

CITY OF SHEBOYGAN

COUNTY OF SHEBOYGAN

Judgment

OFFICE OF THE SECRETARY OF STATE
State of Wisconsin

Filed: May 9, 1991

CORRESPONDENCE/MEMORANDUM

Date: *May 9, 1991*File Ref: *139*To: John Pamperin
Department of Transportation
Room 951, Hill Farm State Office Bldg.From: Secretary of State's Office
Teresa J. Walker
Government Records Division

Subject: Municipal filings re: Chapter 66, Wis. Stats.

Enclosed please find the following:

☐ Annexation☐ Detachment☐ Notice of Litigation☒ Other: *Judgment*City/Village of: *Sheboygan*County of: *Sheboygan*Land from Town/Village of: *Tolson*Ordinance #: *-*Adoption date: *-*Population: *-*

If you have any questions, please contact our office.

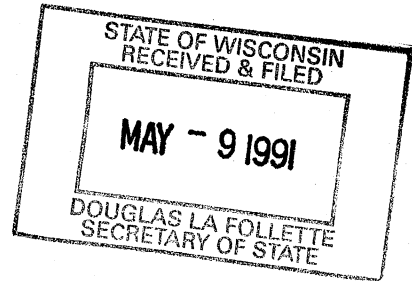
cc: Depts. of: Administration
Development
Public Instruction
RevenueClerk
File

ALEXANDER HOPP
EUGENE F. HODSON
COURT COMMISSIONER
WILLIAM R. POWELL
JOHN E. RAFTERY
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May 1, 1991



Secretary of State
P.O. Box 7846
Madison, WI 53707

Re: Town of Wilson v.
City of Sheboygan
Case Nos. 88 CV 00822, 88 CV 00823,
88 CV 00855, 88 CV 00856, CV 88 00857,
88 CV 00858, 88 CV 00859, 88 CV 00860,
88 CV 00861, 88 CV 00862, 88 CV 01021,
88 CV 01022, 88 CV 01071 (Judge Stengel);
88 CV 1115, 88 CV 1179, 88 CV 1180 (Judge
Murphy)

Dear Sirs:

Pursuant to Wis. Stats., sec. 66.021(8), enclosed is a copy of Sheboygan County Circuit Judge L. Edward Stengel's judgment dated May 1, 1991, and Sheboygan County Circuit Judge John B. Murphy's judgment dated May 2, 1991, resolving the above referenced annexation actions between the Town of Wilson and City of Sheboygan.

Very truly yours,

HOPP, HODSON, POWELL & RAFTERY

By


Michael J. Bauer

MJB/mm

Enclosures

STATE OF WISCONSIN

CIRCUIT COURT

91 MAY 9 48:00

TOWN OF WILSON, a municipal
corporation,

Plaintiff,

JUDGMENT

-vs-

Case Nos. 88 CV 1115 (Graef)
88 CV 1179 (Schimpf)
88 CV 1180 (Butzen)

CITY OF SHEBOYGAN, a municipal
corporation,

Defendant.

The parties executed a Stipulation dated April 9, 1990 and the Honorable Daniel P. Anderson, Circuit Judge, approved said Stipulation by Order dated April 11, 1990;

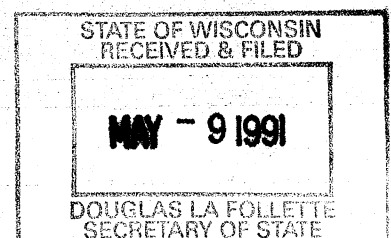
That said Stipulation and Order effectively held the above three annexation lawsuits in abeyance, and to be dependent upon the final judicial decision rendered in thirteen (13) annexation lawsuits which were simultaneously pending in Sheboygan County Circuit Court Branch I, Honorable L. Edward Stengel presiding;

That Circuit Judge, L. Edward Stengel rendered his decision, dated March 1, 1991, whereby he found and adjudged that the twelve (12) separate annexations commonly referred to as the "Stipe Annexations" violate the "rule of reason" and found the resulting boundaries to be arbitrary and invalid. The properties contained within said twelve (12) annexations were ordered detached from the City of Sheboygan and returned to the jurisdiction of the Town of Wilson.

