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Annexation—New KT REAL ESTATE
AN 16 001

Document Number

Document Title

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Name and Return Address:

City of Baraboo Attn: City Clerk 135 4<sup>th</sup> Street Baraboo, WI 53913

002-0056-00000 AND 002-0050-10000

Parcel Identification Number (PIN)

DOC#: 1143680 Recorded January 24, 2017 8:00 AM

Bent Brilly

REGISTRAR'S OFFICE SAUK COUNTY WI RECEIVED FOR RECORD Fee Amount:: \$30.00

Recording Area

I, Cheryl M. Giese, City Clerk of the City of Baraboo, County of Sauk, State of Wisconsin, DO HEREBY CERTIFY that the territory described in the attached ordinance was detached from the Town of Baraboo, County of Sauk, and was annexed by ordinance and zoned Highway Oriented Business District (B-3) to the said City of Baraboo, pursuant to Section 66.217 of the Wisconsin Statutes, by Ordinance No. 2453 adopted by the Common Council at a regular meeting held on December 13, 2016.

I further certify, that the population of said territory is 0 and that the attached ordinance is a true and complete copy of the annexation and zoning as adopted.

Dated this 19th day of January, 2017.

Cheryl M. Giese

City Clerk-Finance Director

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### **ORDINANCE 2453**

## The City of Baraboo, Wisconsin - MBR # 13978

Background: KT Real Estate Holdings, LLC has petitioned for the annexation of their recently acquired property, which is located in the Town of Baraboo immediately east of the new Kwik Trip Convenience Store at 1330 South Blvd. Although these parcels are occupied by a few pole shed buildings, the buildings are vacant. They reportedly intend to develop the property as an expansion to the new Kwik Trip store and plan to install a diesel fueling island.

They have requested that the property be zoned Highway Oriented Business District (B-3) upon annexation. That classification is consistent with other classifications in the area and matches the surrounding zoning district. The Plan Commission reviewed the zoning for the annexation parcel at their October 18<sup>th</sup> meeting and recommended permanent B-3 zoning upon annexation. The petition for annexation was provided to the Wisconsin Department of Administration as required by law, and there are no issues or concerns from the State with regard to the annexation.

Fiscal Note: (check one) [x] Not Required [] Budgeted Expenditure [] Not Budgeted

Comments:

An Ordinance amending City of Baraboo Code §§ 1.49(2), Section 8.01(3), and Section 17.18(4)(b) thereby annexing certain lands in the Town of Baraboo to the City of Baraboo pursuant to a petition for direct annexation filed by KT Real Estate Holdings, LLC, and permanently zoning the subject lands, upon annexation, as Highway Oriented Business (B-3).

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

WHEREAS, a Petition for Direct Annexation by Unanimous Approval, 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 of the land in area and assessed value within the territory to be annexed, and by all of 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 Town Clerk of the Town of Baraboo and the Petition further requests that the said parcel be permanently zoned as Highway Oriented Business District (B-3), and the Plan Commission has reviewed the proposed annexation and zoning thereof and recommends the adoption of this Ordinance, and, pursuant to Wis. Stat. § 66.0217(6), 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, the territory proposed for annexation and zoning as Highway Oriented Business District (B-3) is well suited for commercial development because it can be served by gravity sanitary sewer system and sewer and water mains are located across from the property, and

WHEREAS, the proposed annexed territory is shown to be within the proposed sanitary sewer growth area in the City's presently proposed Sanitary Sewer Service Area Plan, and

WHEREAS, this Common Council has further reviewed and considered the staff reports, if any, 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 proposed to be annexed is contiguous to the City and its shape is unexceptional and this Common Council further finds that the City has a reasonable present and future need for the said territory and the said territory is reasonably suitable or adaptable to the City's needs for residential development and that said lands are suitable for the extension of police, fire, sewer, water, and other services, 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 Highway Oriented Business District (B-3), and

WHEREAS, based upon the foregoing this Common Council further finds that the lands proposed to be annexed should, upon annexation, be zoned Highway Oriented Business District (B-3), 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 finding that this annexation is in the public interest and issued pursuant to Section 66.0217(6), Wis. Stats., 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.

