

OSHKOSH, Winnebago County

SUMMONS

OFFICE OF THE SECRETARY OF STATE
State of Wisconsin

STATE OF WISCONSIN
DEPARTMENT OF STATE
RECEIVED AND FILED

NOV 24 1978

DOUGLAS LAFOLLETTE
SECRETARY OF STATE

Douglas LaFollette

STATE OF WISCONSIN

CIRCUIT COURT

WINNEBAGO COUNTY

WALTER E. BUSSE and MARIANNE
BUSSE., his wife,

Plaintiffs,

vs.

CITY OF OSHKOSH,

Defendant.

SUMMONS

File No. 42464

STATE OF WISCONSIN
DEPARTMENT OF STATE
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NOV 24 1978

TO THE ABOVE NAMED DEFENDANT :

DOUGLAS LAFOLLETTE
SECRETARY OF STATE

You are hereby summoned and required to serve upon
Fulton, Menn & Nehs Ltd., plaintiff's attorneys, whose address
is P. O. Box 785, 222 North Oneida Street, Appleton, Wisconsin,
54911, an answer to the complaint which is herewith served upon
you within twenty (20) days after service of this summons upon
you, exclusive of the day of service, and in case of your failure
so to do judgment will be rendered against you according to the
demand of the complaint.

FULTON, MENN & NEHS LTD.
Attorneys for Plaintiff

BY: Peter S. Nelson

P. O. ADDRESS: 222 North Oneida St.
P. O. Box 785
Appleton, Wisconsin

FILED
WINNEBAGO COUNTY

WILLIAM E. CROFT
CLERK OF COURT

FILED
APR 19 1976
CONVERSE C. MARKS
CITY CLERK
OSHKOSH, WIS.

Served

Deputy Sheriff

WALTER E. BUSSE and MARIANNE
BUSSE, his wife,

Plaintiffs,

vs.

COMPLAINT

CITY OF OSHKOSH,

Defendant.

Now comes the plaintiffs by Fulton, Menn & Nehs, Ltd. by
Peter S. Nelson, their attorneys and for cause of action against
the defendant, allege as follows:

1. That the plaintiffs reside at 1855 Oshkosh Avenue, Town
of Algoma, post office address, Oshkosh, Winnebago County, Wisconsin
and are and were at all times material hereto the owners of certain
real estate described as follows:

That part of the North West 1/4 of the SOUTH WEST 1/4 of
Section Fifteen (15) Township Eighteen (18) North, of Range
Sixteen (16) East, described as follows, viz:-

Commencing on the South line of said North West 1/4 of South
West 1/4, Forty (40) rods east of the Southwest corner thereof,
thence north parallel to the West line of said South West
1/4 to the Center line of Highway, running in a northeasterly
and southwesterly direction through said North West 1/4 of
South West 1/4, the Northeasterly (or most Northerly) corner
of land conveyed to Thomas R. Goe by Deed recorded in Winnebago
County Registry in Volume 105 on page 123, thence northeasterly
along the Center line of said Highway, One Hundred Fifty (150)
feet, the place of beginning, thence southerly Two Hundred
Twenty (220) feet to a point that is Two Hundred Twenty-three
(223) feet west of the East line of land conveyed to J. H.
Porter by Deed recorded in Winnebago County Registry in Volume
229 on page 201, thence south parallel to the East line of said
J. H. Porter's land, Two Hundred Forty (240) feet, thence east
parallel to the South line of said North West 1/4 of South
West 1/4, Eighty-four and five-tenths (84.5) feet, thence north
parallel to the East line of said J. H. Porter's land, Two
Hundred Forty (240) feet, thence northerly to a point on the
Center line of before-mentioned Highway, One Hundred Thirteen
(113) feet northeasterly of the place of beginning, thence south-
westerly along the Center line of said Highway, One Hundred
Thirteen (113) feet, to the place of beginning.

2. That the defendant, City of Oshkosh, is a municipal corporation located in Winnebago County, Wisconsin.

3. That on March 4, 1976, the defendant by its common council purported to adopt a general ordinance annexing certain territories to the City of Oshkosh, which, among other things, constituted so called town islands located in the Town of Algoma.

