



## Office of the City Attorney

Michael R. Haas, City Attorney

Patricia A. Lauten, Deputy City Attorney

### ASSISTANT CITY ATTORNEYS

Benjamin C. Becker

Steven C. Brist

Jason P. Donker

Marci A. Kurtz

Lara M. Mainella

Amber R. McReynolds

Adriana M. Peguero

Matthew D. Robles

Avery J. Schulman

Kate M. Smith

Jaime L. Staffaroni

Doran E. Viste

Brittany A. Wilson

Jennifer Zilavy

City-County Building, Room 401

210 Martin Luther King, Jr. Boulevard

Madison, Wisconsin 53703-3345

(Telephone) 608-266-4511

(Facsimile) 608-267-8715

attorney@cityofmadison.com

### PARALEGAL

Ryan M. Riley

## MEMORANDUM

TO: Common Council Members  
Mayor Satya Rhodes-Conway

FROM: City Attorney Michael Haas

DATE: April 24, 2023

RE: Attachments and Annexations

Council Leadership has requested a brief outline of the processes for attachments and annexations, the two methods by which property is added to the territory of the City. Item 2 on the Council agenda for April 25, 2023 is acceptance of a petition to attach property to the City which is currently in the Town of Burke.

Attachments and annexations are governed by state law and in both cases property owners may file a petition with the City requesting that their property become part of the City of Madison. In short, attachments occur when property from the Towns of Blooming Grove, Burke and Middleton are brought into the City; annexations occur when property from the Towns of Cottage Grove, Verona and Westport are brought into the City. The main difference is that an attachment occurs after the City has entered into a Cooperative Plan with the town in which the property is located and the Plan has been approved by the Wisconsin Department of Administration. More information about cooperative plans and the process for adopting them can be found in Wisconsin Statutes [Wis. Stats. § 66.0307](#).

A cooperative plan describes the way in which property will be transferred between the two jurisdictions and the timing for doing so. In the case of Item 2 on the Council agenda, the subject property is included as part of a Cooperative Plan executed in 2007 between the City and the Town of Burke, Village of DeForest and City of Sun Prairie.

The attachment process requires the property owner to submit a petition to the City. Staff work with applicants ahead of time to ensure that a petition is in the proper format

and that municipal services can be provided to the property. No referrals are required and the petition is simply scheduled for acceptance or rejection. A simple majority vote is required. A separate ordinance (the Attachment Ordinance) is also introduced to assign the property to a City ward and to a zoning district. Item 30 on the Council agenda is the ordinance to accomplish the zoning and ward assignments. Normally, temporary zoning (Temp-A) is assigned at the time of attachment, with permanent zoning assigned at a later date, when a change in the property's use is proposed.

Annexations initiated by private property owners are governed by [Wis. Stats. § 66.0217](#) and may occur in one of three methods, all of which also involve a petition to the City. A petition for annexation by unanimous approval is signed by all electors residing in the territory proposed to be annexed and is often used when there are only one or a small number of property owners. Second, a "petition by one-half approval" can be submitted using several different formulas for the number of signers, which must represent at least one-half of the electors residing in the territory or the owners of one-half of the land in the territory, measured by either area or assessed value.

Third, a petition for annexation by referendum may be filed if it is signed by a number of electors equal to at least 20 percent of the votes cast in the last gubernatorial election and the owners of at least 50 percent of the real property either in area or assessed value. If a valid petition for annexation by referendum is filed, a referendum election is scheduled and the results of the election determine whether the property is annexed. Petitions to annex property by referendum are rare. The City generally only considers annexations by unanimous approval.

When a valid annexation petition is filed, an annexation ordinance is introduced which includes a ward assignment and a zoning classification or a temporary zoning classification recommended by the Plan Commission. Importantly, state law requires that an annexation ordinance be adopted by a two-thirds vote (14 votes).