

# The State of Wisconsin

Office of the Secretary of State

**CITY 82**

CITY OF WHITEWATER

COUNTY OF WALWORTH AND JEFFERSON

RESOLUTION CORRECTING LEGAL DESCRIPTION

FILED JULY 9, 2002

C-82

**CERTIFICATE OF ANNEXATION**

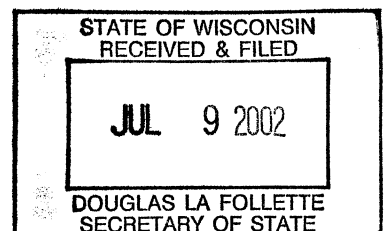
I, Michele R. Smith, Clerk of the City of Whitewater, Walworth and Jefferson Counties, State of Wisconsin, do hereby certify that attached hereto is a true and correct copy of the Resolution Correcting Legal Description in the Pamela T. Kraus, Richard W. Kraus, Jr. and Wisconsin Department of Transportation Annexation, which Resolution was duly adopted by the Common Council on June 18, 2002, and that the territory described therein and as shown on the scale map thereto was a correction of the legal description described in City of Whitewater Ordinance No. 1493, Ordinance Annexing Territory to the City of Whitewater, Wisconsin dated November 6, 2001.

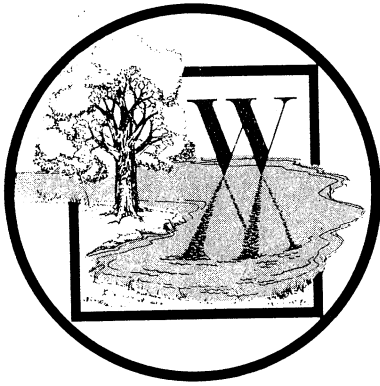
I further certify that the population of said annexed land described in the annexation ordinance attached hereto is two (2).

Dated this 8<sup>th</sup> day of July, 2002.

Michele R. Smith  
Michele R. Smith, City Clerk

CORPORATE SEAL





## CITY OF WHITEWATER

Education-Industry-Agriculture

Office of City Clerk  
312 W. Whitewater Street  
Whitewater, Wisconsin 53190

July 1, 2002      Telephone 473-0500 (Area Code 262)  
Fax: (262) 473-0509

Wisconsin Electric  
130 Janesville Avenue  
Ft. Atkinson, WI 53538

Wisconsin Natural Gas  
130 Janesville Avenue  
Ft. Atkinson, WI 53538

Charter Communications  
1348 Plainfield Avenue  
Janesville, WI 53545

Ameritech  
Attn. Randy Udell  
Operations Mgr. – WI South  
316 W. Washington, Room 601  
Madison, WI 53703

Whitewater Department of Utilities  
P.O. Box 178  
Whitewater, WI 53190

Whitewater Unified School District  
Attn.: School District Clerk  
401 S. Elizabeth Street  
Whitewater, WI 53190

Town of Whitewater  
Jayne Haskey, Clerk  
W9257 Stader Rd.  
Whitewater, WI 53190

State of Wisconsin  
Secretary of State  
Annexations & Railroads  
P.O. Box 7848  
Madison, WI 53707-7848

Re: Resolution Correcting Legal Description in the Pamela T. Kraus, Richard W. Kraus, Jr. and Wisconsin Department of Transportation Annexation

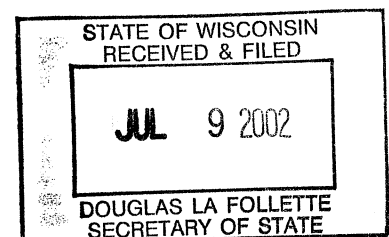
To each of you, I enclose a copy of the Resolution of the Common Council of the City of Whitewater Correcting the Legal Description in the Kraus/WisDOT Annexation. It was brought to our attention that a scrivener's error existed in the original legal description that was submitted to the City.

