Call To Order

Determination Of Quorum And That The Agenda Was Properly Posted

Pledge Of Allegiance

PUBLIC APPEARANCES - Public's Opportunity To Speak About Any Subject That Is Not A Specific Agenda Item

Discuss And Consider The Minutes From The Plan Commission Meeting Of April 10, 2019.

Documents:

4-10-19 PLAN COMMISSION MINUTES.PDF

Discuss And Consider Petition For Direct Annexation By Unanimous Consent From The Monona Grove School District For Annexation Of Approximately 41 Acres From The Town Of Cottage Grove Into The Village Of Cottage Grove (Item Tabled At April 10, 2019 Meeting).

Documents:

CG_MGSDANNEX_2019-04-02.PDF
MGANNEX_APP_2019-02-22.PDF
VOCG ANNEXREVQUEST-MGSD_2019-03-01.PDF
WIDOA_LTR_2019-03-20.PDF
ANNEXORD_MGSD_2019-04-15.PDF
PREANNEXAGR_MGSD_2019-04-02.PDF

Presentation By Monona Grove School District Of Concept Plan For New Elementary School. For Feedback Only, No Action Will Be Taken.

Discuss And Consider Proposal From MSA Regarding Typical Road Sections In The Village.

Documents:

MSA ROAD SECTIONS 2019.PDF

Discuss Results Of Housing Questionnaire Distributed At March 13, 2019 Meeting.

Comments From Commission Members
11. Future Agenda Items

12. Adjournment

This agenda has been prepared by Staff and approved by the Village President as Chair of the Plan Commission for use at the meeting as listed above. Any item on the agenda is subject to final action. Notice: Persons needing special accommodations should call 608-839-4704 at least 24 hours prior to the meeting. It is possible that members of and possibly a quorum of members of other governmental bodies may be in attendance at the above stated meeting to gather information; no action will be taken by any governmental body at the above-stated meeting other than the governmental body specifically referred to above in this notice.
MINUTES

1. **Call to order**
The regular meeting of the Plan Commission for April 10, 2019 was called to order by Village President at 6:30 p.m.

2. **Determination of quorum and that the agenda was properly posted.**
It was noted that a quorum was present and that the agenda was properly posted. Roll Call was taken. Commission members present were: Jack Henrich, Phyllis Jones-Morrison, Jennifer Pickel, Melissa Ratcliff and Fred Schulze. Absent and excused were Don Brinkmeier and Kyle Broom. Staff members present were Village Planner Erin Ruth, Village Clerk Lisa Kalata and Village Attorney Leighton Boushea.

3. **Pledge of Allegiance**

4. **PUBLIC APPEARANCES** – Public’s opportunity to speak about any subject that is not a specific agenda item.
None

5. **Discuss and consider the minutes from the Plan Commission meeting of March 13, 2019.**
**Motion** by Ratcliff to approve the minutes from the March 13, 2019 Plan Commission meeting as presented, seconded by Jones-Morrison. **Motion** carried with a voice vote of 5-0-0.

6. **Discuss and Consider Request from Dwight And Dale Huston for Approval of An ETJ CSM Creating A 2 Acre Parcel on Uphoff Road in The Town of Cottage Grove.**
Dennis Richardson was present to answer questions on the requested ETJ CSM. The purpose for the CSM is for a future residential site and has been approved by all other boards. Ruth indicated that there were no issues with the CSM. **Motion** by Henrich to approve the request from Dwight and Dale Huston for an ETJ CSM creating a 2-acre parcel on Uphoff Road in the Town of Cottage Grove, seconded by Pickel. **Motion** carried with a voice vote of 5-0-0.

7. **PUBLIC HEARING** – Public’s Opportunity to Provide Feedback on Proposed Amendments to Ch. 198 Regarding Impact Fees, Ch. 274 Regarding Subdivision of Land, And Ch. 325 Regarding Zoning Related To 2017 Wisconsin Act 67 And 2017 Wisconsin Act 243.
Henrich opened the public hearing at 6:34 p.m. Ruth explained the staff report with the language changes to chapters 198, 274 and 325. Being there was no public comment Henrich closed the public hearing at 6:38 p.m.

8. **Discuss and Consider Proposed Amendments to Ch. 198 Regarding Impact Fees, Ch. 274 Regarding Subdivision of Land, And Ch. 325 Regarding Zoning Related To 2017 Wisconsin Act 67 And 2017 Wisconsin Act 243.**
**Motion** by Pickel approve the amendments to chapter 198 regarding impact fees, chapter 274 regarding subdivision of land and chapter 325 regarding zoning related to 2017 Wisconsin Act 67 and 2017 Wisconsin Act 243 as present, seconded by Jones-Morrison. **Motion** carried with a voice vote of 5-0-0.

9. **PUBLIC HEARING** – Public’s Opportunity to Provide Feedback on Request from Homburg Equipment Inc. To Rezone Four Parcels (#0711-081-4181-1, #0711-081-4192, #0711-081-4203-1, And #0711-081-4439-1) In the Coyle Highlands South Subdivision Along W. Cottage Grove Road From NO, Neighborhood Office To PB, Planned Business.
Henrich opened the public hearing at 6:39 p.m.
Andrew Homburg was present to explain the rezone for the parcels in Coyle Highlands South subdivision for the commercial lots. Ruth explained that changing the zoning to Planned Business would allow for more flexibility with potential uses of the lots. Debbie Wilcox – 2759 County Hwy BB
requested to speak. She had concerns with 50-foot setback that was originally agreed to by the Town of Cottage Grove and the Village of Cottage Grove. Ruth indicated that the 50-foot setback would still be in effect. Her other concern were the exits to the subdivision onto County BB and the drainage issues and she stated she was opposed to the development. Mike Maloney Village Engineer indicated that there is no plan to change the traffic patterns, they will stay the same until warrants are met and then it may change to a lighted intersection in the future. Henrich closed the public hearing at 6:55 p.m.

