

MANITOWOC, MANITOWOC COUNTY

SUMMONS

OFFICE OF THE SECRETARY OF STATE
State of Wisconsin

**STATE OF WISCONSIN
RECEIVED AND FILED**

SEP 18 1980

**VEL PHILLIPS
SECRETARY OF STATE**

3

Com. Whole
AUG 4 1980

STATE OF WISCONSIN

CIRCUIT COURT

MANITOWOC COUNTY

WILLIAM C. MUTH and
FRANCIS C. MUTH,

Plaintiffs, STATE OF WISCONSIN
RECEIVED AND FILED SUMMONS

-vs-

SEP 18 1980

Case No. 80 CV 367J

~~CITY OF MANITOWOC,~~
WISCONSIN,

VEL PHILLIPS
SECRETARY OF STATE

Defendant.

THE STATE OF WISCONSIN, To said defendant:

YOU ARE HEREBY SUMMONED and required to serve upon
NASH, SPINDLER, DEAN & GRIMSTAD, plaintiffs' attorneys, whose
address is P. O. Box 1128, 201 East Waldo Boulevard, Manitowoc,
Wisconsin 54220, an answer to the complaint which is herewith
served upon you within 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.

NASH, SPINDLER, DEAN & GRIMSTAD

By James A. Mast
Plaintiffs' Attorneys

P. O. ADDRESS:

P. O. Box 1128
201 East Waldo Boulevard
Manitowoc, Wisconsin 54220

RECEIVED

JUL 31 1980

6 1 6

CITY CLERK'S OFFICE

*Committee recommends
directing City Attorney
to defend this action
& placing on file*

*ok A.V. Dufek
Meyers
8-7-80*

G. F. Dollata

T. G. Munsil

S. F. Marshall

R. J. Nichols

R. A. Johnson

William F. Kohl

T. Friedman

Dr. Thiele

Nancy H. Crowley

CIRCUIT COURT

WILLIAM C. MUTH and
FRANCIS C. MUTH,

Plaintiffs,

-vs-

CITY OF MANITOWOC,
WISCONSIN,

Defendant.

COMPLAINT

Case No. 800 CV 36.75

NOW COME the plaintiffs, William C. Muth and Francis C. Muth, by their attorneys, NASH, SPINDLER, DEAN & GRIMSTAD, and by way of complaint against the defendant, City of Manitowoc, Wisconsin, respectfully allege as follows:

1. Plaintiff, William C. Muth, is an adult resident of the City of Manitowoc, Manitowoc County, Wisconsin.

2. Plaintiff, Francis C. Muth, is an adult resident of the Town of Manitowoc, Manitowoc County, Wisconsin.

3. Defendant, City of Manitowoc, Wisconsin is a municipal corporation organized and operated under the laws of the State of Wisconsin and is located in the County of Manitowoc, Wisconsin.

4. Plaintiffs are informed and do believe that on or after the 2nd day of June, 1980, the defendant, City of Manitowoc, Wisconsin, by its duly elected representatives, did adopt an Annexation Ordinance, a true copy of which is marked Exhibit "A", attached hereto and made part hereof. A true copy of the Certificate of Annexation is marked Exhibit "B", attached hereto and made part hereof.

MANITOWOC COUNTY, WIS.
FILED

1980 JUL 31 AM 11:57

JOAN E. HOFFMAN
CLERK OF
CIRCUIT COURT

5. Said Annexation Ordinance purports to annex to defendant, City of Manitowoc, Wisconsin, certain real property more specifically described in said Annexation Ordinance and Certificate of Annexation. Substantial portions of said real property were and are, at all times relevant hereto, owned by plaintiffs above named.

6. Your plaintiffs did not petition for said annexation; nor did your plaintiffs support, sign, affirm or join in any petition for said annexation.

7. Defendant, City of Manitowoc, Wisconsin, by its duly elected representatives, did exceed its statutory and common law authority by acting in an arbitrary and capricious manner in adopting said annexation ordinance, in that said defendant, among other things:

- 1) Did, through its representatives, agents and employees, design and fix the shape and boundaries of said annexation, arbitrarily and capriciously, solely to insure its success;
- 2) Has no reasonable present or demonstrable future need for said annexed real property or a substantial portion thereof;
- 3) Has, through its representatives, agents and employees, abused its discretion in adopting said ordinance when it knew or should have known that the annexation is against the public interest and is opposed by property owners owning a substantial portion of the real property contained therein.

WHEREFORE, plaintiffs demand judgment against the defendant as follows:

1. Declaring said Annexation Ordinance void and unenforceable from the date of its adoption or purported adoption;
2. For their costs and disbursements;
3. For such other and further relief as the Court deems just and equitable.

Dated this 31st day of July, 1980.

NASH, SPINDLER, DEAN & GRIMSTAD

By James A. Mast
Plaintiffs' Attorneys

P.O. Address:

P.O. Box 1128
201 E. Waldo Boulevard
Manitowoc, Wisconsin 54220

Telephone: (414) 684-3321

MAY 19 1980

ORDINANCE

An Ordinance annexing certain territory to the City of Manitowoc and the 2nd and 8th Aldermanic Districts of said City.

