



TONY EVERS

GOVERNOR

KATHY BLUMENFELD

SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview>

March 21, 2023

PETITION FILE NO. 14570

NICHOLAS KOERNER, CLERK
CITY OF EAU CLAIRE
PO BOX 5148
EAU CLAIRE, WI 54702-5148

JANELLE HENNING, CLERK
TOWN OF WASHINGTON
5750 OLD TOWN HALL ROAD
EAU CLAIRE, WI 54701-8948

Subject: ORCHARD HILLS ANNEXATION

The proposed annexation submitted to our office on March 01, 2023, has been reviewed and found to be against the public interest.

In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city..." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory.

This petition is a re-submittal of a previous petition - #14502 – which was reviewed by the Department on May 23, 2022 and found to be against the public interest. This petition is for the same territory with two differences; it is now a direct annexation by one-half approval under s. 66.0217(3), Wis. Stats. and the petitioning landowner appears to have changed.

Having the same configuration as the previously reviewed petition, the Department's comments related to shape remain the same. The shape of the proposed annexation is somewhat long and irregular, narrowing in places, and nearly bisects the Town. However, this shape appears to be like an annexation to the City of Sheboygan which was upheld in *Town of Wilson v. City of Sheboygan*, 2020 WI 16.

Regarding services, the City is still not better able to serve the petitioned territory because the City remains at the planning stages with respect to needed sewer and water services. Only a portion of the proposed annexation is located within the City's approved sewer service area, that being the part owned by Eau Claire County and used as parkland. The portion of the annexation proposed for development lies outside of the approved sewer service area. The City is attempting to bring the entire annexation territory within the sewer service area by seeking a change to the sewer service area boundaries. However, to date, the West Central Wisconsin Regional Planning Commission and the Wisconsin DNR appear to have denied this request. The City currently provides EMS service and both the town and the city indicate that they both can provide fire and police protection.

Notes: It appears that the call to South Lowes Creek in line 67 of the metes and bounds description should be to South Lowes Creek **Road**.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14570 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2644>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,



Erich Schmidtke, Municipal Boundary Review

cc: petitioner