10. **Discuss and Consider Request from Homburg Equipment Inc. To Rezone Four Parcels (#0711-081-4181-1, #0711-081-4192, #0711-081-4203-1, And #0711-081-4439-1) In the Coyle Highlands South Subdivision Along W. Cottage Grove Road From NO, Neighborhood Office To PB, Planned Business.**

   **Motion** by Pickel to approve the rezone for the four parcels #0711-081-4181-1, #0711-081-4192,#0711-081-4203-1 and #0711-081-4439-1 in the Coyle Highlands South Subdivision along W. Cottage Grove Road from NO, Neighborhood Office to PB, Planned Business, seconded by Schulze. **Motion** carried with a voice vote of 5-0-0.

11. **Discuss and Consider Request from Homburg Equipment Inc. For Approval of Three Certified Survey Maps to Reconfigure Lots in The Coyle Highlands South Subdivision for The Purpose of Eliminating One Lot and Increasing the Size of The Others.**

   Andrew Homburg explained that with the 50-foot setback it would be difficult to get buildings on the sites as currently planned, therefore they are requesting to alter the lot lines. Ruth indicated that approval is recommended. **Motion** by Henrich to approve the three certified survey maps to reconfigure lots in the Coyle Highlands South Subdivision for the purpose of eliminating one lot and increasing the size of the others, seconded by Pickel. **Motion** carried with a voice vote of 5-0-0.

12. **Discuss and Consider Petition for Direct Annexation by Unanimous Consent from Homburg Equipment Inc. And Ellery And Margaret Jensen For Annexation of Approximately 228 Acres from The Town of Cottage Grove into The Village of Cottage Grove.**

   Andrew Homburg indicated that this annexation is part of the Comprehensive Plan and has been looked at extensively over the last 10 years. Mike Maloney Village Engineer indicated that the entire road on Buss should be annexed as it is very difficult to maintain only half of the road. Andrew Homburg indicated that it would be the complete road. Pickel questioned if the parkland would be the same in this area as Westlawn or if it would be a larger park. Andrew Homburg indicated that they could look into the parkland. Kris Hampton-3310 County N was present to speak against the annexation. He feels that the Town and Village should meet before there are annexations and that there should be developer agreements in place along with a discussion on how roads will connect. **Motion** by Henrich to approve the petition for direct annexation by unanimous consent from Homburg Equipment Inc. and Ellery and Margaret Jensen for annexation of approximately 228 acres from the Town of Cottage Grove into the Village of Cottage Grove, seconded by Jones-Morrison. **Motion** carried with a voice vote of 5-0-0.

13. **Discuss and Consider Petition for Direct Annexation by Unanimous Consent from The Monona Grove School District for Annexation of Approximately 41 Acres from The Town of Cottage Grove into The Village of Cottage Grove.**

   There was not a representative from Monona Grove School District present to explain the petition for direct annexation. Schulze indicated that it should be tabled until there can be a representative available. **Motion** by Pickel to table, seconded by Schulze. **Motion** carried with a voice vote of 4-1-0 with Ratcliff voting No. Pickel was excused from the meeting at 7:20 p.m.

14. **Presentation by David Riesop Of Concept Plan for Proposed Kennedy Hills Subdivision to Be Located at The NE Corner of Highway BB and Kennedy Road in The Town of Cottage Grove, Within the Village of Cottage Grove’s ETJ Territory.**

   David Riesop was present to explain the proposed development on Kennedy Road in the Town of Cottage Grove. The area is shown on the Comprehensive Plan and they would like to develop it in three phases. Ruth indicated that they have meet with the developer and there are no issues with the development and because it lies within the Village’s 1 ½ mile extraterritorial jurisdiction it is subject to
review and preliminary and final plat approval by the Village in addition to the Town and Dane County. Ratcliff questioned the alignment of the lots and that they do not match up with the current lots and that has been an issue to Town property owners adjacent to previous developments. Ratcliff asked if the plan was consistent with the comp plan, since the plan shows a north/south street connecting to BB. Ruth indicated that the road was placed as shown on the plan to assure alignment of streets across BB if land to the south develops. If the developer wanted to connect to BB it should be at the location shown in the comp plan. Since they are not connecting, it’s not an issue.

15. Discuss and Consider Request from Oakstone Recreation for Approval of An Amended Site Plan for The Proposed Bar, Restaurant, And Volleyball Facility Located at The NE Corner of Commerce Parkway and Erb Road.
Scott Truehl from Friede & Associated and Josh Vinluan owner of Oakstone Recreation were present to discuss the site plan changes for the facility. Ruth explained that ARC approved with conditions as set in the staff report. Motion by Henrich to approve the request from Oakstone Recreation for an amended site plan for the proposed bar, restaurant and volleyball facility located at the NE corner of Commerce Parkway and Erb Road with the planning conditions set in the Village Action Report and the engineering conditions in the Village Engineer’s report, seconded by Ratcliff. Motion carried with a voice vote of 4-0-0.

16. Discuss and Consider Proposal from MSA Regarding Typical Road Sections in The Village.
Motion by Ratcliff to table to a future agenda, seconded by Jones-Morrison. Motion carried with a voice vote of 4-0-0.

17. Discuss Results of Housing Questionnaire Distributed at March 13, 2019 Meeting.
Ruth reported that he only received three questionnaires back, so this will be on the next agenda to discuss.

