

APPENDIX C:

ANNEXATION & BOUNDARY AGREEMENT

FREQUENTLY ASKED QUESTIONS

During the public participation activities for the East Side Neighborhood Growth Area Plan, it became apparent that community residents and neighborhood stakeholders did not understand the provisions of the boundary agreements to which McFarland is a party, or the procedures that must be followed in order to annex property to either McFarland or Madison. These guidelines and frequently asked questions are intended to clarify the issues.

What agreements has McFarland entered into with its neighbors?

McFarland has agreements with the City of Madison and the Town of Dunn. The City of Madison has an agreement with the Town of Blooming Grove that may impact the Village of McFarland.

McFarland has entered into agreements with the City of Madison and the Town of Dunn

What issues do these agreements cover?

The agreement with the City of Madison establishes Siggelkow Road as the future boundary between Madison and McFarland. Madison has agreed to not annex property south of Siggelkow Road, and McFarland has agreed to not annex property north of Siggelkow Road, as long as the agreement is in place.

The agreement with the Town of Dunn prohibits the Village from annexing property in the Town that is located south of the Yahara River. In return, the Town has agreed not to contest petitions for annexation of property currently in the Town that is also part of the East Side Neighborhood Growth Area. Also, the Town will not acquire development rights on property located in the East Side Neighborhood Growth Area.

The agreement between the City of Madison and the Town of Blooming Grove will dissolve the Town in 2027. At that time, any property in the Town that has not been annexed to the Village of McFarland or the City of Madison will be incorporated into the City of Madison. Madison has agreed not to annex property in the Town that is located south of Siggelkow Road until 2027.

How long are these agreements in place?

McFarland entered into its agreement with Madison in 1997 and it will be in effect until 2017. McFarland has expressed an interest in continuing the agreement beyond that date.

The agreement with the Town of Dunn was signed in 2005 and will be in place until 2025.

If I live in the East Side Neighborhood Growth Area, can I annex my property to McFarland?

The boundary agreements that are in place do allow you to annex to the Village of McFarland, however, you will still need to meet the state-imposed requirement that the property or properties petitioning for annexation must be contiguous to the Village.

If I live in the East Side Neighborhood Growth Area, can I annex my property to Madison?

The boundary agreements do not allow property south of Siggelkow Road to be annexed to the City of Madison prior to 2027. In 2027 the Town of Blooming Grove will be dissolved and any property in the East Side Neighborhood Growth Area that has not been annexed to the Village of McFarland will automatically become part of the City of Madison.

Annexation is almost always initiated by a property owner

How is property annexed to a city or village?

The typical process for annexation is called a "direct annexation by unanimous approval." In this process, all of the property owners and all of the electors living on one or more properties file a petition with the city or village clerk. The petition is published, a copy is filed with the Wisconsin Department of Administration, and copies are provided to the clerk of the town in which the property is located and to the school district in which the property is located. The Department of Administration will conduct a review and issue an opinion on the eligibility for annexation. If the property is eligible for annexation, it is annexed to the city or village if 2/3 or more of the village board or common council votes to approve an ordinance amending the city or village boundaries to annex the property. The annexation is then filed with the Secretary of State, area utilities, the register of deeds, and school district.

Can a city or village refuse to annex property?

Cities and villages do have the right to refuse to annex new territory. Through the boundary agreements that are in place, Madison has pledged to refuse to annex property south of Siggelkow Road and McFarland has pledged to refuse annexation of property north of Siggelkow Road.

Can a city or village force me to annex my property?

Except in rare cases, annexation is voluntary. Annexation petitions are nearly always initiated by a property owner. Sometimes a property owner may need a neighboring property to annex at the same time in order to meet a statutory requirement of the annexation law (such as being contiguous or not creating a "town island"). If that neighboring property owner is unwilling to annex their property, there is a provision in the statute that may force annexation, based on an outcome of an election held among eligible voters living on the properties included in the annexation petition.

Notwithstanding this, any property in the Town of Blooming Grove that has not been annexed to the Village of McFarland prior to 2027 will automatically be annexed into the City of Madison when the Town is dissolved.

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