning thereof and recommends the adoption of this ordinance, and, pursuant to § 66.0217, Wis. Stat., the City Clerk has filed with the Wisconsin Department of Administration a copy of the petition for direct annexation, the scale map, and the legal description of the territory to be annexed, together with other pertinent information, and the Department of Administration has found that the annexation is in the public interest, and the Common Council has reviewed the advice of the Department of Administration and the Common Council accepts the petition as sufficient and hereby determines that the said annexation proceedings herein meet the requirements of the Wisconsin Statutes, and

WHEREAS, in the 2009 City of Baraboo Comprehensive Master Plan, the territory proposed to be annexed is designated as suitable for R1-A development and said lands are presently being used for single family residential purposes, and

WHEREAS, the territory proposed for annexation and zoning as R1-A is well-suited and being used for single family residential purposes, and said territory is reasonably suitable and adaptable to the City's need for single family residential development and said lands are suitable for the extension of police, fire, sewer, water, and other services, and

WHEREAS, satisfactory, adequate, and safe municipal water and municipal sanitary sewer facilities are reasonably acceptable and available for extension to serve the territory proposed for annexation, and the proposed territory to be annexed is within the sanitary sewer growth area in

the City's Sanitary Sewer Service Area Plan dated April 27, 2004, and

WHEREAS, this Common Council has further reviewed and considered the staff reports filed with the City regarding this annexation and the staff reports are hereby adopted by reference and made a part hereof, and

WHEREAS, this Common Council finds that the territory to be annexed is contiguous to the City and its shape is unexceptional, and

WHEREAS, this Common Council has considered the recommendation of the Plan Commission that the territory described above proposed for annexation should be annexed to the City and that the annexed territory be permanently zoned R1-A, Single Family Residential District 8, and that the said zoning promotes the public health, safety, and general welfare of this community, and

WHEREAS, this Common Council has received and reviewed the advisory opinion of the Wisconsin Department of Administration issued pursuant to § 66.0217(6), Wis. Stat., and said opinion is on file in the office of the Baraboo City Clerk and is hereby adopted by reference as though fully set forth herein, and

WHEREAS, this Common Council further finds that it is appropriate that the owner of the territory proposed for annexation shall reimburse the City within thirty (30) calendar days after being invoiced therefore, the annual tax paid by the City to the Town of Baraboo for the period and to the extent required by § 66.0217(14), Wis. Stats. If the charge is not paid within thirty (30) days of the date of billing, such charge shall be extended upon the current or next tax roll as a special tax against the subject property.

NOW, THEREFORE, THE COMMON COUNCIL OF THE CITY OF BARABOO, SAUK COUNTY, WISCONSIN DO ORDAIN AS FOLLOWS:

1. In accordance with § 66.0217 of the Wisconsin Statutes and the petition for direct annexation by unanimous consent filed with the City Clerk and signed by all of the owners of all of the real estate located in the territory to be annexed, and further signed by all the electors equal to or at least a majority of the votes cast for governor in the territory proposed for annexation at the last gubernatorial election, the following described territory in the Town of Baraboo Sauk County, Wisconsin, is hereby annexed to the City of Baraboo, Wisconsin:

A portion of the SE ¼ of the SE ¼ of Section 34, Township 12 North, Range 6 East described as follows: Beginning at a point on the west line of the SE ¼ - SE ¼ of Section 34, T12N, R6E on the south bank of the Baraboo River; thence easterly along said river bank to a point that is 100 feet north of a point that is 250 feet southwesterly of a point that is 165 feet west and 674.8 feet north of the southeast corner of Section 34; thence south 100 feet; thence northeasterly 250 feet to a point 165 feet west and 674.8 feet north of the southeast corner of Section 34; thence east 165 feet to the east line of Section 34; thence north to a point on a line parallel with and 8 feet southwesterly of the south line of the former C&NW RR ROW; thence northwesterly along said line to a point that is at the intersection of a line 8 feet southwest and parallel with the southwest ROW line of the former CN&W RR and a line that is on a line 54° northeast of a point 828.8 feet north and 148.5 feet west of the SE corner of said Section 34; thence southeasterly 54° to a point on a line that is 151 feet west of the east line of Section 34; thence south to a point 735.8 feet north and 151 feet west of the SE corner of Section 34; thence southwesterly to a point 686.8 feet north and 363 feet west of the SE corner of Section 34; thence north to the south

bank of the Baraboo River; thence northeasterly along the Baraboo River to the east line of Section 34; thence north along the east line of Section 34 to a point 3,825 feet south of the northeast corner of said Section 34, said point being on the line of the former Island Woolen Mill Dam; thence westerly along the line of the former dam to the center of the Baraboo River; thence southerly, southwesterly and westerly along the center of the Baraboo River to the west line of SE ¼ - SE ¼ of said Section 34; thence south to the point of beginning.