18. Comments from Commission Members
Ratcliff reported that there is an Easter Egg Hunt at Northlawn park on April 13, 2019 at 8:00 a.m.

19. Future Agenda Items
MG annexation, housing questionnaire, road sections-MSA

13. Adjournment
Motion by Schulze to adjourn at 7:37 p.m., seconded by Ratcliff. Motion carried with a voice vote of 6-0-0.

Lisa Kalata, Clerk
Village of Cottage Grove
Approved:

These minutes represent the general subject matter discussed in this meeting but do not reflect a verbatim documentation of the subjects and conversations that took place.
PLANNING STAFF REPORT

MEMO DATE: April 2, 2019
MTG. DATE: APRIL 10, 2019

TO: Village of Cottage Grove Plan Commission

CC: Matt Giese – Village Administrator
Lisa Kalata – Village Clerk
Lee Boushea – Village Attorney
Michael Maloney – Village Engineer

FROM: Erin Ruth, AICP – Village Planning Director

RE: Monona Grove School District Annexation

BACKGROUND

Property Owner: Monona Grove School District
Location: 4490 Buss Road
Area: Approximately 41 acres
Agent: Jerrud Rossing – Business Director, Monona Grove School District

OVERVIEW

The applicant is requesting annexation of approximately 41 acres from the Town of Cottage Grove to the Village of Cottage Grove.

The school district plans to use the land for the construction of a new elementary school.

COMPREHENSIVE PLAN CONSISTENCY

The Comprehensive Plan’s Future Land Use Map shows the proposed area as Single-Family Residential. This category allows an institutional use such as a school.
LOCATIONS MAP

STAFF RECOMMENDATION

Staff recommends that the proposed Monona Grove School District Annexation Ordinance 03-2019 be **APPROVED WITH CONDITIONS**, with the conditions as follows.

1. The applicant shall amend the petition map and legal description to include the entirety of the Buss Road right of way along the entire length of Parcel #071105390002 so as to be consistent with the annexation to the south.
To: Lisa Kalata  
Village of Cottage Grove Clerk

From: Jerrud Rossing  
Director of Business Services

Date: February 19, 2019

Re: Annexation Materials

Please see enclosed Request for Annexation Review, Annexation Exhibit and Petition for Direct Annexation by Unanimous Approval. If you have any questions, please feel free to let me know by contacting via email at: jerrud.rossing@mgschools.net or via phone at 608-316-1916.

This information will be forwarded to Wisconsin Department of Administration on February 20th, 2019.
Request for
Annexation Review
Wisconsin Department of Administration

**Petitioner Information**

Name: MONONA GROVE SCHOOL DISTRICT  
Address: 5301 MONONA DRIVE  
MONONA, WI 53716  
Email: jerrud.rossing@mgschools.net

| 1. Town where property is located: COTTAGE GROVE |
| 2. Petitioned City or Village: COTTAGE GROVE |
| 3. County where property is located: DANE COUNTY |
| 4. Population of the territory to be annexed: 0 |
| 5. Area (in acres) of the territory to be annexed: 41.026 |
| 6. Tax parcel number(s) of territory to be annexed  
(if the territory is part or all of an existing parcel): 018-0711-053-9000-2 |

**Office use only:**

Petitioners phone:  
(608) 316-1916

Town clerk's phone:  
(608) 839-5021

City/Village clerk's phone:  
(608) 839-4704

**Contact Information if different than petitioner:**

Representative's Name and Address:  
CHAD P. WADE  
STRANG, PATTESON, RENNING LEWIS & LACY  
P.O. BOX 3505  
OSHKOSH WI, 54903-3505  
Phone: 844-833-0826  
E-mail: CWADE@STRANGPATTESON.COM

Surveyor or Engineering Firm's Name & Address:  
JORDAN G. BROST  
5709 WINDY DRIVE  
SUITE D  
STEVENS POINT, WI 54482  
Phone: (715)344-9999  
E-mail:

**Required Items to be provided with submission (to be completed by petitioner):**

1. [x] Legal Description meeting the requirements of s.66.0217 (1) (c) [see attached annexation guide]
2. [x] Map meeting the requirements of s. 66.0217 (1) (g) [see attached annexation guide]
3. [x] Signed Petition or Notice of Intent to Circulate is included
4. Indicate Statutory annexation method used:
   - [x] Unanimous per s. 66.0217 (2), or,
   - OR
   - [ ] Direct by one-half approval per s. 66.0217 (3)
5. [x] Check or money order covering review fee [see next page for fee calculation]

(2012)
Annexation Review Fee Schedule
A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

**Required Fees**
There is an initial filing fee and a variable review fee

**$350** Initial Filing Fee (required with the first submittal of all petitions)
- $200 – 2 acres or less
- $350 – 2.01 acres or more

**$800** Review Fee (required with all annexation submittals except those that consist ONLY of road right-of-way)
- $200 – 2 acres or less
- $600 – 2.01 to 10 acres
- $800 – 10.01 to 50 acres
- $1,000 – 50.01 to 100 acres
- $1,400 – 100.01 to 200 acres
- $2,000 – 200.01 to 500 acres
- $4,000 – Over 500 acres

**$1,150** TOTAL FEE DUE (Add the Filing Fee to the Review Fee)

---

*Attach* check or money order here, payable to: **Department of Administration**

THE DEPARTMENT WILL NOT PROCESS
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.

THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE

---

**Date fee received:**
**Payee:**
**Check Number:**
**Check Date:**
**Amount:**
**Shaded Area for Office Use Only**
ANNEXATION SUBMITTAL GUIDE

s. 66.0217 (5) THE PETITION

☑ State the purpose of the petition:
  - Direct annexation by unanimous approval; OR
  - Direct annexation by one-half approval; OR
  - Annexation by referendum.

☑ Petition must be signed by:
  - All owners and electors, if by unanimous approval.
  - See 66.0217 (3) (a), if by one-half approval.
  - See 66.0217 (3) (b), if by referendum.

☐ State the population of the land to be annexed.

[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]

s. 66.0217 (1) (c) THE DESCRIPTION

☑ The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR

☑ If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.

☑ The land may NOT be described only by:
  - Aliquot part;
  - Reference to any other document (plat of survey, deed, etc.);
  - Exception or Inclusion;
  - Parcel ID or tax number.

s. 66.0217 (1) (g) THE MAP

☑ The map shall be an accurate reflection of the legal description of the parcel being annexed. As such, it must show:
  - A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
  - Bearings and distances along all parcel boundaries as described.
  - All adjoiners as referenced in the description.

☑ The map must include a graphic scale.

☑ The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

s. 66.0217 FILING

☑ The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.

☐ If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by s. 66.0217 (4).

☑ If the lands being annexed are within a County of 50,000 or greater population, the petition must also be filed with the Department of Administration for review

[Note that no municipality within a County of 50,000 or greater population may enact an annexation ordinance prior to receiving a review determination from the Department of Administration.]
Petition for Direct Annexation by Unanimous Approval

To: Village Board
Village of Cottage Grove, Wisconsin

The Monona Grove School District, the undersigned landowner, constituting all of the landowners of real property in the territory described in Annexation Exhibit A, hereby respectfully petitions the Village of Cottage Grove, Dane County, Wisconsin for direct annexation by unanimous approval, pursuant to Wis. Stat. § 66.0217(2), whereby said territory will be detached from the Town of Cottage Grove, Dane County, Wisconsin.

Legal Description of Territory to be Annexed

Being all of the Southwest 1/4 of the Southwest 1/4 of Section 5, Township 5 North, Range 11 East, Town of Cottage Grove, Dane County, Wisconsin, described as follows:

Commencing at the Southwest corner of Section 5, Township 7 North, Range 11 East and being the Point of Beginning (POB) of the parcel to be described;

Thence N 00°23’40” W along the West line of the Southwest 1/4 of said Section 5, 1335.80 feet to the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 5;

Thence N 87°34’30” E along the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 5, 1338.09 feet to the Northeast corner thereof;

Thence S 00°23’18” E along the East line of the Southwest 1/4 of the Southwest 1/4 of said Section 5, 1337.16 feet to the Southeast corner thereof;

Thence S 87°37’58” E along the South line of the Southwest 1/4 of said Section 5, 1337.90 feet to the Point of Beginning.

A scale map of the territory to be annexed is attached hereto and marked Exhibit A.

In support of this petition, the petitioners state to the Village Board:

1. The total number of residents in the territory proposed to be annexed is zero (0).
2. Petitioner constitutes the sole owner of property in the above described territory.
3. There are zero (0) dwelling units on the property seeking to be annexed.
4. The annexation territory encompasses 41.026 acres

The Monona Grove School District, the undersigned, elects that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexations, incorporations or consolidation proceedings, if any.
The Monona Grove School District petitioner herein, affirms that it has filed a copy of this petition with the Town Clerk of the Town of Cottage Grove, Dane County, Wisconsin which this territory is located in, together with a scale map of such territory, and within five (5) days of the filing of this petition, will mail a copy of said scale map and description of such territory to be annexed to the State or Wisconsin Department of Administration.

Signature  

Date  2/13/19  Owner  X

Peter Sobol, President
Monona Grove School Board

Attest: Susan Fox, Clerk
Monona Grove School Board
## Annexation Review Questionnaire

**Wisconsin Department of Administration**

**Petitioner:** Monona Grove School District  
**Petition Number:** 14196

<table>
<thead>
<tr>
<th>1. Territory to be annexed:</th>
<th>From TOWN OF COTTAGE GROVE</th>
<th>To VILLAGE OF COTTAGE GROVE</th>
</tr>
</thead>
<tbody>
<tr>
<td>2. Area (Acres):</td>
<td>41.086</td>
<td></td>
</tr>
<tr>
<td>3. Pick one: Property Tax Payments</td>
<td>OR Boundary Agreement</td>
<td></td>
</tr>
<tr>
<td>a. Annual town property tax on territory to be annexed:</td>
<td>a. Title of boundary agreement</td>
<td></td>
</tr>
<tr>
<td>$ 734.46</td>
<td>b. Year adopted</td>
<td></td>
</tr>
<tr>
<td>b. Total that will be paid to Town</td>
<td>c. Participating jurisdictions</td>
<td></td>
</tr>
<tr>
<td>(annual tax multiplied by 5 years): 49,672.80</td>
<td>d. Statutory authority (pick one)</td>
<td></td>
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<tr>
<td>c. Paid by: Petitioner City Village</td>
<td>s.66.0307 s.66.0225 s.66.0301</td>
<td></td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>4. Resident Population:</td>
<td>Electors: 0 Total: 0</td>
<td></td>
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<tr>
<td>5. Approximate present land use of territory:</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Residential: 5.9%</td>
<td>Recreational: % Commercial: % Industrial: %</td>
<td></td>
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<tr>
<td>Undeveloped: 94.1%</td>
<td></td>
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<tr>
<td>6. If territory is undeveloped, what is the anticipated use?</td>
<td></td>
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<tr>
<td>Residential: %</td>
<td>Recreational: % Commercial: % Industrial: %</td>
<td></td>
</tr>
<tr>
<td>Other: 100%</td>
<td></td>
<td></td>
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<tr>
<td>Comments: ELEMENTARY SCHOOL</td>
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<td>7. Has a preliminary or final plat been submitted to the Plan Commission: Yes No</td>
<td></td>
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<tr>
<td>Plat Name:</td>
<td></td>
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<tr>
<td>8. What is the nature of land use adjacent to this territory in the city or village?</td>
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<tr>
<td>Residential &amp; Agricultural</td>
<td>Residential &amp; Agricultural</td>
<td></td>
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<tr>
<td>In the town: Residential &amp; Agricultural</td>
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<tr>
<td>9. What are the basic service needs that precipitated the request for annexation?</td>
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<tr>
<td>☑ Sanitary sewer</td>
<td>☑ Water supply</td>
<td>☑ Storm sewers</td>
</tr>
<tr>
<td>☐ Police/Fire protection</td>
<td>☐ EMS</td>
<td>☐ Zoning</td>
</tr>
<tr>
<td>Other:</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
10. Is the city/village or town capable of providing needed utility services?

