



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: April 13, 2021

Common Council Meeting Date: April 21, 2021

Item: Detachment of Territory – Coop Road

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner/Applicant: City of Appleton

Location: Portion of Coop Road, generally located north of Midway Road

Petitioner's Request: Owner is requesting to detach land from the City of Appleton to the Village of Harrison, pursuant to Section 66.0227 of the Wisconsin State Statutes.

Purpose for Detachment: To carry out a responsibility identified in an Intergovernmental Cooperation Agreement between the City of Appleton and Village of Harrison.

Population of Such Territory: 0

Detachment Area: 4.0 acres m/l

BACKGROUND

The subject area was annexed to the City with the Southeast Industrial Park #3 Annexation, which was approved by Common Council in 1995. The land was annexed from the Town of Harrison at that time.

On December 2, 2020, Common Council approved an Intergovernmental Cooperation Agreement between the City of Appleton and Village of Harrison. The agreement deals with the pavement resurfacing project for Coop Road. The fully executed agreement is attached for reference. Stipulation #2 of the agreement states that the City shall undertake the tasks required for detachment of the subject road right-of-way.

STAFF ANALYSIS

The Community and Economic Development Department staff has reviewed the detachment petition and identifies the following:

- The area proposed for detachment is adjacent to parcels currently located in the Village of Harrison. Detachment of the area in question is consistent with the Intergovernmental Cooperation Agreement between the City and Village.

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- Currently, the subject area consists of an existing asphalt rural road within the road right-of-way. The City has not installed sewer and water infrastructure within this right-of-way.
- In this area, the proposed detachment would result in roughly half of the existing Coop Road right-of-way being located in the Village of Harrison. The area west of the Coop Road centerline would remain in the City.
- After detachment, the existing zoning district boundary lines would be shifted to the centerline of the road right-of-way to account for the change in municipal boundaries.
- The detachment of territory is governed by Section 66.0227(2) of State Statutes. This statute indicates that if Common Council approves the detachment as proposed, the Village must then adopt an ordinance accepting the territory within 60 days after enactment.

Surrounding Zoning Classification and Land Uses:

North: Village of Harrison. Existing Coop Road right-of-way is immediately north of the subject area.

South: Village of Harrison. Existing Coop Road right-of-way is immediately south of the subject area.

East: Village of Harrison. The adjacent land uses to the east are currently a mix of residential uses.

West: M-1 Industrial Park District. The adjacent land use to the west is currently agricultural (undeveloped, for sale lots located in Southpoint Commerce Park).

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area with the future Business / Industrial designation. The proposed detachment is consistent with the following objective and policy of the *Comprehensive Plan 2010-2030*.

OBJECTIVE 11.1 Intergovernmental Cooperation:

Maintain a positive relationship with local area governments to foster collaboration on issues of mutual concern.

Policy 11.1.1 Ensure continued discussion between Appleton and neighboring municipalities and counties, including both elected officials and department staff. Continue to partner with Outagamie, Winnebago, and Calumet counties to serve City residents in an efficient manner.

Technical Review Group (TRG) Report: This item appeared on the March 23, 2021 TRG agenda. No negative comments were received from participating departments.

FUTURE ACTIONS

If Common Council approves the detachment as proposed, the Village must then adopt an ordinance for attachment of said lands within 60 days, pursuant to Section 66.0227(2) of State Statutes. The anticipated

