

Bond Case Briefs

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ANNEXATION - WISCONSIN

Town of Wilson v. City of Sheboygan

Supreme Court of Wisconsin - February 14, 2020 - N.W.2d - 2020 WL 739695 - 2020 WI 16

Town brought action for a declaratory judgment that city's annexation of land, which was annexation done pursuant to petition prepared by private party, was improper.

After entering partial summary judgment for city and then holding a bench trial, the Circuit Court determined that the annexation complied with statutory requirements and dismissed the action. Town petitioned to bypass the court of appeals.

The Supreme Court held that:

- Annexed territory satisfied statutory contiguity requirement;
- Sufficient evidence supported finding that city did not act as controlling influence that orchestrated annexation;
- Annexation was not one of exceptional shape;
- Sufficient evidence supported finding existence of reasonable present or demonstrable future need for annexed territory;
- Town failed to show that city abused its discretion in annexing property;
- Annexation petition had requisite amount of signatures of property owners as required by statute; and
- Annexation petition properly certified population count of territory in question, as required by statute.

City's annexation of land to be used for annexation petitioner's golf-course development satisfied statutory contiguity requirement; annexed territory shared common boundary with city of 650 feet, and there was significant degree of physical contact between city and annexed properties.

Sufficient evidence supported finding that city did not act as controlling influence that orchestrated annexation, as was relevant to determining whether boundary lines drawn by private party petitioner for annexation were impermissibly arbitrary and violated rule of reason, which was judicially created doctrine designed to determine whether power delegated to cities and villages under statutes on municipalities had been abused; private party alone selected territory to be included in petition, prepared annexation map, and drew boundary lines, and circuit court found that city had no input or involvement whatsoever in determining boundaries for annexation.

Annexation was not one of exceptional shape, as was relevant to determining whether boundary lines drawn by private party petitioner for annexation were impermissibly arbitrary and violated rule of reason, which was judicially created doctrine designed to determine whether power delegated to cities and villages under statutes on municipalities had been abused; territory was 1,450 feet wide at certain points, and overall shape and appearance of annexation was not so arbitrary or unreasonable that it could or should be invalidated.

Sufficient evidence supported finding existence of reasonable present or demonstrable future need

for territory annexed pursuant to petition by private party, as was relevant to determining if annexation satisfied rule of reason, which was judicially created doctrine designed to determine whether power delegated to cities and villages under statutes on municipalities had been abused; annexation provided city with ability to expand residential housing, and petitioner wanted its property to be annexed to overcome town board's opposition to petitioner's intended golf-course development and to assure that golf course would receive a sufficient source of water.

Town objecting to city's annexation of property, which was annexation done pursuant to petition prepared by private party, failed to show that city abused its discretion in annexing property, as was relevant to determining if annexation satisfied rule of reason, which was judicially created doctrine designed to determine whether power delegated to cities and villages under statutes on municipalities had been abused; despite argument that city rubber stamped annexation and agreed to support golf course development on annexed property simply to get more money, record included evidence of lengthy deliberations by city officials regarding annexation, and city's actions were consistent with petitioner's express desire to develop its land into world championship golf course.

Annexation petition prepared by private party had requisite amount of signatures of property owners as required by statute; despite argument that annexed territory included large amount of state and city-owned land with no assessed value, petition included signatures of owners of 91% of territory as measured by assessed value.

Annexation petition prepared by private party properly certified population count of territory in question, as required by statute; Department of Administration (DOA) employee reviewed petition and averred that DOA certified or confirmed that petition satisfied population-count requirement.