

Beloit
Rock County

NULLIFICATION OF ANNEXATION
Oct. 21, 1968

State of Wisconsin)
Department of State) ss.

Received and filed this8th.....

day ofJan..... A.D. 19.69..

Robert J. Zimmerman
.....
Secretary of State

GARRIGAN, KEITHLEY, O'NEAL, DOBSON & ELLIOTT
LAWYERS

542 EAST GRAND AVENUE
BELOIT, WISCONSIN 53511

December 23, 1968

P. O. BOX 905
TELEPHONE 362-9316
AREA CODE 608

ERNEST C. FIEDLER
1893-1935
GEORGE A. GARRIGAN
GEORGE W. KEITHLEY
ROGER D. O'NEAL
DONALD L. DOBSON
JEROME ELLIOTT
DELMAR E. DELONG

Secretary of State
Capitol Building
Madison, Wisconsin 53700

Wisconsin Power and Light Company
Public Service Building
Beloit, Wisconsin 53511

Register of Deeds
County Court House
Janesville, Wisconsin 53545

Mr. Samuel B. Loizzo
City Attorney
Municipal Center
Beloit, Wisconsin 53511

Mr. Donald V. Williams
Town Clerk - Town of Beloit
2020 Madison Road
Beloit, Wisconsin 53511

Mr. Arthur F. Kind
Town Chairman - Town of Beloit
739 Columbine Drive
Beloit, Wisconsin 53511

STATE OF WISCONSIN SS
DEPARTMENT OF STATE
RECEIVED AND FILED

JAN 8 1969

ROBERT C. ZIMMERMAN
SECRETARY OF STATE

Re: Ordinance No. 940, Valley Road
Annexing land to the City of
Beloit from the Town of Beloit,
Ordinance dated 10/21/68, the
annexation, however, defeated
by referendum proceedings held
12/14/68

Gentlemen:

We are forwarding the information set forth in this letter as attorney for the Town of Beloit. Section 66.021 (8) requires that the Clerk of a City annexing territory file certain information with the Secretary of State and others. We find no provision in the statute for reversing this process when the annexation is subsequently defeated by a referendum provided for by Section 66.021 (5). See Section 66.021 (5) (g) which provides that if the result of the referendum is against annexation, all previous proceedings shall be nullified.

Section 66.026 makes provision for notice of litigation which may result in a nullification of an annexation ordinance but refers to "instigation of legal proceedings."

For this reason we deem it necessary that the following information be submitted to you so that the authorities in interest have notice for the purpose of making the necessary adjustment for equalized values, boundaries, utility service, etc.

Secretary of State
Wisconsin Power and Light Company
Register of Deeds
Mr. Samuel B. Loizzo
Mr. Donald V. Williams
Mr. Arthur F. Kind

- 2 -

December 23, 1968

Accordingly, we enclose the following:

1. Certificate of Clerk concerning certified copies of:
 - A. Certificate of Election Inspectors at the referendum election.
 - B. Official referendum ballot attached to the certificate of the inspectors.
 - C. Valley Road Annexation area map.
 - D. Published copy of Ordinance No. 940 which was nullified by the referendum.

If anything further is needed, please advise.

Yours very truly,

GARRIGAN, KEITHLEY, O'NEAL, DOBSON, ELLIOTT & DeLONG

By 

RDO:dch
Encs.

Distribution: Secretary of State (4 copies of enclosure)
Wisconsin Power and Light Company (1 copy of enclosure)
Register of Deeds (1 copy of enclosure)
City Attorney (1 copy of enclosure)
Town Clerk (1 copy of enclosure)
Town Chairman (letter of transmittal only)

C E R T I F I C A T E

STATE OF WISCONSIN)

COUNTY OF ROCK)

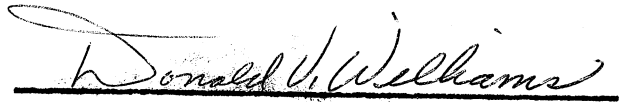
253

I, Donald V. Williams , do hereby certify that I am

Town Clerk of the Town of Beloit

and that I am the legal custodian of the Certificate by Inspectors of
Referendum Election held December 14, 1968, Official Referendum Ballot,
Map of area filed by City with Town Clerk and copy of published Ordinance
No. 940 of the City of Beloit,
and that I have compared the within ~~copy of said Ordinance~~ copies of the above
original and that the within ~~copy of said Ordinance~~ copies are copies
~~copy of said Ordinance~~ true ~~copy~~ thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed
the seal of the Town of Beloit
this 23rd Day of December, 1968.



Donald V. Williams

VALLEY ROAD ANNEXATION

CANVASS OF REFERENDUM ELECTION

STATE OF WISCONSIN)

:ss

COUNTY OF ROCK)

The undersigned Election Inspectors, being first duly sworn on oath, depose and say that they were the Election Inspectors at the referendum election held on the 14th day of December, 1968, upon the referendum election upon the question contained upon the official ballot which is attached hereto and made a part of this affidavit and that pursuant to Section 66.021 (5) (e) the following information is submitted:

The whole number of votes cast at said election was 52

The number cast for the annexation was 21

The number cast against the annexation was 31

The undersigned do further certify that the above information is true and correct and that this affidavit and certificate shall be filed in the Office of the Town Clerk and a duplicate original of this affidavit shall constitute a certified statement of the results of said election and shall be filed in the Office of the Clerk of the City of Beloit located at the Municipal Building, Beloit, Wisconsin, all as required by the Statute.