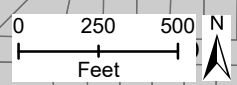
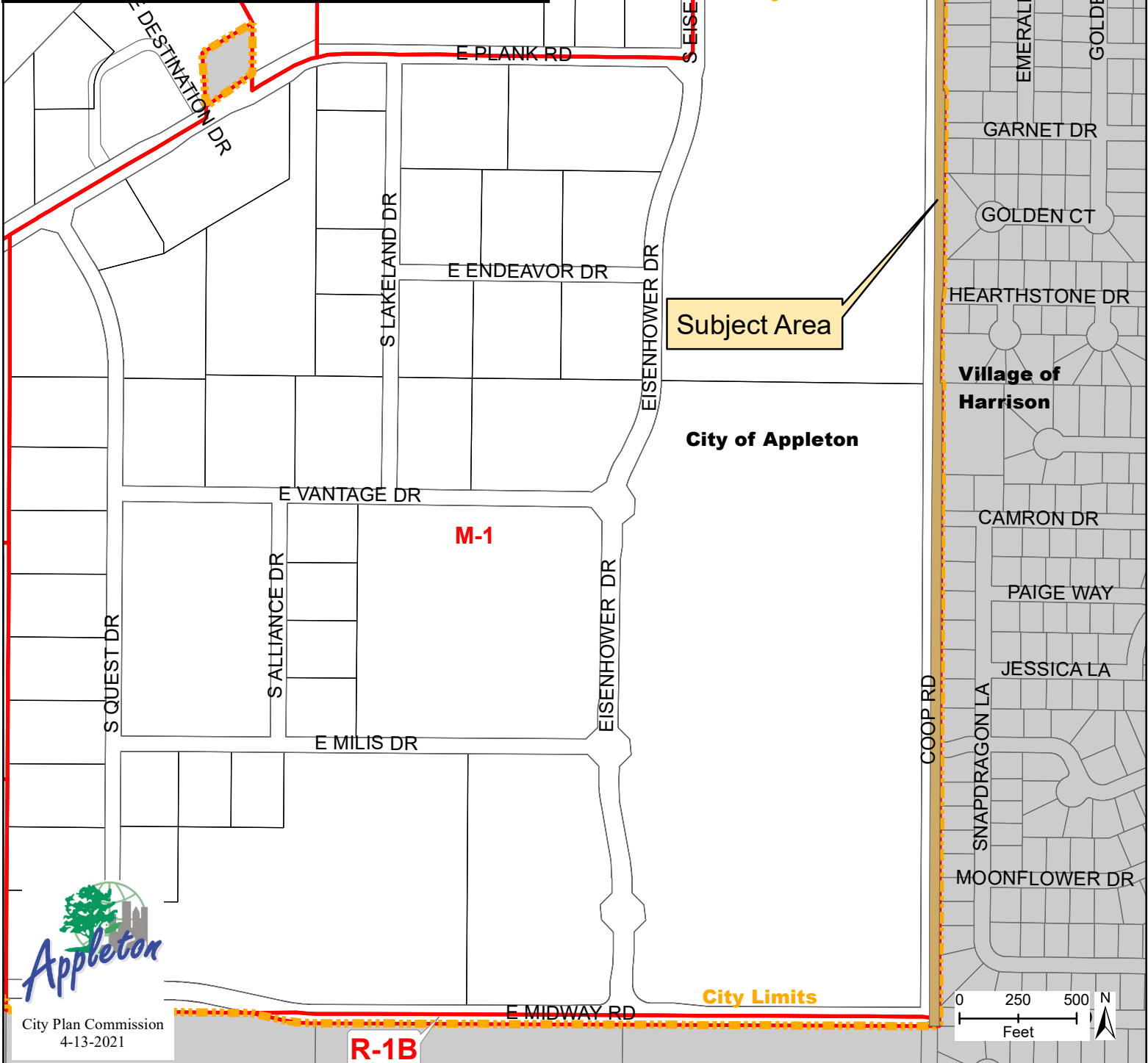
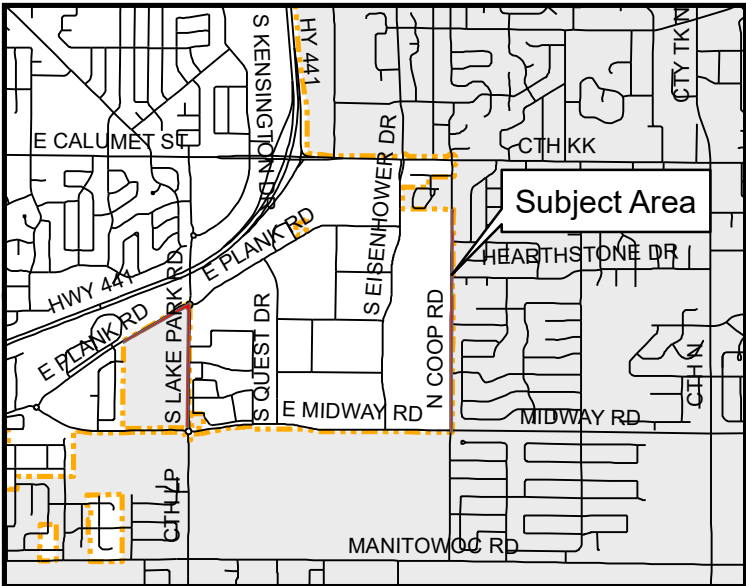
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timeline for completion of the City’s tasks has been shared with Village representatives and is set forth in the agreement between the municipalities.