If you should have any questions regarding the enclosed Resolution, please feel free to contact me.

Sincerely,

*Michele*

Michele R. Smith,  
City Clerk



RESOLUTION OF THE COMMON COUNCIL OF THE CITY  
OF WHITEWATER CORRECTING THE LEGAL DESCRIPTION IN THE PAMELA T. KRAUS, RICHARD  
W. KRAUS, JR. & WISCONSIN DOT ANNEXATION

Document Number

Document Title

Recording Area

Name and Return Address  
City of Whitewater  
Michele R. Smith, Clerk  
P.O. Box 178  
Whitewater, WI 53190

Parcel Identification Number (PIN)

STATE OF WISCONSIN  
RECEIVED & FILED

JUL 9 2002

DOUGLAS LA FOLLETTE  
SECRETARY OF STATE

This information must be completed by submitter: document title, name & return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes, 59.517. WRDA 2/95

**RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF WHITEWATER  
CORRECTING THE LEGAL DESCRIPTION IN THE PAMELA T. KRAUS, RICHARD W.  
KRAUS, JR. & WISCONSIN DEPARTMENT OF TRANSPORTATION ANNEXATION**

WHEREAS, a Petition for Direct Annexation was filed regarding properties owned by Pamela T. Kraus, Richard W. Kraus, Jr. and the Wisconsin Department of Transportation on September 12, 2001, and

WHEREAS, the Common Council for the City of Whitewater did grant said petition for annexation on November 6, 2001. A copy of the Certificate for Annexation is attached hereto and labeled Exhibit A, and

WHEREAS, while conducting further surveying and engineering work in the area of the annexation, subsequent to the adoption of the annexation ordinance, the City of Whitewater Engineering Division discovered a scrivener's error in the property description which was set forth in the petition, and

WHEREAS, said error was a minor error regarding the legal description set forth in the Petition, and

WHEREAS, it is necessary to correct the legal description and the map to properly reflect the intent of the parties and the intent of the annexations, and

WHEREAS, the Director of Municipal Boundary Review at the State of Wisconsin Department of Administration has advised the City of Whitewater to correct the legal description and map by resolution.

NOW THEREFORE, the Common Council of the City of Whitewater determines that the legal description in the Pamela T. Kraus, Richard W. Kraus, Jr. and Wisconsin Department of Transportation annexation which took place by Ordinance No. 1493 on November 6, 2001 shall be corrected to conform to the intent of the petitions and resolve that the legal descriptions in said annexation and the map shall be corrected as follows:

The legal description shall be corrected to be as set forth in the attached Exhibit B, attached hereto, which is an annexation legal description revised by James K. Langone on February 6, 2002, and the map shall be corrected as set forth in Exhibit C attached hereto.

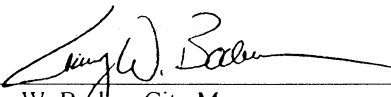
Resolution introduced by Councilmember Kolda. Seconded by Councilmember Scott. .

AYES: Scott, Wightman, Zweifel, Kolda, Allen, Kienbaum, Stewart.

NOES: None.

ABSENT: None.

ADOPTED: June 18, 2002. Motion carried by unanimous consent agenda roll call vote.

  
\_\_\_\_\_  
Gary W. Boden, City Manager

  
\_\_\_\_\_  
Michele R. Smith, City Clerk

CITY OF WHITEWATER, WALWORTH & JEFFERSON  
COUNTIES, WISCONSIN) Ss.

I hereby certify this to be a true and correct copy  
of the record on file in my office. Dated at  
Whitewater, WI this 1st day of July,  
20 02

  
\_\_\_\_\_  
City Clerk

STATE OF WISCONSIN  
RECEIVED & FILED

JUL 9 2002

DOUGLAS LA FOLLETTE  
SECRETARY OF STATE

**JAMES K. LANGONE**  
LAND SURVEYS & CIVIL ENGINEERING

N339 Co. Rd. "N" (Upper)

Whitewater, WI. 53190-2842

(262) 473-4119

KRAUS  
REV.