The petition for annexation of the above-described territory is hereby accepted as a sufficient and legal petition conforming to the requirements of § 66.0217, Wis. Stat., and it is determined that the annexation proceedings herein meet the requirements of the Wisconsin Statutes.

From and after the date of this ordinance, the territory described in Section 1 above shall be part of the City of Baraboo, Sauk County, Wisconsin, for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all ordinances, rules, and regulations governing the City of Baraboo, Wisconsin.

2. Upon recommendation of the Plan Commission, the territory annexed to the City of Baraboo, by this ordinance shall be permanently zoned R1-A, Single Family Residential, Aldermanic District 6, Ward 8, County Supervisory District 14.
3. The territory described in Section 1 of this ordinance is hereby made a part of Aldermanic District 6, Ward 8 of the City of Baraboo, Sauk County, Wisconsin, subject to the ordinances, rules, and regulations of the City of Baraboo governing wards, and the City Engineer is directed to change the City's Official Map and the City's Master Plan and supplement thereto to reflect the terms of this ordinance.
4. The owner of the territory proposed for annexation shall reimburse the City within thirty (30) calendar days after being invoiced therefore, the annual tax paid by the City to the Town of Baraboo for the period and to the extent required by § 66.0217(14), Wis. Stats. If the charge is not paid within thirty (30) days of the date of billing, such charge shall be extended upon the current or next tax roll as a special tax against the subject property.
5. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.
6. This Ordinance shall take effect upon passage and publication as provided by law.

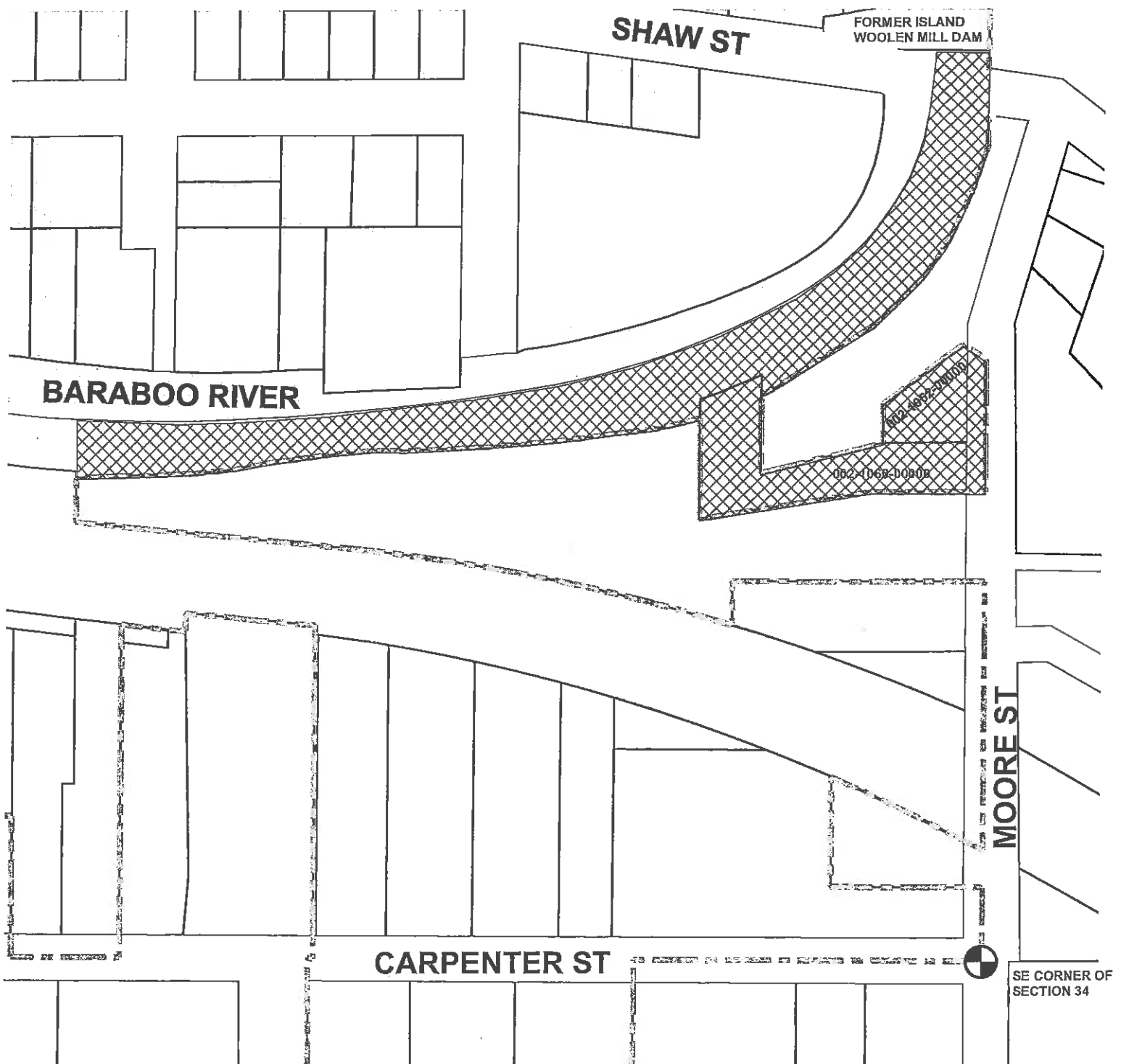
Mayor's Approval:

