

Court of Appeals Refuses to Consider Town Attack on Validity of "Unanimous Approval" Annexation

On May 22, 2008, the Wisconsin Court of Appeals for District IV issued a controversial decision in the Case of *Town of Merrimac v. Village of Merrimac*, 2007AP2491. The decision, which is recommended for publication in the official reports, held that the Town was barred by §66.0217(11)(c), Wis. Stats., from contesting a particular type of annexation called "direct annexation by unanimous approval." The statutory language reads as follows: "No action on any grounds, whether procedural or jurisdictional, to contest the validity of an annexation under sub. (2) [a direct annexation by unanimous approval], may be brought by any town."

On the basis of the statutory language, the Court refused to address the merits of the Town's primary attack on the validity of the annexation that the annexation is void because the annexed property is not contiguous with Village property. Set forth below is a copy of the decision.

The Town is deciding whether to seek review of the decision by the Wisconsin Supreme Court.

[Link to decision.](#)

Drafted by Attorney Timothy J. Pruitt