R-4

ANNEXATION LEGAL DESCRIPTION

THAT PORTION OF THE SE 1/4, AND SW 1/4, SECTION 8, T4N, R15E, IN THE TOWN OF WHITEWATER, WALWORTH COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS:

"BEGINNING" AT THE E. 1/4 CORNER, SEC. 8, T4N, R15E; THENCE S 88°10'17" W, ALONG THE EW 1/4 LINE, 2639.09 FEET, TO THE CTR. 1/4 CORNER SAID SEC. 8;  
THENCE S 88°09'39" W, ALONG THE EW 1/4 LINE, 619.44 FEET MORE OR LESS, TO THE CENTERLINE OF STATE HIGHWAY "59";  
THENCE S 44°15'34" W, ALONG SAID CENTERLINE, 175.83 FEET MORE OR LESS, TO THE SW CORNER OF THAT CERTAIN PARCEL OF LAND DESCRIBED IN A DEED RECORDED IN VOL. 347, PAGE 363, RECORDS OF WALWORTH COUNTY;  
THENCE S 79°21'54" E, ALONG THE S. LINE OF SAID PARCEL, 511.79 FEET, TO AN ANGLE POINT THEREIN;  
THENCE CONTINUING ALONG SAID S. LINE, S 59°08'33" E, 272.80 FEET, TO A POINT ON THE NS 1/4 LINE SAID SEC. 8, SAID POINT BEING 380.19 FEET S'LY OF THE CTR. 1/4 CORNER SAID SEC. 8;  
THENCE CONTINUING S 59°08'33" E, 920.81 FEET MORE OR LESS, TO A POINT ON THE W. LINE OF STATE HIGHWAY "89";  
THENCE N 0°01'19" W, 357.09 FEET MORE OR LESS, TO THE NW CORNER OF THAT CERTAIN PARCEL DESCRIBED IN A DEED RECORDED IN VOL. 670, PAGE 1339, RECORDS OF WALWORTH COUNTY, SAID CORNER BEING DESCRIBED AS ON THE CENTERLINE OF STATE HIGHWAY "89";  
THENCE S 81°49'00" E, ALONG THE N. LINE OF SAID PARCEL, 550.68 FEET MORE OR LESS, TO THE NW CORNER OF CERTIFIED SURVEY MAP NO. 489, RECORDED IN VOL. 2, PAGE 311 OF CERTIFIED SURVEYS OF WALWORTH COUNTY;  
THENCE N 68°59'00" E, ALONG THE N'LY LINE OF SAID CSM, 86.68 FEET, TO AN ANGLE POINT THEREIN;  
THENCE CONTINUING ALONG SAID N'LY LINE, S 86°52'00" E, 355.06 FEET, TO THE NE CORNER THEREOF;  
THENCE S 0°16'43" W, ALONG THE E. LINE OF SAID CSM, 504.12 FEET TO A POINT, SAID POINT BEING 147.88 FEET N. OF THE SE CORNER OF SAID CSM, SAID SE CORNER BEING ON THE CENTERLINE OF A TOWN ROAD;  
THENCE S 86°06'06" E (RECORDED AS PARALLEL TO THE CENTERLINE OF SAID TOWN ROAD), 856.31 FEET, TO A POINT ON THE E. LINE OF SAID SECTION 8, SAID POINT BEING 110.59 FEET N'LY OF THE SE CORNER OF THE NE 1/4, NE 1/4, SAID SECTION 8;  
THENCE N 0°56'05" E, ALONG THE E. LINE OF SAID SECTION 8, 1208.78 FEET, TO THE "POINT OF BEGINNING".