Clerk's Certification:





I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the 25th day of July, 2017, and is recorded on page 347 of volume 41.

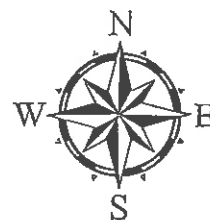
City Clerk:

ANSTETT AND YOUNG ANNEXATION MAP



Legend

-  CITY OF BARABOO
-  CITY OF BARABOO CITY LIMITS
-  AREA TO BE ANNEXED FROM TOWNSHIP OF BARABOO
-  VILLAGE OF WEST BARABOO



200 100 0 200 Feet



EXHIBIT "A"

**LEGAL DESCRIPTION FOR PROPERTY TO BE ANNEXED TO THE CITY OF BARABOO
FROM THE TOWN OF BARABOO, SAUK COUNTY, WISCONSIN.**

Tax Parcel No. 002-1060-00000

Owner: Nicholas Gene Anstett

**Parcel Address: S4845 Moore Street
Baraboo, WI 53913**

Tax Parcel No. 002-1062-00000

Owner: Paul S Young

**Parcel Address: S3239A Sand Road
Baraboo, WI 53913**

A portion of the SE ¼ of the SE ¼ of Section 34, Township 12 North, Range 6 East described as follows:

Beginning at a point on the west line of the SE ¼ - SE ¼ of Section 34, T12N, R6E on the south bank of the Baraboo River; thence easterly along said river bank to a point that is 100 feet north of a point that is 250 feet southwesterly of a point that is 165 feet west and 674.8 feet north of the southeast corner of Section 34; thence south 100 feet; thence northeasterly 250 feet to a point 165 feet west and 674.8 feet north of the southeast corner of Section 34; thence east 165 feet to the east line of Section 34; thence north to a point on a line parallel with and 8 feet southwesterly of the south line of the former C&NW RR ROW; thence northwesterly along said line to a point that is at the intersection of a line 8 feet southwest and parallel with the southwest ROW line of the former CN&W RR and a line that is on a line 54° northeast of a point 828.8 feet north and 148.5 feet west of the SE corner of said Section 34; thence southeasterly 54° to a point on a line that is 151 feet west of the east line of Section 34; thence south to a point 735.8 feet north and 151 feet west of the SE corner of Section 34; thence southwesterly to a point 686.8 feet north and 363 feet west of the SE corner of Section 34; thence north to the south bank of the Baraboo River; thence northeasterly along the Baraboo River to the east line of Section 34; thence north along the east line of Section 34 to a point 3,825 feet south of the northeast corner of said Section 34, said point being on the line of the former Island Woolen Mill Dam; thence westerly along the line of the former dam to the center of the Baraboo River; thence southerly, southwesterly and westerly along the center of the Baraboo River to the west line of SE ¼ - SE ¼ of said Section 34; thence south to the point of beginning.