The Mayor and Common Council of the City of Manitowoc do ordain as follows:

Section 1: Territory Annexed. In accordance with Section 66.021(12) of the Wisconsin State Statutes and Petition for Direct Annexation filed with the City Clerk April 21, 1980, signed by a majority of the owners of real property in assessed value and a majority of the qualified electors residing within the territory in the Town of Manitowoc, Manitowoc County, Wisconsin, the following described area is herewith annexed to the City of Manitowoc.

DESCRIPTION

A parcel of land located in the NE 1/4, Section 18, T. 19 N., R. 24 E., the North 1/2 of the NW 1/4, Section 17, T. 19 N., R. 24 E., and the SW 1/4 of Section 8, T. 19 N., R. 24 E., all located in the Town of Manitowoc, Manitowoc County, Wisconsin and further described as follows:

Commencing at the SW corner of the NE 1/4 of Section 18, T. 19 N., R. 24 E., thence North along the section line 250 feet, thence Easterly and parallel with the East-West 1/4 section line, 1630 feet more or less, thence N. 0° 58' W., 2350 feet more or less to the North, East-West line of Section 18, thence Easterly along said section line 1350 feet more or less to the centerline of C.T.H. "B", thence N. 15° 59' W., along said centerline 103.50 feet; thence N. 88° 53' E., 449.20 feet; thence N. 1° 07' W., 140.15 feet; thence S. 88° 53' W., 168.68 feet; thence N. 1° 07' W., 162.84 feet; thence S. 88° 53' W., 360.96 feet to the centerline of C.T.H. "B", thence N. 15° 59' W., along said centerline 265.67 feet more or less; thence N. 15° 34' 30" W., 208.00 feet; thence N. 14° 14' 30" W., 224.53 feet; thence N. 11° 49' 30" W., 210.00 feet; thence N. 4° 32' W., 105.55 feet; thence N. 0° 11' E., 199.00 feet; thence N. 89° 38' 30" E., 212.00 feet; thence N. 0° 11' E., 205.50 feet; thence S. 89° 38' 30" W., 212.00 feet to the centerline of C.T.H. "B", thence N. 0° 11' E., along said centerline 358.20 feet; thence N. 89° 58' E., 185.00 feet; thence N. 0° 11' E., 400.00 feet to the North line of the SW 1/4 of Section 8; thence N. 89° 58' E., along said section line 1125 feet; thence S. 89° 56' 45" E., 1312.32 feet to the East line of the SW 1/4 of Section 8; thence S. 0° 26' 20" W., 2616.94 feet to the South line of the SW 1/4 of Section 8 and also the centerline of Albert Drive; thence continuing South along the East line of the NW 1/4 of Section 17 to the 1/16th line; thence West along said 1/16th line 800 feet more or less EXHIBIT "A" to the West meander line of the Little Manitowoc River; thence

located approximately 40 feet West of the thread of the river; thence N. 48° 56' 30" W., 429.60 feet to a point located approximately 20 feet South of the thread of the river; thence S. 82° 01' W., 291.50 feet to a point located approximately 45 feet Southwest of the thread of the river; thence N. 68° 56' W., 688.58 feet to the centerline of North 8th Street (all land lying between the meander line East of North 8th Street and the present thread of the Little Manitowoc River is presently in the City Limits). Thence S. 12° 57' E., along the centerline of North 8th Street 783.33 feet; thence S. 89° 04' W., along the 1/16th line 650.60 feet to the West line of the NW 1/4 of Section 17; thence S. 0° 58' E., along the section line 973.66 feet more or less to the Southerly right-of-way line of the Two Rivers branch of the Chicago and Northwestern Railway; thence Southwesterly along said right-of-way to the South line of the NE 1/4 of Section 18; thence West along said section line to the centerline of C.T.H. "Q" being also the point of real beginning.

Said Tract of land contains 269 acres of land more or less.

Section 2: Effects of Annexation: The day after the publication of this ordinance the territory described in Section 1 shall be a part of the City of Manitowoc for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all ordinances, rules, regulations governing the City of Manitowoc, and the territory is annexed for school purposes and shall be under the Manitowoc Public School District and subject to all laws concerning the same.

Section 3. Aldermanic District Designation: The territory herein described is made a part of and attached to the 2nd and 8th Aldermanic Districts of the City of Manitowoc, with the boundaries being North 8th Street and North 18th Street.

Section 4. Zone District Classifications: The territory herein described is classified as "R-1" Residential-Agricultural District all as per Section 15.03 of the Municipal Code.

INTRODUCED MAY 19 1980

JUN 2 1980

ADOPTED

APPROVED

Anthony J. Gallata

Anthony V. Dupak
MAYOR

James H. ...
Don ...

6-2-80 line recommended adoption
A. J. Gallata R. J. ...