That the annexation referred to as the "Roe Annexation" was found to be valid and shall remain as part of the City of Sheboygan.

That as a result of the "Stipe Annexation" decision, it is found that the property contained within the "Graef and Schimpf Annexations" are no longer contiguous to any City of Sheboygan boundaries and therefore are invalid.

That as a result of the "Roe Annexation" decision, it is found that the property contained within the "Butzen Annexation" remains contiguous to City of Sheboygan boundaries and is therefore a valid annexation.



On Motion of Hopp, Hodson, Powell & Raftery by Michael J. Bauer, attorneys for the plaintiff, Town of Wilson,

IT IS ADJUDGED:

1. That the annexations referred to as the "Graef Annexation" (Case No. 88 CV 1115) and the "Schimpf Annexation" (Case No. 88 CV 1179) are no longer contiguous to City boundaries and are therefore invalid. The properties contained within said annexations are ordered detached from the City of Sheboygan and returned to the jurisdiction of the Town of Wilson effective this date. Said property is more particularly and legally described as follows:

GRAEF PROPERTY

Part of W 1/2, NW 1/4, Section 11, T14N, R23E, being Lots 7 and 8, Blk. 2, Deermound Subd., plus the following described parcel beginning at the SE corner of Lot 7, Blk. 2 of said subd., thence S. to the S.L. of Panther Ave., thence W. along the said S.L. of Panther Ave. to the W.L. of S. 10th St., thence N. along the W.L. of S. 10th St. to a point, said point being the N.L. of Lot 8, Blk. 2, extended to the W.L. of S. 10th St., thence Ely to the NW corner of Lot 8, Blk. 2, thence Sly to the SW corner of Lot 7, Blk. 2, thence Ely to the point of beginning, being a tract containing 0.85 acres, more or less.

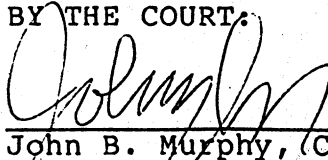
SCHIMPF PROPERTY

Part of W 1/2, NW 1/4, Section 11, T14N, R23E, being Lot 4, Blk. 3, Deermound Subd., being a tract containing 0.20 acres.

2. That the annexation referred to as the "Butzen Annexation" (Case No. 88 CV 1180) is valid and shall remain as part of the City of Sheboygan.

Dated at Sheboygan, Wisconsin, this 2 day of May, 1991.

BY THE COURT:

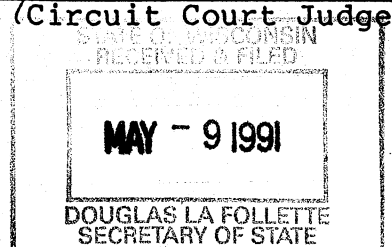

John B. Murphy, Circuit Court Judge

CERTIFIED A TRUE COPY
CLERK OF COURTS, SHEBOYGAN COUNTY

By Mary Ann Borstad
DEPUTY CLERK

Date May 7, 1991

-2-



STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN COUNTY

JUDGMENT 9 48:00

Case No. 88 CV 00822
(REIF)

Case No. 88 CV 00823
(STIPE)

Case No. 88 CV 00855
(RUTKOWSKI)

Case No. 88 CV 00856
(RAVENSCRAFT)

Case No. 88 CV 00857
(SMIES)

Case No. 88 CV 00858
(DOBROSKI)

Case No. 88 CV 00859
(KNIER)

Case No. 88 CV 00860
(DESHAMBO)

Case No. 88 CV 00861
(STEPHANI)

Case No. 88 CV 00862
(THIEL)

Case No. 88 CV 01021
(ROE)

Case No. 88 CV 01022
(RUDNICK)

Case No. 88 CV 01071
(FORSTERLING)

TOWN OF WILSON, a municipal
corporation,

Plaintiff,

-vs-

CITY OF SHEBOYGAN, a municipal
corporation,

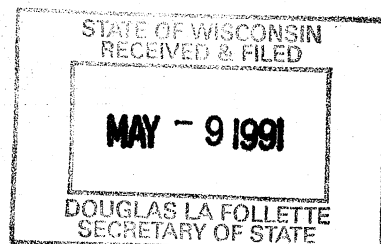
Defendant.