RECOMMENDATION

Staff recommends that the detachment of territory from the City of Appleton to the Village of Harrison, for the part of Coop Road described in the attached petition and shown on the attached maps, **BE APPROVED.**

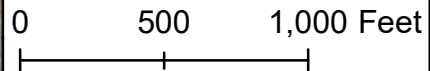
Detachment of Territory City of Appleton to Village of Harrison Coop Road Zoning Map



Detachment of Territory
City of Appleton to Village of Harrison
Coop Road
Aerial Map



City Plan Commission
4-13-2021



**PETITION FOR DETACHMENT OF LAND FROM THE CITY OF APPLETON
TO THE VILLAGE OF HARRISON**

The undersigned, representing all owners of the land lying within the area described below and shown on the attached scale map, in accordance with s. 66.0227 Wis. Stats., petition to detach said land from the City of Appleton, Calumet County, Wisconsin to the Village of Harrison, Calumet County, Wisconsin, to-wit:

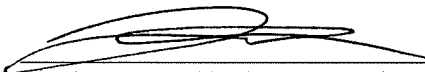
A part of the West One-Half (W ½) of the Northwest Quarter (NW ¼) of Section 3, part of the West One-half (W ½) of the Southwest Quarter (SW ¼) of Section 3 and a part of the Northwest Quarter (NW ¼) of the Northwest Quarter (NW ¼) of Section 10, Township 20 North, Range 18 East, City of Appleton, Calumet County, Wisconsin, containing 4.0 Acres m/l of road right of way and being all that part of the City of Appleton lying East of the following described line:

Commencing at a point on the West line of the Northwest ¼ corner of said Section 3, lying North 00°31'53" East 1,798.73 feet from the West ¼ corner thereof and being the point of beginning;
Thence South 00°31'53" West 1,798.73 feet along the West line of the NW ¼ of said Section 3 to the West ¼ corner thereof;
Thence South 00°14'16" West 2,636.69 feet along the West line of the SW ¼ of said Section 3 to the Southwest corner thereof;
Thence South 00°30'32" West 40.00 feet along the West line of the NW ¼ of said Section 10 to the terminus of the afore described line.

Area of land (public right-of-way) to be detached contains 4.0 acres m/l.

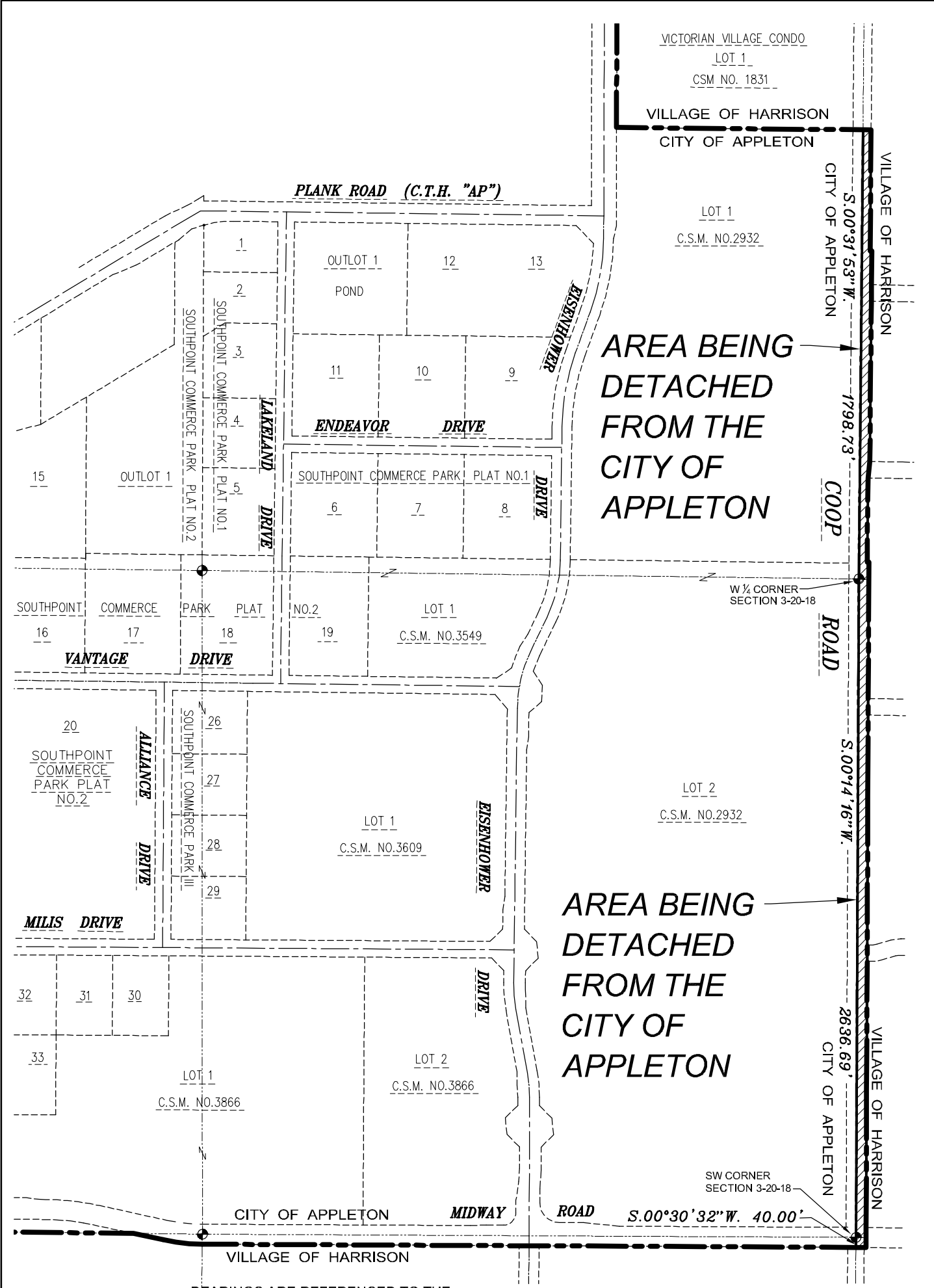
The current population of such territory is 0.