AREA OF ANNEXATION: 51.2 ACRES MORE OR LESS

REVISED: 8/09/01  
REVISED: 2/06/02

EXHIBIT B

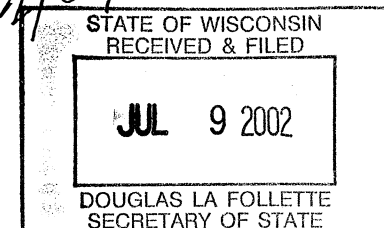
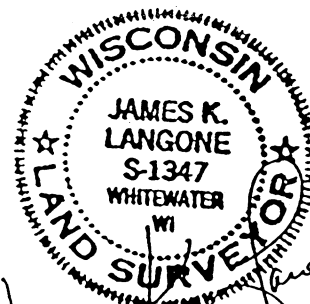
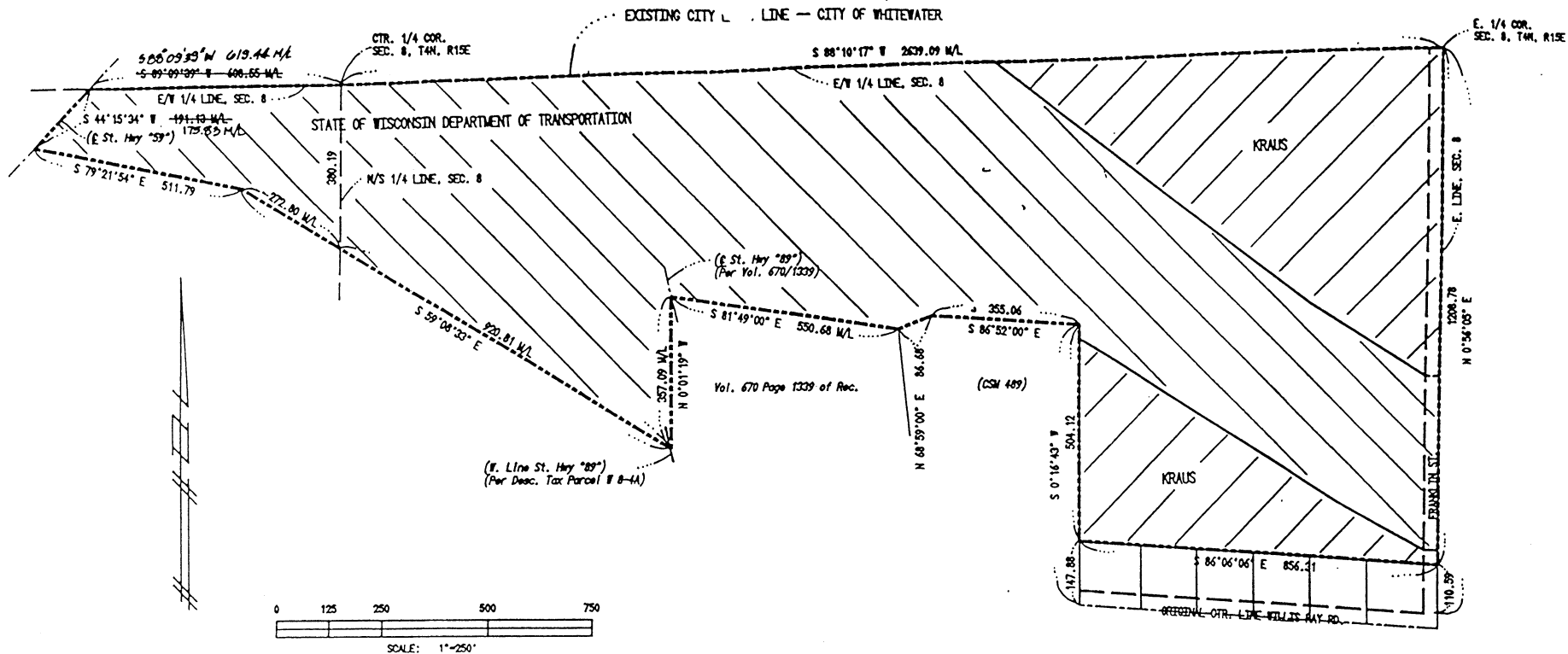