<table>
<thead>
<tr>
<th>City/Village</th>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
<tbody>
<tr>
<td>Town</td>
<td>Yes</td>
<td>No</td>
</tr>
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</table>

If yes, approximate timetable for providing service:

- **Sanitary Sewers** immediately.
- or, write in number of years.

<table>
<thead>
<tr>
<th>City/Village</th>
<th>Town</th>
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- **Water Supply** immediately.
- or, write in number of years.

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<tr>
<th>City/Village</th>
<th>Town</th>
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</table>

Will provision of sanitary sewers and/or water supply to the territory proposed for annexation require capital expenditures (i.e. treatment plant expansion, new lift stations, interceptor sewers, wells, water storage facilities)?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

If yes, identify the nature of the anticipated improvements and their probable costs: ____________________________

11. Planning & Zoning:

a. Do you have a comprehensive plan for the City/Village/Town?  

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

Is this annexation consistent with your comprehensive plan?

<table>
<thead>
<tr>
<th>Yes</th>
<th>No</th>
</tr>
</thead>
</table>

b. How is the annexation territory now zoned? **AT-35, DALE COUNTY**

c. How will the land be zoned and used if annexed? **SR-1, SINGLE FAMILY RESIDENTIAL**

12. Elections:  

- ☐ New ward or ☑ Existing ward?  Will the annexation create a new ward or join an existing ward?  For more information, please contact the Wisconsin Election Commission at (608) 266-8005, elections@wi.gov or see their annexation checklist here: [http://elections.wi.gov/forms/el-100](http://elections.wi.gov/forms/el-100)

13. Other relevant information and comments bearing upon the public interest in the annexation:

**IN NOV. 2018 A REFERENDUM PASSED IN FAVOR OF THE MONONA SPRING SCHOOL DISTRICT CONSTRUCTING AN ELEMENTARY SCHOOL ON THIS SITE.**

Prepared by:  

<table>
<thead>
<tr>
<th>Town</th>
<th>City</th>
<th>Village</th>
</tr>
</thead>
</table>

Name: **EPINPVTH**

Email: **EPINPVTH@VILLAGESGROVEWI.US**

Phone: (608) 239-4784

Date: **3/1/2019**

(March 2018)

Please RETURN PROMPTLY to:  

**wimunicipalboundaryreview@wi.gov**

Municipal Boundary Review  

PO Box 1645, Madison WI 53701  

Fax: (608) 264-6104
March 18, 2019

PETITION FILE NO. 14196

LISA A KALATA, CLERK
VILLAGE OF COTTAGE GROVE
221 E COTTAGE GROVE RD
COTTAGE GROVE, WI 53527-9619

KIM BANIGAN, CLERK
TOWN OF COTTAGE GROVE
4058 COUNTY RD N
COTTAGE GROVE, WI 53527-9503

Subject: MONONA GROVE SCHOOL DISTRICT ANNEXATION

The proposed annexation submitted to our office on February 26, 2019, has been reviewed and found to be in 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. The subject petition is for territory that is reasonably shaped and contiguous to the VILLAGE OF COTTAGE GROVE, which is able to provide needed municipal services.

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 14196 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=2270
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

[Signature]

Erich Schmidike, Municipal Boundary Review

cc: petitioner
Wisconsin Annexation/Attachment/Detachment Ordinance Filing Checklist

Please include the following information within the ordinance. Missing items may cause the ordinance to be returned.

☐ List type of Land Transfer and associated statute number:
   Annexation by: Unanimous Approval (s. 66.0217 (2) Wis.Stats.),
   One-half Approval (s. 66.0217 (3) (a) Wis.Stats.), or Referendum (s. 66.0217 (3) (b) Wis.Stats.)
   Annexation of Territory Owned by a City or Village (s. 66.0223 Wis.Stats.)
   Detachment (s. 66.0227 Wis. Stats.)
   Annexation or Attachment resulting from s. 66.0307 Wis. Stats. Boundary Agreement
   Annexation or Attachment resulting from s. 66.0301 Wis. Stats. Boundary Agreement
   Annexation resulting from judicial stipulations and orders (s. 66.0225 Wis. Stats.)
   Annexation by City or Village Initiated Referendum (s. 66.0219 Wis.Stats.) (rare)
   Annexation of Town Islands (s. 66.0221 Wis. Stats.) (very rare)

☐ Ordinance Effective Date (Provide publication date if known in the ordinance)

☐ Municipal Boundary Review (MBR) Number assigned when reviewed by DOA:
   Annexation Petitions by Unanimous or One-Half approval require review by the Wisconsin Department of
   Administration (DOA) for land in counties having a population greater than 50,000.
   When requested DOA also reviews annexations in counties having a population less than 50,000.
   Record the MBR number in the ordinance transmittal letter or within the clerk’s certification of the ordinance.