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

1. Based upon the foregoing findings, and in accordance with Section 66.0217 of the Wisconsin Statutes and the Petition for Direct Annexation by Unanimous Approval 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 in the territory, the following described territory in the Town of Baraboo, Sauk County, Wisconsin, is hereby annexed to the City of Baraboo, Wisconsin:

#### PARCEL I:

Lot One (1) of Certified Survey Map No. 1861 as recorded in the office of the Register of Deeds for Sauk County, Wisconsin in Volume 7 of Certified Surveys on page 1861, as Document No. 502243. (Located in the SW 1/4 NE 1/4 of Section 3, Township 11 North of Range 6 East, Town of Baraboo and also encompassing Lot 1 of the Plat of Baraboo Industrial Park, Sauk County, Wisconsin)

Tax Roll Parcel Number: 002-0056-00000 Address Per Tax Roll: E11162 County Road W, Baraboo, Wisconsin

#### PARCEL II:

A parcel of land in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Three (3), Township Eleven (11) North of Range Six (6) East, which is bounded by a line described as follows: Beginning at a point an the South line of the said Southwest Quarter of the Northeast Quarter, which point is 547.5 feet East of the Southwest corner of said forty, thence North 300 feet, thence East 80 feet, thence South 300 feet, thence West 80 feet to the point of beginning.

Tax Roll Parcel Number: 002-0050-10000 Address Per Tax Roll: South Boulevard, Baraboo, Wisconsin The Petition for Annexation of the above described territory is hereby accepted as a sufficient and legal petition conforming to the requirements of Section 66.0217, Wis. Stats., and it is determined that the annexation proceedings herein meet the requirements of the Wisconsin Statutes.

- 2. From and after the effective 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.
- 3. Upon recommendation of the Plan Commission, the territory annexed to the City of Baraboo, Wisconsin, by this ordinance shall be permanently zoned Highway Oriented Business District (B-3).
- 5. The territory described in Section 1 of this ordinance is hereby made a part of the Sixth Ward 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. Further, the Common Council recommends to Sauk County that the annexed lands become part of County Supervisory District 14.
- 6. 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 affect without the invalid or unconstitutional provision or application.

This Ordinance shall take effect upon passage and publication as provided by law.

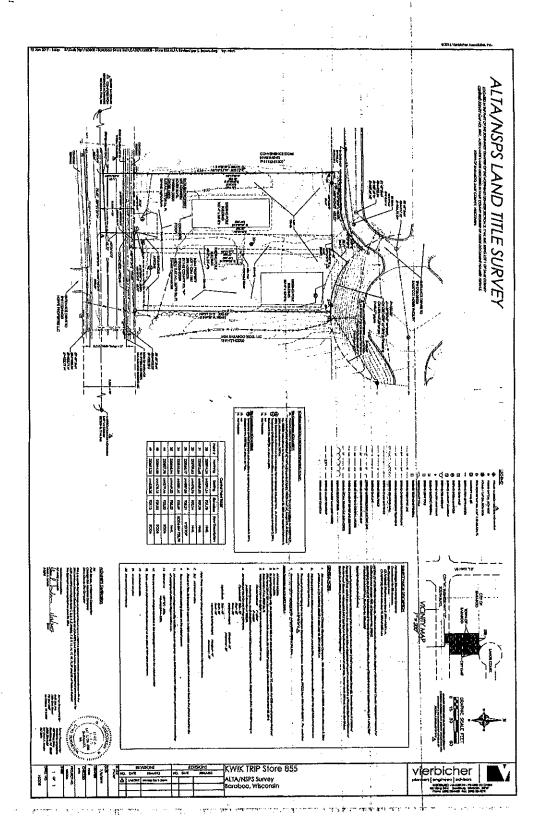
Mayor's Approval:

Clerk's Certification:

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I hereby certify that the foregoing Ordinance was duly passed by the Common Council of the City of Baraboo on the 13th day of December, 2016, and is recorded on page 208 of volume 41.