Mrs. Pola Corbet
Inspector Title

Mrs. Elaine Furman
Inspector Title

Mrs. Geraldine Tate
Inspector Title

Subscribed and sworn to before me
this 14th day of Dec, 1968.

W. Williams

TOWN CLERK

Official Referendum Ballot

If you desire to vote for the question below, make a cross (X) or other mark in the square after the words "for annexation" underneath such question; if you desire to vote against the question, make a cross (X) or other mark in the square after the words "against annexation" underneath such question.

Should the following described property be annexed from the Town of Beloit to the City of Beloit (referring to the Valley Road Annexation):

All that part of the S.E. $\frac{1}{4}$ of the S.E. $\frac{1}{4}$ of Section 23, and all that part of the S.W. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Section 24, all in T1N, R12E, of the 4th P.M., Rock County, Wisconsin, more particularly described as follows:

Beginning at an iron pipe 30.0 feet, N 1°-19' W, and 71.02 feet N 88°-22' E, from the S.E. corner of said Section 23; thence, N 1°-19' W, along a line one foot West of and parallel with the West line of Glen Street in Perrigo Place Addition, 960.2 feet to an iron pipe monument; thence, S 88°-22' W, along the North line of River Bluffs Addition, 496.23 feet to an iron pipe monument; thence, N 3°-29' E, along the West line of Froebel Heights Addition, 276.14 feet; thence, N 3°-13' E, along the West line of Froebel Heights Addition, 274.98 feet to the centerline of Henderson Avenue; thence, Westerly along the centerline of Henderson Avenue to the centerline of Riverside Drive (U.S. Hwy. #51); thence, Southerly along the centerline of Bayliss Avenue; thence, Easterly along the centerline of Bayliss Avenue to a point 71.02 feet, N 88°-22' E, of the S.W. corner of Section 24; thence, N 1°-19' W, 30.0 feet to the Place of Beginning. (31.2 Acres)

For Annexation

Against Annexation

Official Referendum Ballot

FOR

..... Precinct, Ward,
City (Village or Town) of
....., 19.....

.....
.....
Ballot Clerks

Absent Voter's Ballot issued by

.....
.....
County Clerk
City Clerk
Village Clerk
Town Clerk

We certify that the within ballot was marked by us for an elector incapable under the law of marking his own ballot and as directed by him.

.....
..... of Election.

.....
..... of Election.

I certify that the within ballot was marked by me at the request of an absentee elector incapable under the law of marking his own ballot and as directed by him.

.....
Signature of officer authorized to administer oaths

.....
Title

ORDINANCE NO. 940
AN ORDINANCE ANNEXING THE VAL-
LEY ROAD
PROPERTY TO THE CITY OF БЕЛОIT,
WISCONSIN

The City Council of the City of Beloit, Rock County, Wisconsin, do ordain as follows:

Section 1: Territory Annexed. In accordance with Section 66.021 of the Wisconsin Statutes, and the petition for direct annexation filed with the City Clerk on the 13th day of September, 1968, signed by a majority of the electors residing in the territory, and the owners of one-half of the land in area in the territory, the following described territory in the Town of Beloit, Rock County, Wisconsin, is annexed to the

City of Beloit, Wisconsin, for all purposes, and to the City of Beloit school district for school purposes:

All that part of the S.E. $\frac{1}{4}$ of the S. E. $\frac{1}{4}$ of Section 23, and all that part of the S.W. $\frac{1}{4}$ of the S.W. $\frac{1}{4}$ of Section 24, all in T1N, R12E, of the 4th P.M., Rock County, Wisconsin, more particularly described as follows:

Beginning at an iron pipe 30.0 feet, N 1°-19' W, and 71.02 feet N 88°-22' E, from the S.E. corner of said Section 23; thence, N 1°-19' W, along a line one foot West of and parallel with the West line of Glen Street in Perrigo Place Addition, 960.2 feet to an iron pipe monument; thence, S 88°-22' W, along the North line of River Bluffs Addition 496.23 feet to an iron pipe monument; thence, N 3°-29' E, along the West line of Froebel Heights Addition, 276.14 feet; thence, N 3°-13' E, along the West line of Froebel Heights Addition, 274.98 feet to the centerline of Henderson Avenue; thence, Westerly along the centerline of Henderson Avenue to the centerline of Riverside Drive (U.S. Hwy. 51); thence, Southerly along the centerline of Riverside Drive to the centerline Bayliss Avenue; thence, Easterly along the centerline of Bayliss Avenue to a point 71.02 feet, N 88°-22' E, of the S.W. corner of Section 24; thence, N 1°-19' W, 30.0 feet to the Place of Beginning. (31.2 Acres)

Section 2: Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1, shall be a part of the City of Beloit for any and all purposes provided by law and all persons coming on or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Beloit, the said territory is hereby made a part of the City of Beloit school district, subject to all of the laws governing the same.

Section 3: Ward Designation. The territory described in Section 1, of this ordinance is hereby made a part of the Thirty-First Ward, Second Precinct, of the City of Beloit, subject to the ordinances, rules and regulations of the City governing Wards and Precincts.

Section 4: Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

Section 5: Effective Date. This ordinance shall take effect and be in force upon its passage and publication.

Ordained and enacted this 21 day of October, 1968.

-s- Robert E. Tilley
President of the Council

Attest: R. H. Calland, City Clerk
Published this 22 day of October, 1968.
P. O. 9754

GRAN STON

BELOIT TOWNSHIP

LENDERSON

EDDY

VALLEY
ROAD
ANNEX

COTTAGE

MOUND

CHURCH

PARK

CITY LIMIT

NEWFIELD

J. FALLS

HENRY

RIVER

VALLEY RD.

1" = 400'