CERTIFICATE OF ANNEXATION

I, Junc E. Fetzer, City Clerk of the City of Manitowoc, County of Manitowoc, State of Wisconsin, DO HEREBY CERTIFY that the following described territory was detached from the Town of Manitowoc, County of Manitowoc, and was annexed to the said City of Manitowoc, pursuant to Section 66.021 of the Wisconsin Statutes, by an ordinance adopted by the Common Council at a regular meeting held June 2, 1980:

DESCRIPTION

A parcel of land located in the NE 1/4, Section 18, T. 19 N., R. 24 E., the North 1/2 of the NW 1/4, Section 17, T. 19 N., R. 24 E., and the SW 1/4 of Section 8, T. 19 N., R. 24 E., all located in the Town of Manitowoc, Manitowoc County, Wisconsin and further described as follows:

Commencing at the SW corner of the NE 1/4 of Section 18, T. 19 N., R. 24 E., thence North along the section line 250 feet, thence Easterly and parallel with the East-West 1/4 section line, 1630 feet more or less, thence N. $0^{\circ} 58' W.$, 2350 feet more or less to the North, East-West line of Section 18, thence Easterly along said section line 1350 feet more or less to the centerline of C.T.H. "B", thence N. $15^{\circ} 59' W.$, along said centerline 103.50 feet; thence N. $88^{\circ} 53' E.$, 449.20 feet; thence N. $1^{\circ} 07' W.$, 140.15 feet; thence S. $88^{\circ} 53' W.$, 168.68 feet; thence N. $1^{\circ} 07' W.$, 162.84 feet; thence S. $88^{\circ} 53' W.$, 360.96 feet to the centerline of C.T.H. "B", thence N. $15^{\circ} 59' W.$, along said centerline 265.67 feet more or less; thence N. $15^{\circ} 34' 30'' W.$, 208.00 feet; thence N. $14^{\circ} 14' 30'' W.$, 224.53 feet; thence N. $11^{\circ} 49' 30'' W.$, 210.00 feet; thence N. $4^{\circ} 32' W.$, 105.55 feet; thence N. $0^{\circ} 11' E.$, 199.00 feet; thence N. $89^{\circ} 38' 30'' E.$, 212.00 feet; thence N. $0^{\circ} 11' E.$, 205.50 feet; thence S. $89^{\circ} 38' 30'' W.$, 212.00 feet to the centerline of C.T.H. "B", thence N. $0^{\circ} 11' E.$, along said centerline 358.20 feet; thence N. $89^{\circ} 58' E.$, 185.00 feet; thence N. $0^{\circ} 11' E.$ 400.00 feet to the North line of the SW 1/4 of Section 8; thence N. $89^{\circ} 58' E.$, along said section line 1125 feet; thence S. $89^{\circ} 56' 45'' E.$, 1312.32 feet to the East line of the SW 1/4 of Section 8; thence S. $0^{\circ} 26' 20'' W.$, 2616.94 feet to the South line of the SW 1/4 of Section 8 and also the centerline of Albert Drive; thence continuing South along the East line of the NW 1/4 of Section 17 to the 1/16th line; thence West along said 1/16th line 800 feet more or less to the West meander line of the Little Manitowoc River; thence N. $17^{\circ} 59' 30'' W.$ along said meander line 273.57 feet to a point located

approximately 40 feet West of the thread of the river; thence N. $48^{\circ} 56' 30''$ W., 429.60 feet to a point located approximately 20 feet South of the thread of the river; thence S. $82^{\circ} 01'$ W., 291.50 feet to a point located approximately 45 feet Southwest of the thread of the river; thence N. $68^{\circ} 56'$ W., 688.58 feet to the centerline of North 8th Street (all land lying between the meander line East of North 8th Street and the present thread of the Little Manitowoc River is presently in the City Limits). Thence S. $12^{\circ} 57'$ E., along the centerline of North 8th Street 783.33 feet; thence S. $89^{\circ} 04'$ W., along the 1/16th line 650.60 feet to the West line of the NW 1/4 of Section 17; thence S. $0^{\circ} 58'$ E., along the section line 973.66 feet more or less to the southerly right-of-way line of the Two Rivers branch of the Chicago and Northwestern Railway; thence Southwesterly along said right-of-way to the South line of the NE 1/4 of Section 18; thence West along said section line to the centerline of C.T.H. "Q" being also the point of real beginning.

Said Tract of land contains 269 acres of land more or less.

Pursuant to Section 66.021 (8) (a) this is to certify that the population of the above annexed area is eleven (11).

Dated

JUN 10 1980


June E. Petzer, City Clerk

CITY LIMITS

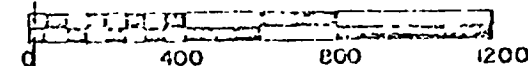
AREA OF PROPOSED
ANNEXATION TO THE CITY
OF MANITOWOC, WISCONSIN
269 ± ACRES

ANNEXATION MAP

APRIL 1980

MANITOWOC CITY PLAN COMMISSION

SCALE IN FEET:



CITY LIMITS

CITY LIMITS

TOWN OF MANITOWOC

CITY LIMITS

CITY LIMITS

CITY AIRPORT

CITY LIMITS

CITY OF MANITOWOC, WISCONSIN