CLERK CIRCUIT COURT
FILED

'91 MAY -1 10:54

SHEBOYGAN COUNTY
WISCONSIN

These thirteen (13) annexation lawsuits having been consolidated and having come on for trial before the Honorable L. Edward Stengel on July 27 and 28, 1989, and the Court having filed its written decision dated March 1, 1991, pursuant to which judgment is directed to be entered as follows:



On Motion of Hopp, Hodson,, Powell & Raftery by Michael J. Bauer, attorneys for plaintiff,

IT IS ADJUDGED:

1. That the annexation referred to as the "Roe Annexation" (Case No. 88 CV 01021) is valid and shall remain as part of the City of Sheboygan.

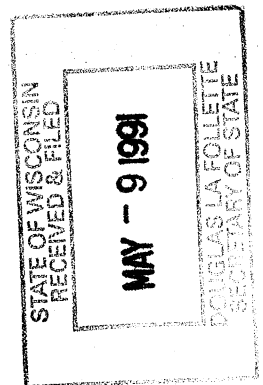
2. That the twelve (12) separate annexations commonly referred to as the "Stipe Annexations" violate the "rule of reason" and finds the boundaries established are arbitrary and invalid. (Case Nos. 88 CV 00822, 88 CV 00823, 88 CV 00855, 88 CV 00856, 88 CV 00857, 88 CV 00858, 88 CV 00859, 88 CV 00860, 88 CV 00861, 88 CV 00862, 88 CV 01022, 88 CV 01071). The properties contained within said twelve (12) annexations are ordered detached from the City of Sheboygan and returned to the jurisdiction of the Town of Wilson effective this date. Said property is more particularly and legally described as follows:

REIF PROPERTY

Part of NW 1/4, NW 1/4, Section 11, T14N, R23E, commencing at the NW corner of Section 11, thence S. 1,034.4' along W.L. of said Section to the intersection of the S.L. of Riverdale Avenue extended from the E., thence E. along said S.L. to the SE corner of S. 12th St. and Riverdale Ave. and the true point of beginning, thence E. 410.5', more or less, along the S. r.o.w. line of Riverdale Ave., thence N. 60' to the N.L. of said avenue, thence N. 311.8', more or less, to the N.L. of the S 1/2, NW 1/4, NW 1/4, Section 11, thence W along said N.L. to a point that is E. 271.5', more or less, of the W.L. of Section 11, thence N. 144', more or less, thence W. 271.5', more or less, to said W.L., thence W. to the W. r.o.w. line of S. 12th St. thence S. along said line to the SW corner of S. 12th St. and Riverdale Ave., thence SEly to the SE corner of S. 12th St. and Riverdale Ave., which is the point of beginning, said tract containing 4.6 acres, more or less.

STIPE PROPERTY

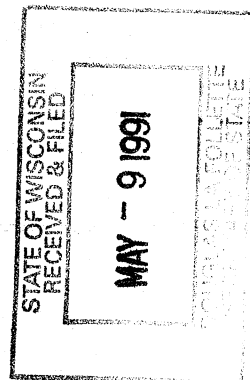
Part of NE 1/4, NE 1/4, Section 10, T14N, R23E, beginning at the NW corner of the intersection of CTH "KK" and CTH "EE", thence Wly along the N.L. of CTH "EE" to a point, said point being the intersection of the W.L. of S. 16th St. extended, to the N.L. of CTH "EE", thence S. along the Wly line of S. 16th St. to a point, said point being