EXHIBIT C



--- ANNEXATION BOUNDARY  
 \ \ \ WI. DOT  
 \ \ \ KRAUS

<b>JAMES K. LANGONE</b> LAND SURVEYS & CIVIL ENGINEERING N339 Co. Rd. "M" (Upper) Whitewater, WI. 53190-2842 (262) 473-4119			
SCALE	1" = 250'	APPROVED BY	JKL
DATE	8/09/01	REVISED	2/06/02
<b>ANNEXATION DIAGRAM</b>			DRAWING NUMBER 01-117
CLIENT CITY OF WHITEWATER			

KRAUS REVISED

R-4

STATE OF WISCONSIN  
 RECEIVED & FILED  
 JUL 9 2002  
 DOUGLAS LA FOLLETTE  
 SECRETARY OF STATE

0488990

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RECORDED ON

2001 NOV 9 PM 2 44

CONNIE J. WOOLEYER  
REGISTER OF DEEDS  
WALWORTH COUNTY, WI

CITY OF WHITEWATER  
19.00

CERTIFICATE OF ANNEXATION

I, Michele R. Smith, City Clerk of the City of Whitewater, Walworth and Jefferson Counties, State of Wisconsin, do hereby certify that attached hereto is a true and correct copy of Ordinance No. 1493, being an ordinance annexing territory to the City of Whitewater, Wisconsin; and that said Ordinance was duly adopted by the Common Council on November 6, 2001, and that the territory described therein and as shown on the scale map attached thereto was duly annexed to the City on November 6, 2001.

I further certify that the population of said annexed land described in the annexation ordinance attached hereto is two (2).

Dated this 8<sup>th</sup> day of November, 2001.

CORPORATE SEAL

Michele R. Smith  
Michele R. Smith, City Clerk

CITY OF WHITEWATER, WALWORTH & JEFFERSON  
COUNTIES, WISCONSIN) Ss.

I hereby certify this to be a true and correct copy  
of the record on file in my office. Dated at  
Whitewater, WI this 8th day of November,  
20 01

Michele R. Smith  
City Clerk

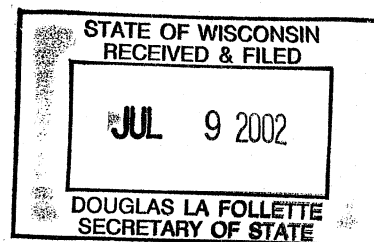


EXHIBIT A



\* R-4

ORDINANCE NO. 1493

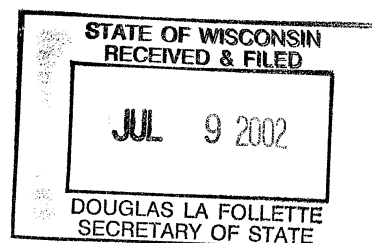
**ORDINANCE ANNEXING TERRITORY TO  
THE CITY OF WHITEWATER, WISCONSIN**

The Common Council of the City of Whitewater, Wisconsin, does ordain as follows:

SECTION 1. Territory Annexed. In accordance with sec. 66.0217 of the Wisconsin Statutes in the petition for direct annexation filed with the City Clerk on the 12th day of September, 2001, signed by all of the electors residing in the territory and all of the owners of the land area in the territory, the following described territory in the Town of Whitewater, Walworth County, Wisconsin, is annexed to the City of Whitewater, Wisconsin:

That portion of the SE ¼, and SW ¼, Section 8, T4N, R15E, in the Town of Whitewater, Walworth County, Wisconsin, described as follows:

