

APPLETON

Notice of Motion &
Motion for Injunction

OFFICE OF THE SECRETARY OF STATE
State of Wisconsin

STATE OF WISCONSIN
RECEIVED AND FILED

FEB 29 1984

DOUGLAS LA FOLLETTE
SECRETARY OF STATE



The State of Wisconsin

OFFICE OF THE
SECRETARY OF STATE

MADISON 53702

March 12, 1984 .

Department of Transportation
Room 901
Hill Farm State Office Building

Attn. Mr. John Pamperin

Dear Sir:

Pursuant to s. 66.021 / 66.025, we are pleased to enclose,
in duplicate, ~~certified copies and filed according to the provisions of s. 66.021~~
~~adopted by the Common Council of~~ the City of Appleton
County of Outagamie on February 22, 1984

Yours very truly,

DOUGLAS LA FOLLETTE
Secretary of State

LHM:ld

Enclosures:

cc: Department of Public Instruction
Department of Administration
Department of Revenue
Department of Local Affairs and Development
Clerk
File



THE CITY OF

APPLETON

200 NORTH APPLETON ST. • P.O. BOX 1857 • APPLETON, WISCONSIN 54913-1857

OFFICE OF THE
CITY CLERK
414/735-6443

STATE OF WISCONSIN
RECEIVED AND FILED

FEB 29 1984

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

February 28, 1984

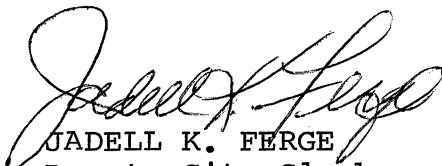
Mr. Douglas LaFollette
Secretary of State
Post Office Box 7845
Madison, Wisconsin 53707-7845

RE: TOWN OF BUCHANAN VS. CITY OF APPLETON, ET. AL.
(Williams Annexation)

Dear Mr. LaFollette:

Pursuant to Section 66.026 of the Wisconsin Statutes, enclosed herewith are four (4) copies of the Motion and Motion for Injunction and Affidavit, as served upon the writer in behalf of the City of Appleton, as it relates to the annexation ordinance adopted by the Common Council on September 7, 1983, for your file. Also, there was another Ordinance #37-84 that was adopted by the Common Council on February 15, 1984, relative to this same matter.

Very truly yours,


JADELL K. FERGE
Deputy City Clerk

JKF;jkf

Enclosures (4)

cc: Mayor Dorothy C. Johnson
City Attorney David G. Geenen

CERTIFIED MAIL

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH II

OUTAGAMIE COUNTY

STATE OF WISCONSIN
RECEIVED AND FILED

TOWN OF BUCHANAN, a
Municipal Corporation

FEB 29 1984

Plaintiff

-vs-

CITY OF APPLETON
a Municipal Corporation

NOTICE OF MOTION
AND
MOTION FOR INJUNCTION

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

Case No. 83-CV-1225

and

MICHAEL N. WILLIAMS and
SHARON M. WILLIAMS, his wife

Defendants

OFFICE OF CITY CLERK

FILED

FEB 27 1984

APPLETON, WISCONSIN

TO: Mr. Elden Broehm, Clerk
City of Appleton
200 North Appleton Street
Appleton, Wisconsin 54911

Mr. David G. Geenen
Appleton City ATTORNEY
P.O. Box 1857
Appleton, Wisconsin 54913-1857

Michael N. Williams
Sharon M. Williams
3309 East Crestview Drive
Appleton, Wisconsin 54915

Mr. Brownson C. LaFollette
Attorney General
State Capitol
Madison, Wisconsin 53702

COPY

PLEASE TAKE NOTICE, that Robert B. Taunt, attorney for the Town of Buchanan will move the Court at the Court House in the City of Appleton, Outagamie County, on the 8th day of March, 1984 at 1:30 o'clock P. M. or as soon thereafter as counsel can be heard for an injunction enjoining the defendants in this case from further prosecuting enacting or enforcing a Petition for Annexation or Ordinance in Adoption thereof for the area known and described as the "Williams Annexation" during the pendency of the above entitled action, so long as City Ordinance No. 119-83 remains viable and until a Referendum Election is held of Resident Electors in the Town of Buchanan, and for such other and further Orders as are just and reasonable.

Dated this 22 day of February, 1984.