the intersection of the N.L. of Lot 1 extended, Melody Meadows Subd., and the W.L. of S. 16th St., thence Ely along the N.L. of said Lot 1 to the NE corner of said Lot 1, thence Sly along the Ely line of said Lot 1 to its intersection with the NW corner of Outlot 1, Melody Meadows Subd., thence Ely in the N.L. of said Outlot 1 to its intersection with the W.L. of S. 15th St., thence Ely across S. 15th St. to the NW corner of Lot 2, thence Ely along the N.L. of said Lot 2 to its NE corner, thence Sly along the E.L. of said Lot 2 to its intersection with the N.L. of Lot 6, 1st Addition to Melody Meadows Subd., thence Ely along the N.L. of Lots 6 and 7 in said subdivision to the NE corner of said Lot 7, thence Sly along the Ely line of said Lot 7 to the N.L. of Lot 9 of the 1st Addition to Melody Meadows Subd., thence Ely to the NE corner of said Lot 9, thence S. along the Ely line of said Lot 9 to the N.L. of Riverdale Ave., thence Ely along the N.L. of Riverdale Ave. to a point 129.5', more or less, E. of the E.L. of S. 13th St., thence Nly 97.8', more or less, to a point, thence S. $89^{\circ}-5'-5''$ E., to the E.L. of CTH "KK", thence Nly along the W.L. of CTH "KK", a distance of 444.22', more or less, to a point thence Wly a distance of 257.05', more or less, to a point, thence Nly 104.78', more or less, to a point, thence Wly a distance of 381.83', more or less, to a point, thence Nly a distance of 137.03', more or less, to a point, thence Ely a distance of 410.94', more or less, to a point, thence Nly to the S.L. of CTH "EE", thence Ely along the S.L. of CTH "EE" to the SE corner of the intersection of CTH "EE" and CTH "KK", thence Nly to the NE intersection of CTH "EE" and CTH "KK", thence W. to the point of beginning, being a tract of land containing 14.8 acres, more or less.

RUTKOWSKI PROPERTY

Part of the W 1/2 of the NW 1/4, Section 11, T14N, R23E, commencing at a point which is the intersection of the S.L. of Riverdale Ave. and the E.L. of S. 9th St., thence Sly 264' to the point of beginning, thence Sly 192' to the S.L. of Panther Ave., thence Wly 193.5', thence Nly 192', thence Ely 193.5' to the true point of beginning, said tract also known as Lots 5 and 6, Blk. 2, Deer Mound Subd. and adjoining r.o.w., said tract containing 0.85 acres.



RAVENS CRAFT PROPERTY

Part of the W 1/2 of the NW 1/4, Section 11, T14N, R23E, commencing at a point which is the intersection of the S.L. of Riverdale Ave. and the E.L. of S. 9th St., thence Sly 198' to the point of beginning, thence Sly 66', thence Wly 193.5', thence Nly 66', thence Ely 193.5' to the true point of beginning, said tract also known as Lot 4, Block 2 of Deer Mound Subd., said tract containing 0.3 acres.

SMIES PROPERTY

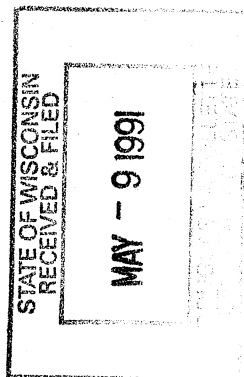
Part of W 1/2, NW 1/4, Section 11, T14N, R23E, Lots 1, 2 and 3, Blk. 2, Deer Mound Subd., commencing at the NW corner of Section 11, thence S. 974.4', more or less, along the W.L. of said section to the Wly extension of the N.L. of Riverdale Ave., thence Ely along said N.L. to the Nly extension of the E.L. of S. 10th St., thence S. along said extension to the S.L. of Riverdale Ave., thence S. 89°-09' E., 267', more or less, to the W.L. of S. 9th St. and the point of beginning, thence N. 89°-09' W., 133.5', thence S. 198', thence S. 89°-09' E., 133.5', more or less, to the W.L. of S. 9th St., thence continuing S. 89°-09' E., 60' to the E.L. of S. 9th St., thence N. to the S.L. of Riverdale Ave., thence N. 89°-09' W., 60' to the SW corner of S. 9th St. and Riverdale Ave., and the point of beginning, being a tract containing 0.61 acres, more or less.

DOBROSKI PROPERTY

Part of SE 1/4, SE 1/4, Section 3, T1N, R23E, Marvery Meadow Subd., Lots 1 - 10, Blk. 3, and adjacent S. 15th and S. 16th St. right-of-ways, being a tract containing 4.69 acres.