City Clerk:



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#### EXHIBIT "A"

#### PARCEL I:

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(Located in the SW 1/4 NE 1/4 of Section 3, Township 11 North of Range 6 East, Town of Baraboo and also encompassing Lot 1 of the Plat of Baraboo Industrial Park, Sauk County, Wisconsin)

TAX ROLL PARCEL NUMBER: 002-0056-00000

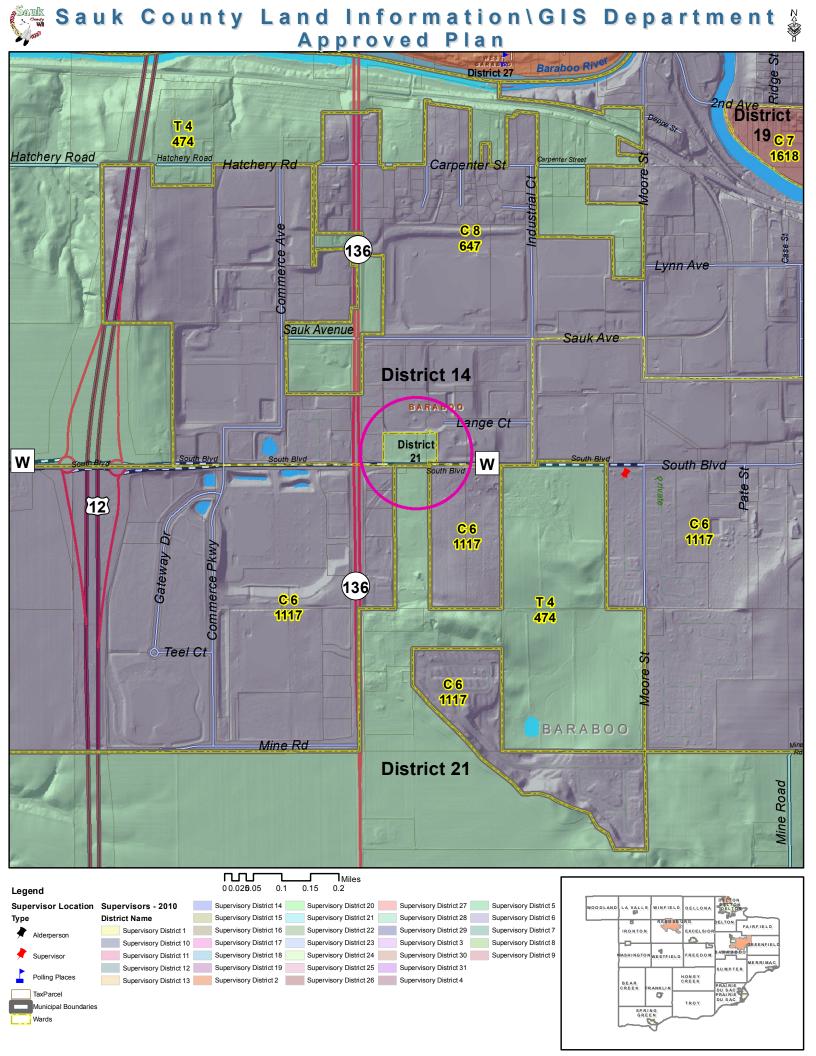
ADDRESS PER TAX ROLL: E11162 COUNTY ROAD W, BARABOO

#### PARCEL II:

A parcel of land in the Southwest Quarter of the Northeast Quarter (SW 1/4 NE 1/4) of Section Three (3), Township Eleven (11) North of Range Six (6) East, which is bounded by a line described as follows: Beginning at a point on the South line of the said-Southwest Quarter of the Northeast Quarter, which point is 547.5 feet East of the Southwest corner of said forty, thence North 300 feet, thence East 80 feet, thence South 300 feet, thence West 80 feet to the point of beginning.

TAX ROLL PARCEL NUMBER: 002-0050-10000

ADDRESS PER TAX ROLL: SOUTH BOULEVARD, BARABOO



# Sauk

Wards Proposed

# Sauk County Land Information\GIS Department Proposed Plan