☐ Square feet or acres- please list the area of the land transferred. If land comes from multiple municipalities
   show separate areas for each.

☐ Parcel Number(s), if available (if only part of a tax parcel is being transferred, include the number of that
   parcel)

☐ Clerk’s certification of documents with original signature

☐ Population: Include the number of all people living on the transferred land. If transferring from more than
   one municipality, include population for each affected municipality

☐ Map
   ☐ The map shall be an accurate reflection of the legal description of the parcel being transferred. As
     such, it must show:
     - A tie line from the parcel to the monumented corner of the section or quarter-section, or the
       monumented end of a private claim or federal reservation, in which the parcel lies. The corner and
       monument must be identified.
     - Bearings and distances along all parcel boundaries as described.
     - All adjoiners as referenced in the description.
   ☐ The map must include a graphic scale.
   ☐ The map must show and identify the existing municipal boundary, in relation to the parcel being
     transferred.
   [It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

Continued on next page.

608-264-6102  mds@wi.gov  http://mds.wi.gov

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Wisconsin Annexation/Attachment/Detachment Ordinance Filing Checklist

☐ Complete Legal Description
☐ The ordinance must include a legal description of the land to be transferred. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR
☐ If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot(s) and/or block(s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.
☐ The land may NOT be described only by:
   - Aliquot part;
   - Reference to any other document (plat of survey, deed, etc.);
   - Exception or Inclusion;
   - Parcel ID or tax number.

Wisconsin Elections Commission Requirements
☐ Will the annexation territory join an existing ward or necessitate creation of a new ward? For more information, please contact the Wisconsin Elections Commission at (608) 266-8005 or elections@wi.gov or see their annexation checklist here:
   WEC Annexation Checklist http://elections.wi.gov/forms/el-100.

Email legible scanned copy of required materials to mds@wi.gov
Scan in color any page or map containing color. Scan large maps at full size.

OR mail one copy of required materials to:
Wisconsin Department of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701-1645

608-264-6102 mds@wi.gov http://mds.wi.gov

G:\MST\Mbr\Mbr\WEB\WI Land Transfer Ordinance Filing Checklist.docx 5/10/2018
ORDINANCE NO. 03-2019
ANNEXING TERRITORY FROM THE TOWNSHIP OF COTTAGE GROVE
TO THE VILLAGE OF COTTAGE GROVE, DANE COUNTY, WISCONSIN
(MONONA GROVE SCHOOL DISTRICT ANNEXATION)

The Village of Cottage Grove, Wisconsin Board of Trustees does ordain as follows:

Section 1. Territory Annexed. In accordance with Section 66.0217 of the Wisconsin Statutes and the petition for unanimous direct annexation filed with the Village Clerk, signed by the owners of the property in the territory and stating that ZERO electors reside in the territory that is within Dane County Supervisor District 36, Assembly District 46, and Senate District 16, the following described territory in the Town of Cottage Grove, Dane County, Wisconsin, is annexed to the Village of Cottage Grove, Wisconsin. See Exhibit A for the annexation map and for the legal description,

Section 2. Determination of Public Interest. In a letter dated March 18, 2019, the Wisconsin Department of Administration’s Office of Municipal Boundary Review declared the proposed annexation “to be in the public interest.” See Exhibit B for the letter.

Section 3. Effect of Annexation. From and after the date of this ordinance, the territory described in Exhibit A shall be part of the Village of Cottage Grove 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 Village of Cottage Grove,

Section 4. Pre-Annexation Agreement. A Pre-Annexation Agreement shall be executed by all parties and a draft of said document is attached as Exhibit C.

Section 5. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 6. Effective Date. This ordinance shall take effect upon passage as provided by law.

Dated this 15th day of April, 2019

VILLAGE OF COTTAGE GROVE

____________________________________
Jack Henrich, Village President

Attest:

___________________________________
Lisa Kalata, Village Clerk
PRE – ANNEXATION AGREEMENT
BETWEEN
THE VILLAGE OF COTTAGE GROVE
AND
THE MONONA GROVE SCHOOL DISTRICT
ANNEXING PROPERTY TO THE VILLAGE OF COTTAGE GROVE
PURSUANT TO ORDINANCE 03-2019

This PRE-ANNEXATION AGREEMENT BETWEEN THE VILLAGE OF COTTAGE GROVE and ALL PROPERTY OWNERS ANNEXING PROPERTY TO THE VILLAGE OF COTTAGE GROVE PURSUANT TO ORDINANCE 03-2019 (hereafter AGREEMENT) is made and entered into with an effective date to be determined by and between the VILLAGE OF COTTAGE GROVE, a Wisconsin Municipal Corporation (hereafter VILLAGE) and THE MONONA GROVE SCHOOL DISTRICT to the VILLAGE pursuant to ORDINANCE 03-2019 (hereafter OWNERS).