"Beginning" at the E. ¼ corner, Sec. 8, T4N, R15E; thence S 88°10'17" W, along the EW ¼ line, 2639.09 feet, to the ctr. ¼ corner said Sec. 8; thence S 89°09'39" W. along the EW ¼ line, 608.55 feet more or less, to the centerline of State Highway "59"; thence S 44°15'34" W, along said centerline, 191.13 feet more or less, to the SW corner of that certain parcel of land described in a deed recorded in Vol. 347, page 363, Records of Walworth County; thence S 79°21'54" E, along the S. line of said parcel, 611.79 feet, to an angle point therein; thence continuing along said S. line, S 59°08'33" E, 272.80 feet, to a point on the NS ¼ line said Sec. 8, said point being 380.19 feet S'ly of the ctr. ¼ corner said Sec. 8; thence continuing S 59°08'33" E, 920.81 feet more or less, to a point on the W. line of State Highway "89"; thence N 0°01'19" W, 357.09 feet more or less, to the NW corner of that certain parcel described in a deed recorded in Vol. 670, page 1339, Records of Walworth County, said corner being described as on the centerline of State Highway "89"; thence S 81°49'00" E, along the N. line of said parcel, 550.68 feet more or less, to the NW corner of Certified Survey Map No. 489, recorded in Vol. 2, page 311 of Certified Surveys of Walworth County; thence N 68°59'00" E, along the N'ly line of said CSM, 86.68 feet, to an angle point therein; thence continuing along said N'ly line, S 88°52'00" E, 355.06 feet, to the NE corner thereof;



\*R-4

thence S 0°16'43" W, along the E. line of said CSM, 504.12 feet to a point, said point being 147.88 feet N. of the SE corner of said CSM, said SE corner being on the centerline of a town road;  
thence S 86°06'06" E (recorded as parallel to the centerline of said town road), 856.31 feet, to a point on the E. line of said Section 8, said point being 110.59 feet N'ly of the SE corner of the NE ¼, NE ¼, said Section 8;  
thence N 0°56'05" E, along the E. line of said Section 8, 1208.78 feet, to the "point of beginning".

Being 51.2 acres more or less.

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 Whitewater for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Whitewater.

SECTION 3. Temporary Zoning Classification. Pursuant to City of Whitewater Ordinance 19.12.040 this territory annexed to the City of Whitewater is Zoned AT, Agricultural Transition District. Within one year of the date of this ordinance, the City Plan Commission shall evaluate and recommend a permanent classification to the Common Council.

SECTION 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby designated Ward 12 of the City of Whitewater, subject to the ordinances, rules and regulations of the City of Whitewater governing wards.

SECTION 5. 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 6. Effective date. This ordinance shall take effect upon passage and publication as provided by law.

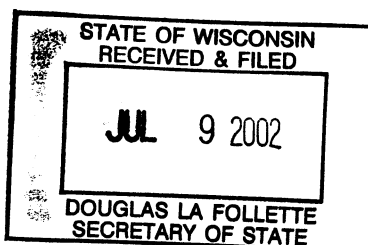
Ordinance introduced by Councilmember Olsen, who moved its adoption.

Seconded by Councilmember Allen.

AYES: Olsen, Allen, Scott, Finan, Zweifel, Scherer, Kienbaum.