Dated the 24th day of March, 2021.



Jacob A. Woodford, Mayor, City of Appleton

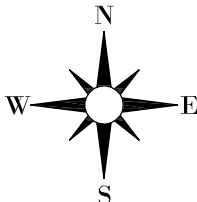
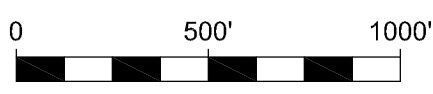
EXHIBIT "A"



**AREA BEING
DETACHED
FROM THE
CITY OF
APPLETON**

**AREA BEING
DETACHED
FROM THE
CITY OF
APPLETON**

BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, CALUMET COUNTY, WEST LINE OF THE SW 1/4 SECTION 3, T.20N., R.18E.; WHICH BEARS N00°14'16"E
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CITY OF APPLETON
DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911
920-832-6474
DRAFTED BY: T. KROMM

**INTERGOVERNMENTAL COOPERATION AGREEMENT BETWEEN
CITY OF APPLETON AND VILLAGE OF HARRISON
COOP ROAD**

The Parties to this Intergovernmental Cooperation Agreement (hereinafter the "Agreement") are the City of Appleton (hereinafter the "City") and the Village of Harrison (hereinafter the "Village").

RECITALS

WHEREAS, the boundaries between the City and Village have been established with the incorporation of the Village; and

WHEREAS, Coop Road is a significant boundary along the eastern edge of the City; and

WHEREAS, the majority of the Coop Road boundary is in the City;

NOW THEREFORE, the parties agree as follows:

1. The statutory authority for this Agreement is under Wis. Stat. §§66.0301(1)-(5).
2. Within 60 days of this Agreement, the City shall begin the process to detach from its incorporated boundaries, from the centerline of Coop Road to the Village limits and extending from Lorna Lane to Midway Road, said stretch shall thereafter be attached to the Village. As "owner" of the lands under said area to be detached, the City shall undertake the tasks required for detachment identified in Wis. Stat. §66.0227(1); and thereafter as soon as reasonably possible and practical adopt an ordinance for detachment pursuant to Wis. Stat. §66.0227(2); thereafter, within 60 days, the Village shall adopt an ordinance for attachment of said land pursuant to Wis. Stat. §66.0227(2).
3. The City shall resurface Coop Road, from Midway Road to Lorna Lane, with asphalt pavement in 2021.
4. In exchange for the foregoing, the Village shall pay the City \$120,000 towards the Coop Road asphalt resurfacing project based on the overall percentage of the project within the new Village boundary (56%). Said payment from the Village to the City shall be made within thirty (30) days of the resurfacing project's substantial completion.
5. The posted speed limit for the shared portion of Coop Road shall be mutually agreed upon by the City and Village.

Dated this 9 day of February, 2020.

SIGNATURES BEGIN ON THE FOLLOWING PAGE

VILLAGE OF HARRISON

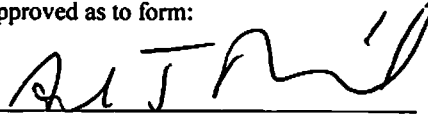
By: 
Kevin M. Hietpas, Village President

By: 
Jennifer Weyenberg, Village Clerk

Provision has been made to pay the liability that will accrue under this contract

Approved as to form:


Jennifer Weyenberg, Clerk-Treasurer


Andrew J. Rossmeissl, Village Attorney

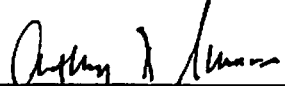
CITY OF APPLETON

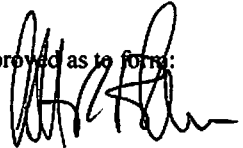
By: 
Jacob A. Woodford, Mayor

By: 
Kami Lynch, City Clerk

Provision has been made to pay the liability that will accrue under this contract

Approved as to form:


Anthony D. Saucerman, Finance Director
City Law: 20-0263


Christopher R. Behrens, City Attorney