WHEREAS, the OWNERS have petitioned the VILLAGE for the annexation and temporary zoning of certain real estate (hereafter PROPERTY) which is more particularly described in the attached ORDINANCE NO. 03-2019 ANNEXING TERRITORY FROM THE TOWNSHIP OF COTTAGE GROVE TO THE VILLAGE OF COTTAGE GROVE, DANE COUNTY, WISCONSIN (hereafter ORDINANCE 03-2019) which is attached hereto and incorporated herein as if fully set forth; and

WHEREAS, in recognition of the many advantages and benefits to themselves and the final users, some or all of the OWNERS may decide to develop and improve their portion of the PROPERTY; and

WHEREAS, the annexation and development of the PROPERTY will benefit the VILLAGE by increasing the tax base of the PROPERTY within the VILLAGE, extend the corporate limits and jurisdiction of the VILLAGE, permit the sound planning and development of the PROPERTY within and under the control of the VILLAGE, and otherwise promote the general welfare of the VILLAGE; and

WHEREAS, the VILLAGE requires that certain conditions and acts with respect to the annexation, zoning, land division, and development of the PROPERTY be performed in a manner which complies with all applicable VILLAGE ordinances, laws and regulations in order to insure the development of the PROPERTY is in the best interest of the public; and

WHEREAS, the PROPERTY is currently zoned as AT-35 under the Dane County Zoning Ordinance; and
WHEREAS, while the precise development of the PROPERTY is unknown at this time, Annexation and Development are projected to require that certain public improvements be planned and constructed to serve the PROPERTY; and

WHEREAS, after examination and study of the proposed Annexation, the VILLAGE PLAN COMMISSION has recommended to, and the VILLAGE BOARD adopted, ORDINANCE 03-2019 approving the Annexation of the PROPERTY subject to the completion of a form of PRE-ANNEXATION AGREEMENT, confirming the annexation and development of any portion of the PROPERTY shall be according to the applicable VILLAGE Ordinances and guidelines established by this AGREEMENT; and

WHEREAS, the OWNERS and the VILLAGE acknowledge they enter into this AGREEMENT in order to specify certain rights, obligations and liabilities which will arise in the event any of the OWNERS request the VILLAGE to proceed with development of any portion of the OWNERS PROPERTY.

NOW, THEREFORE, for and in consideration of the mutual promises and obligations set forth herein, the parties agree as follows:

1. In the event the OWNER of any PROPERTY outlined in ORDINANCE 03-2019, chooses to develop any portion of that PROPERTY, (hereafter OWNER / DEVELOPER), any such development shall be according to the applicable VILLAGE Ordinances and guidelines by this AGREEMENT.

The VILLAGE is not bound to approve any land division, rezone, conditional use permit or Urban Service Area Amendment for the PROPERTY which does not comply with all of the requirements of the AGREEMENT, other applicable provisions of the VILLAGE’S SUBDIVISION and LAND DIVISION Ordinance, ZONING Ordinance or other VILLAGE Ordinances or state or federal law.

2. OWNERS / DEVELOPERS RESPONSIBILITIES:

As a further condition, precedent for the implementation of this AGREEMENT, and as a supplement to the applicable VILLAGE ordinances any OWNER / DEVELOPER further agrees:

1. OWNER / DEVELOPER shall hold as many open houses with the Community as determined by the Village starting with the conceptual planning stages and on through all stages of development prior to submitting a preliminary plat, final plat or development plans (Example: PUD) to insure the following:

   (a) The open house(s) shall be for the purpose of explaining the OWNERS / DEVELOPERS concept(s) and answering the Public’s questions regarding the proposed development.
The OPEN HOUSE PRESENTATION shall include information relative to traffic, storm water, environmental corridors and any other matters impacting upon VILLAGE resources.

2. The OWNER / DEVELOPER(S) preliminary plat, final plat and/or the development plan shall include the following:

   (a) Bike Trails and Pedestrian Ways are to be constructed contemporaneous with streets within the plat and shall be built to a standard which meets or exceeds VILLAGE, County or DNR standards. Compliance shall be determined by the VILLAGE ENGINEER and shall be subject to review by the necessary VILLAGE committees, commissions and approved by the VILLAGE BOARD.

   (b) Area used for detention, retention, infiltration or storm water facilities or designated wetlands shall not be included in any required Parkland calculations.

   (c) Any parks to be donated by the OWNER(S) / DEVELOPER(S) in lieu of Parkland fees shall be constructed according to standards determined by the VILLAGE.

   The acceptance of any such park shall be subject to review by the VILLAGE ENGINEER AND/OR VILLAGE PLANNER and subject to review by the necessary committees, commissions and approved by the VILLAGE BOARD.

3. The DEVELOPMENT AGREEMENT entered into between the VILLAGE and OWNER / DEVELOPER shall be in the form determined by the VILLAGE and shall contain the following additional provisions:

   (a) The DEVELOPMENT AGREEMENT must include the phases of development which are subject to approval by the VILLAGE BOARD.

   All phases are to be separately reviewed and approved by the VILLAGE BOARD prior to additional construction occurring.

   (b) No development shall exclude the ability of the general public to purchase and construct their home with the builder of their choice or by themselves as builder/general contractor.

3. **ZONING AND LAND USES.**

   Upon the adoption of an annexation ordinance for the PROPERTY, the VILLAGE BOARD will temporarily zone the PROPERTY under the VILLAGE Zoning Ordinance 325-304(A) as RURAL HOLDING.
The parties agree that, upon submission of the required application for zoning and satisfaction of all requirements for such zoning by the OWNERS / DEVELOPERS, the VILLAGE will enact further amendments to the VILLAGE Zoning Ordinance permanently zoning the PROPERTY in permanent zoning classifications which are in general conformity to the concept plan for the PROPERTY, prepared by the OWNERS / DEVELOPERS in conformity with the VILLAGE Ordinances.

