

Bond Case Briefs

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ANNEXATION - WISCONSIN

City of Mayville v. Department of Administration

Supreme Court of Wisconsin - June 11, 2021 - N.W.2d - 2021 WL 2385542 - 2021 WI 57

First village filed petition for judicial review of decision of Department of Administration, which approved cooperative plan between second village and town whereby second village and town would be consolidated. Department and second village moved to dismiss for lack of standing.

The Circuit Court denied motion. The Circuit Court thereafter determined that first village was required to be party to plan and reversed Department's decision. Department and second village appealed. The Court of Appeals affirmed as modified. The Supreme Court granted review.

The Supreme Court held that:

- Department's decision affected substantial interests of first village, and thus first village had standing to seek judicial review of decision, and
- Cooperative plan physically altered or made difference in first village's boundary line, and thus before such change could be effective, first village was required to be party to plan.

Department of Administration's decision approving cooperative plan to consolidate first village and town adversely affected substantial interests of second village, and thus second village had standing to seek judicial review of decision, where both villages were completely surrounded by town, which was unincorporated, upon approval of plan land surrounding second village would become incorporated village, prior to plan second village had statutory extraterritorial zoning rights and extraterritorial plat approval rights within town and was statutorily permitted to annex areas of town contiguous to it, and plan extinguished those statutorily granted rights.

Cooperative plan to consolidate first village and town physically altered or made difference in second village's boundary line, and thus before such change could be effective, second village was required to be party to plan, although plan did not, in and of itself, effect change in second village's boundary line, where plan set conditions that had to be met if second village's boundary lines were to change, and, further, territory surrounding second village would become incorporated territory and, due to that change, second village would no longer will possess statutory right to annex that territory.