VAN HOOF, VAN HOOF & TAUNT

BY

Robert B. Taunt

P.O. ADDRESS:
200 E. Main Street
P.O. Box 27
Little Chute, Wisconsin 54140
Telephone: (414) 788-3543

STATE OF WISCONSIN
RECEIVED AND FILED

FEB 29 1984

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH II

OUTAGAMIE COUNTY

TOWN OF BUCHANAN, a
Municipal Corporation

Plaintiff

-vs-

CITY OF APPLETON
a Municipal Corporation

and

MICHAEL N. WILLIAMS and
SHARON M. WILLIAMS, his wife

Defendants

AFFIDAVIT

Case No. 83-CV-1225

OFFICE OF CITY CLERK
FILED

FEB 27 1984

APPLETON, WISCONSIN

STATE OF WISCONSIN)
OUTAGAMIE COUNTY) SS.

John J. Derks, being first duly sworn on oath, deposes and says as follows:

1. That he is the Chairman of the Town of Buchanan, the plaintiff in this action.

2. That on September 7, 1983 Ordinance No. 119-83 was passed by the Common Council of the City of Appleton and approved by the Mayor on September 8, 1983 and became effective with publication in the Post Crescent newspaper on September 10, 1983 as appears by the copy of the official notice of Jadell K. Ferge, Deputy City Clerk, marked "Exhibit A" and attached hereto. That on information and belief said Ordinance is still in full force and effect and has not been voided or rescinded.

3. That this case was commenced December 6, 1983 challenging the validity of such annexation and Ordinance to which the City of Appleton has filed an Answer and that no stipulation, judgment or dismissal has been entered disposing of this case.


4. That by letter dated February 3, 1984 and Petition of Resident Electors for referendum, copies of which are both attached hereto and marked "Exhibits B and C", a Petition has been filed by two residents of the area demanding Referendum on the issue of Annexation pursuant to Wis. Stat. Sec. 66.021 (5).

5. That the rights of the plaintiff and/or defendants in and to the property subject of this action are to be determined by Outagamie County Circuit Court, Branch II and the Referendum of Electors.

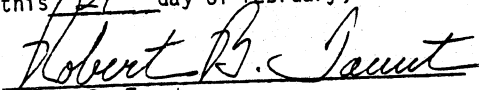
FEB 29 1984

WHEREFORE, this affidavit is made in support of an injunction against the defendants from further prosecuting, enacting or enforcing annexation ordinances of the real estate subject of this action prior to the final judgment of the Court, stipulation of the parties and referendum of the public concerning such real estate.

That the plaintiff will suffer irreparable and continuing harm or damage if the defendants may continue their present activities therefore requiring additional duplicative response similar to that already submitted by plaintiff to defendants actions and your affiant believes that plaintiff is entitled to a judgment in the present action.


John J. Derks

Subscribed and sworn to before me
this 21 day of February, 1984.



Robert B. Taunt
Notary Public, State of Wisconsin
My commission is permanent.

STATE OF WISCONSIN
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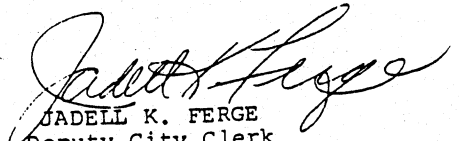
FEB 29 1984

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

CERTIFICATION OF CLERK

I, JADELL K. FERGE, the Deputy City Clerk of the City of Appleton, Wisconsin, do hereby certify that the attached Resolution is a true and compared copy of a Resolution adopted by the Mayor and Common Council of the City of Appleton, Outagamie/Calumet/Winnebago Counties, at a regular meeting held January 18, 1984.

Dated at Appleton, Wisconsin, this 19th day of January, 1984.


JADELL K. FERGE
Deputy City Clerk

(City Seal)

FEB 29 1984

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

FEB 8 1984

Feb 3, 1984

Dear Sirs;

John and I feel like
Appleton can't give us
anything for the tax
money. They would bill
us for.

We would not have
garbage pick-up. Fire or
police protection would be
unnecessary because there
is nothing there to protect.

So why do they want
to annex us?

They have property across
the railroad that can
be used. We are sure ours
is unnecessary.

Sincerely,

John and I

Christina Vander-Water

Mr & Mrs. Donald Kiehn

STATE OF WISCONSIN
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DOUGLAS LA FOLLETTE
SECRETARY OF STATE

PETITION OF RESIDENT ELECTORS
FOR REFERENDUM

We, the undersigned, constituting 100% of the electors residing on the area proposed to be annexed by the "Williams Annexation" to the City of Appleton, do hereby demand a Referendum on the issue of annexation pursuant to Wis. Stats. Sec. 66.021 (5) of the Wisconsin Statutes and this petition is directed to the Town of Buchanan Town Clerk pursuant to said statute.

Signature of Petitioner	Date of Signing	Resident or	Address
<u>John Van Der Wieken</u>	<u>2-9-84</u>	<u>yes</u>	<u>917 E. Newberry St Appleton</u>
<u>Presention Van Der Wieken</u>	<u>2-9-84</u>	<u>yes</u>	<u>917 E Newberry St Apple</u>