5. RESPONSIBILITY FOR UTILITY IMPROVEMENTS

OWNERS / DEVELOPERS shall be responsible for the cost of application for urban service area annexation and Madison Metropolitan Sewerage District annexation, including reimbursement to the Village for all consultant fees expended in the preparation of an urban service area and MMSD application and approval process, and if deemed necessary, planning, design and construction of all infrastructure improvements required by the VILLAGE’S Subdivision and Land Division Ordinance which are directly related to the development or in order to facilitate the continued orderly development or extension of VILLAGE infrastructure.

The connection of the sanitary sewer service or other municipal services to the PROPERTY is contingent upon the annexation of the PROPERTY becoming final and upon the approval of an Urban Service Area amendment, as provided above. The parties to this AGREEMENT agree that such service obligation shall not arise until the expiration of the annexation ordinance challenge period provide by law, or if a lawsuit challenging the validity of the annexation is filed, until after the lawsuit concludes and annexation becomes final and all review and appeal periods provided by law have expired.

6. RESPONSIBILITY FOR POTENTIAL LEGAL COSTS

The OWNERS are petitioning for Direct Annexation by Unanimous Approval, as regulated by Wis. Stat. 66.0217(2). Wis. Stat. 66.0217(6)(d) describes certain specific scenarios in which a township may challenge a petition for Direct Annexation by Unanimous Approval.

In the event the affected township commences an action to challenge the annexation, the owners shall reimburse the Village for any and all costs incurred by the Village to defend against the town’s legal action.

In the further event any Court rules to uphold the towns challenge, the owner shall reimburse the Village for all court costs and reasonable attorneys fees awarded pursuant to Wisconsin statutes 66.0217 (6) (d).
7. **AUTHORITY OF VILLAGE.**

   A. Nothing in this **AGREEMENT** is intended to relieve, nor should it be construed as relieving, or in any way satisfying other obligations, procedures or requirements of **OWNERS / DEVELOPERS** pertaining to the future development and/or division of the **PROPERTY**. Furthermore, this **AGREEMENT** does not bind the **VILLAGE** to approve any rezoning, land division, Urban Service Area amendment or other development activity for the **PROPERTY** which is not in compliance with **VILLAGE** ordinances or plans or state or federal law. At the time of any subsequent land division or development, the **OWNERS / DEVELOPERS** agree to comply with all applicable procedures then required by **VILLAGE** ordinances, including, but not limited to, entering into a separate development **AGREEMENT** in a form acceptable to the **VILLAGE**.

   B. All **VILLAGE** ordinances shall apply to the **PROPERTY**. The **VILLAGE** reserves its right to amend any such ordinance(s) including the Zoning Ordinance, Subdivision and Land Division Ordinance, and all other ordinances, and adopt new ordinances affecting the development of the **PROPERTY** at any time as may be reasonably necessary for the protection of the public health, welfare, and safety, by general ordinance amendments applicable to the development of all real **PROPERTY** in the **VILLAGE**, but no such ordinance shall be discriminatory in its effect upon the development of the **PROPERTY**.

8. **BINDING EFFECT.**

   This **AGREEMENT** shall bind the heirs and successors and assigns of the **OWNERS / DEVELOPERS** and the **VILLAGE**, and shall be enforceable in the manner provided by law. Nothing herein shall in any way prevent alienation or sale of the **PROPERTY** or any portion thereof, except that such sale shall be subject to the provisions hereof and of the **VILLAGE** ordinances and Wisconsin law and the new owners shall be both benefited and bound by the conditions and restrictions herein expressed. Furthermore, nothing in this **AGREEMENT** shall affect or change any other **AGREEMENTS** entered into between the **VILLAGE** and **OWNERS / DEVELOPERS**.

9. **PAYMENT OF ALL FEES.**

   The **OWNERS / DEVELOPERS** shall be responsible for all costs and fees associated with the development. This shall include but not be limited to the payment of all required **VILLAGE** fees and/or costs pursuant to **VILLAGE** ordinances related to the **PROPERTY** within the times established by this **AGREEMENT** or **VILLAGE** ordinances and to execute any required documentation needed to implement said fees.

   Failure to timely pay any fees or costs associated with the development shall result in no additional work being performed until such outstanding balances are paid in full.
10. **IMMUNITY**

Nothing contained within this AGREEMENT constitutes a waiver of the VILLAGE’S sovereign immunity under applicable law.

11. **AMENDMENT.**

This AGREEMENT may be amended or modified only by a written amendment approved and agreed to by the VILLAGE AND OWNER / DEVELOPER.

12. **SEPARABILITY.**

It is understood that in the event any provisions of this AGREEMENT shall be deemed invalid, then the invalidity of said provisions shall not affect the validity of any other provisions hereof.

13. **AUTHORITY.**

The parties agree and represent that the undersigned signatories to this AGREEMENT have full power and authority to execute this AGREEMENT and that all necessary and enabling resolutions have been duly enacted to approve this AGREEMENT and authorize its execution.

14. **ASSIGNMENT.**

No assignment of rights and liabilities under this AGREEMENT shall be made without the prior written approval of the VILLAGE which approval shall not be unreasonably withheld.

15. **EFFECTIVE DATE.**

This AGREEMENT shall be effective commencing on the date indicated in the first paragraph above.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT to be executed by individuals and officers who are duly authorized as of the date set forth above.
VILLAGE OF COTTAGE GROVE

By: __________________________
    VILLAGE PRESIDENT

Attest: __________________________
    VILLAGE CLERK
    LISA KALATA

ANNEXING OWNERS

By: ____________________________ Date: ____________________
    ____________________________ Date: ____________________
    ____________________________ Date: ____________________
    ____________________________ Date: ____________________
    ____________________________ Date: ____________________