4. That plaintiffs herein were and are owners of a parcel of land included in such annexation ordinance as parcel 14.

5. That such purported annexation ordinance is null and void and of no effect for the following reasons:

A. It did not include all islands located within the Town of Algoma.

B. That the same was not adopted with the requisite two-thirds vote of the City council.

C. That said ordinance was adopted in violation of the rules of procedure of the Oshkosh City Council.

D. That by mutual agreement said ordinance was not to be acted upon at the time that it was said mutual agreement being between the Town of Algoma and the City of Oshkosh.

E. That such ordinance was unconstitutional in the following respects:

1. Failure to provide provision for a referendum for the land owners or residents of such town islands, a category which includes both plaintiffs.

2. Failure to specify the method of determining what territory is or is not exempt from annexation.

3. Failing to specify with certainty the number of persons required to vote in adopting such ordinance.

WHEREFORE plaintiffs demand judgment declaring such ordinance of annexation to be null and void and of no effect for the reasons set forth above.

Dated this 13th day of April, 1976.

FULTON, MENN & NEHS, LTD.
Attorneys for the Plaintiffs

By: 

Peter S. Nelson

STATE OF WISCONSIN
DEPARTMENT OF STATE
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DOUGLAS LAFOLLETTE
SECRETARY OF STATE

FILED
SAN FRANCISCO COUNTY

DAVID E. OSBORNE
CLERK OF COURTS

STATE OF WISCONSIN

CIRCUIT COURT

WINNEBAGO COUNTY

TOWN OF ALGOMA,

Plaintiff,

BRJ

vs.

CITY OF OSHKOSH,

Defendant.

SUMMONS

File No. 42463

TO THE ABOVE NAMED DEFENDANT :

You are hereby summoned and required to serve upon
Fulton, Menn & Nehs Ltd., plaintiff's attorneys, whose address
is P. O. Box 785, 222 North Oneida Street, Appleton, Wisconsin,
54911, an answer to the complaint which is herewith served upon
you within twenty (20) days after service of this summons upon
you, exclusive of the day of service, and in case of your failure
so to do judgment will be rendered against you according to the
demand of the complaint.

Served

[Handwritten signature]
Deputy Sheriff
Winnebago Sheriff's Dept.

FILED
WINNEBAGO COUNTY

APR 14 1976

DOUGLAS LAFOLLETTE
SECRETARY OF STATE

FULTON, MENN & NEHS LTD.
Attorneys for Plaintiff

BY:

Peter S. Nelson

P. O. ADDRESS: 222 North Oneida St.
P. O. Box 785
Appleton, Wisconsin

STATE OF WISCONSIN
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DOUGLAS LAFOLLETTE
SECRETARY OF STATE

FILED
APR 19 1976
CONVERSE C. MARKS
CITY CLERK
OSHKOSH, WIS.

TOWN OF ALGOMA,

Plaintiff,

vs.

COMPLAINT

CITY OF OSHKOSH,

Defendant.

Now comes the plaintiff by Fulton, Menn & Nehs, Ltd. by Peter S. Nelson, its attorney and for a cause of action against the defendant, alleges as follows:

1. That the plaintiff is a governmental body existing in Winnebago County, Wisconsin. That the address of its town chairman is 2720 Omro Road, Oshkosh, Wisconsin 54901.

2. That the defendant, City of Oshkosh, is an incorporated governmental body located in Winnebago County, Wisconsin.

3. That on or about March 4, 1976, the defendant, City of Oshkosh, purported to pass a general ordinance annexing certain territories to the City of Oshkosh which allegedly included so called town islands located within the plaintiff Town of Algoma.

4. That in so doing, said City claimed to be acting under Wis. Stat. Sec. 66.021 (15).

5. That said annexation and the ordinance purportedly conducting such annexation was null and void and of no effect whatsoever for the following reasons:

A. It did not include all islands located within the Town of Algoma.

B. That the same was not adopted with the requisite two-thirds vote of the City council.

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CLERK OF COURTS

C. That said ordinance was adopted in violation of the rules of procedure of the Oshkosh City Council.

D. That by mutual agreement said ordinance was not to be acted upon at the time that it was said mutual agreement being between the Town of Algoma and the City of Oshkosh.

WHEREFORE the plaintiff demands judgment declaring such annexation ordinance to be null and void and of no force or effect whatsoever.

Dated this 13th day of April, 1976.

FULTON, MENN & NEHS, LTD.
Attorneys for the Plaintiff

By: 

Peter S. Nelson

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WINNEBAGO COUNTY

APR 17 1976

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