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ANNEXATION - WISCONSIN

Town of Lincoln v. City of Whitehall

Supreme Court of Wisconsin - April 17, 2019 - 925 N.W.2d 520 - 2019 WI 37

Town, which had received favorable findings from Department of Administration, brought action against city seeking declaratory judgment that city's annexation ordinances, which had been adopted pursuant to grassroots process of direct annexation by unanimous approval, that detached territory from town were invalid.

The Circuit Court granted city's motion to dismiss all but contiguity claim, and thereafter granted summary judgment for city on contiguity claim. Town appealed, and the Court of Appeals affirmed. Town petitioned for review.

The Supreme Court held that defect in annexation petition for direct annexation by unanimous consent, which in fact omitted one landowner and thus was not unanimous, was not de minimis, and thus town was not precluded from challenging annexation petition on grounds other than contiguity.

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