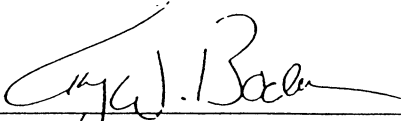
NOES: None


ABSENT: None

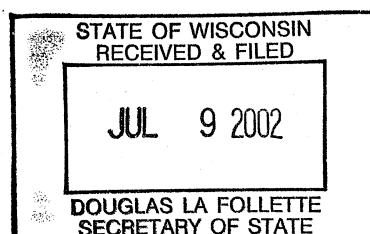


\*R-11

ADOPTED: November 6, 2001

  
\_\_\_\_\_  
Gary W. Boden, City Manager

  
\_\_\_\_\_  
Michele R. Smith, City Clerk



\* R-1

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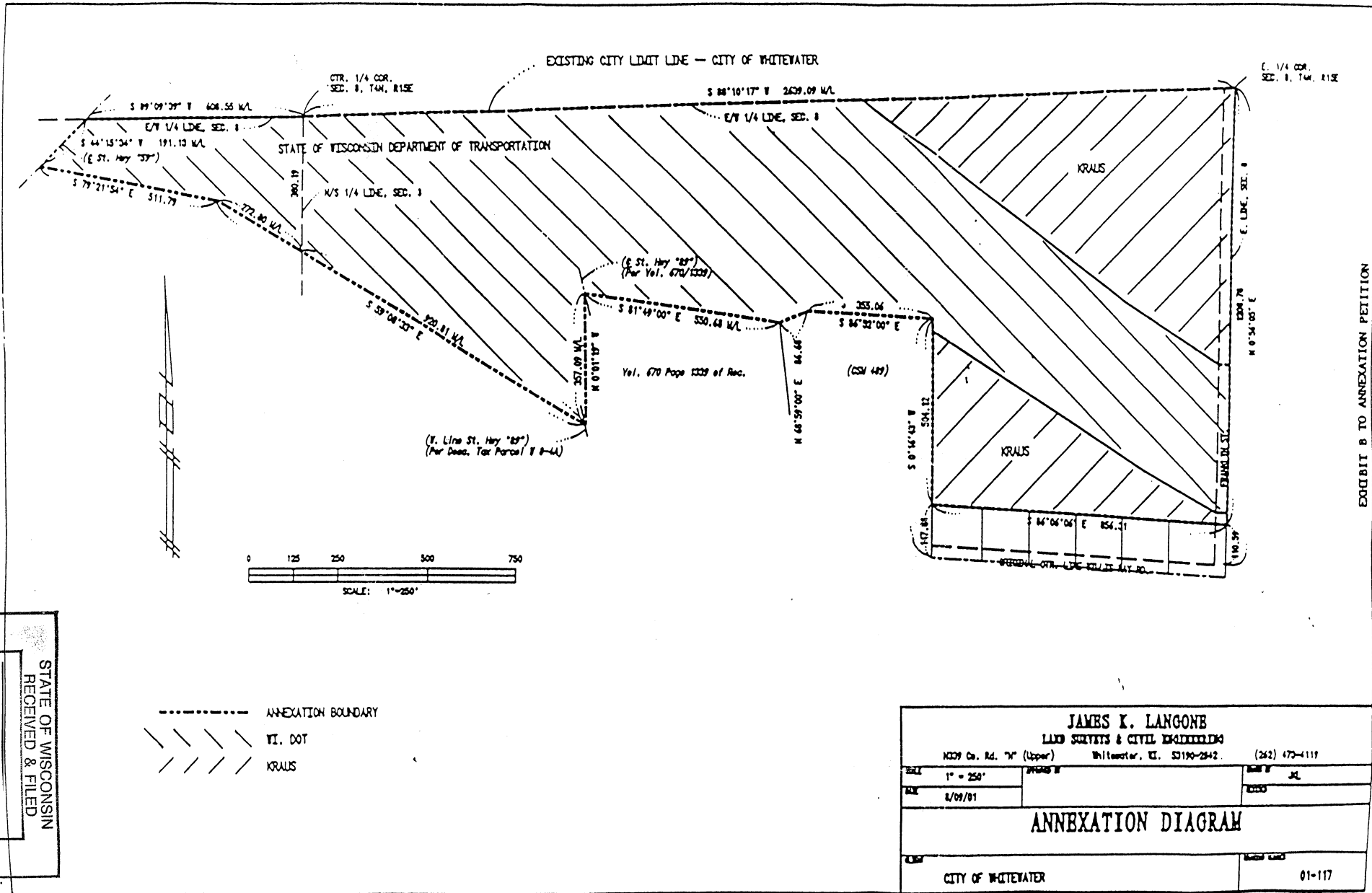


EXHIBIT B TO ANNEXATION PETITION