KNIER PROPERTY

Part of the NW 1/4, NW 1/4, Sec. 11, T14N, R23E, beginning at the SE corner of S. 10th St. and Riverdale Ave., also known as the NW corner of Lot 12, Blk. 2, Deermound Subd., being a recorded subdivision, thence E. along the S.L. of Riverdale Ave. to the W.L. of S. 8th St., thence E. 40' along the Ely extension of the S.L. of Riverdale



Ave., thence N. 0°-15' W., 60', more or less, thence Nly 318.2' to the NE corner of the S 1/2, NW 1/4, NW 1/4, Sec. 11, thence W. 756.9' to a point E., 560.5' of the NW corner of said S 1/2, thence S. 312.8', more or less, to the N.L. of Riverdale Ave., thence E. along said N.L. to the Nly extension of the E.L. of S. 10th St., thence S. along said extension to the point of beginning, said tract containing 6.4 acres, more or less.

DESHAMBO PROPERTY

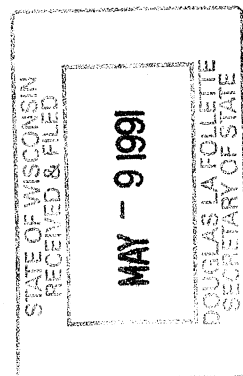
Beginning at the SE corner of Lot 3, Blk. 3, Deermound Subd., thence Ely 60.0' to the E.L. of S. 10th St., thence Nly along the E.L. of S. 10th St., a distance of 258.00' to the N.L. of Riverdale Ave., thence W. along the N.L. of Riverdale Ave., a distance of 103.5', more or less, thence Sly a distance of 60.00' to the S.L. of Riverdale Ave., thence Ely to the W.L. of S. 10th St., thence Sly to the SE corner of Lot 3 and point of beginning, being a tract of land containing 1.02 acres, more or less.

STEPHANI PROPERTY

Part of the NW 1/4, NW 1/4 of Section 11, T14N, R23E, commencing at the NW corner of Section 11, thence S., 1,034.4' along the W.L. of said Section to the intersection of the S.L. of Riverdale Ave. extended from the E., thence E. along said S.L. to the SE corner of S. 12th St. and Riverdale Ave., thence E., 410.5', more or less, along the S. r.o.w. line of Riverdale Ave. to the point of beginning, thence E., 140', thence N., 312.8' more or less, to the N.L. of the S 1/2, of the NW 1/4, NW 1/4, Section 11, thence W., 140' along said N.L. to a point that is E., 420.5' more or less, of the W.L. of Section 11, thence S., 312.8', more or less, to the point of beginning, said tract containing 1.00 acre, more or less.

THIEL PROPERTY

Lot 1, Melody Meadows Subd., and that part of S. 16th St. immediately adjacent to said Lot 1, all being part of NE 1/4 of the NE 1/4 of Section 10, T14N, R23E, being a tract containing 0.70 acres, more or less.



RUDNICK PROPERTY

Part of SE 1/4, SE 1/4, Section 3, T14N, R23E, described as: Lot 7, Blk. 1, Marvery Meadow Subd., plus the following described parcel, beginning at the NW corner of Lot 7, Blk. 1, thence Wly to the NE corner of Lot 6, Blk. 4, thence Sly to the NE corner of Lot 1, Blk. 3, thence Ely to the NE corner of Lot 12, Blk. 2, thence Nly to the SE corner of Lot 7, thence Wly to the SW corner of said Lot 7, thence Nly to the point of beginning, being a tract containing .71 acres, more or less.

FORSTERLING PROPERTY

Part of W 1/2, NW 1/4, Section 11, T14N, R23E, being all of Lots 9, 10, 11 and 12, Blk 2, Deermound Subd., plus the following described parcel,, beginning at the NW corner of Lot 9, Deermound Subd., thence Wly 60' to the W.L. of S. 10th St., thence Sly 66', thence Ely 60' to the E.L. of S. 10th St., thence Nly 66' to beginning, being a tract containing 0.90 acres, more or less.

Dated this 1st day of May, 1991.

BY THE COURT:



L. Edward Stengel, Circuit Court Judge

