

The State of Wisconsin

Office of the Secretary of State

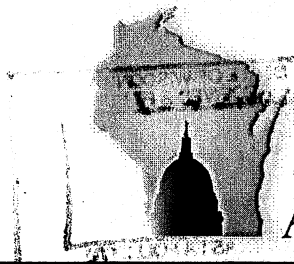
V-480

Village of Summit

Waukesha County

Certificate of Incorporation, document from attorney and
Certification of Election from Waukesha County Clerk of Circuit Court

Filed July 29, 2010



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**



COPY

JIM DOYLE
GOVERNOR

MICHAEL MORGAN
SECRETARY

Municipal Boundary Review

PO Box 1645, Madison, WI 53701

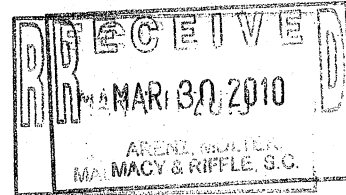
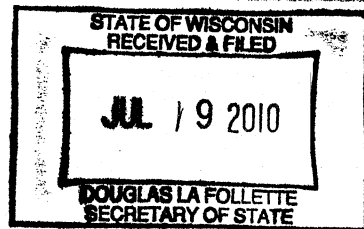
Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview>

March 26, 2010

Judge Kathryn Foster
Waukesha County Circuit Court
515 W Moreland Blvd
Waukesha, WI 53188



**Re: The Incorporation of the Town of Summit as the Village of Summit, Waukesha County
Circuit Court Case No. 08-CV-3145**

Dear Judge Foster:

The Incorporation Review Board has reviewed the Summit incorporation petition to determine whether it meets the standards in s. 66.0207 Wis. Stats. You had forwarded the petition to the Board on November 7, 2008 after having found that the petition met the minimum area and population standards in s. 66.0205 Wis. Stats. According to s. 66.0203(9)(e) Wis. Stats., the Board has three options upon reviewing the petition against the statutory standards. The Board may find that:

- 1) The petition as submitted is dismissed;
- 2) The petition as submitted is granted.
- 3) The petition as submitted is dismissed with a recommendation that a new petition be submitted to include more or less territory as specified in the Board's findings and determination.

Based on testimony at a public hearing and on materials presented, the Board finds that the petition as submitted does meet the required standards in s. 66.0207 Wis. Stats. Therefore, the Board approves the petition for incorporation and recommends that you, as the circuit court judge presiding over this matter, order an incorporation referendum be held pursuant to ss. 66.0207(9)(f) and 66.0211 Wis. Stats.

I have included with this letter a copy of the Board's Findings and Determination document which concludes our work with this petition. The Incorporation Review Board and the Department of Administration will retain all supporting documents and records pursuant to Record Disposal Authorization for 10 years, after which they are transferred to the State Historical Society. Please advise if the court desires to inspect this record, or to have it copied in full for the court or the parties.

The Board very much appreciates the assistance provided by petitioners, elected officials, staff and consultants for the Town of Summit. Should you have any questions concerning this Determination, or wish to discuss other matters, please call me at (608) 267-1824.

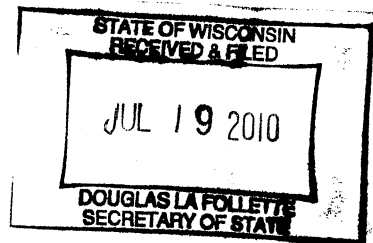
Sincerely,

Brian Vigue, Administrator

Division of Intergovernmental Relations, and Chair of the Incorporation Review Board

March 26, 2010

Page 2



CC: The Honorable Kathryn Foster
Henry Elling, Town of Summit Administrator
Stan Riffle, Town of Summit Attorney
Bill Forrest, Planning Consultant
Paul Schmitter, Petitioners' Representative
Terrence J. McMahon, Member, Wisconsin Incorporation Review Board
Lonnie Muller, Member, Wisconsin Incorporation Review Board
Rich Eggleston, Member, Wisconsin Incorporation Review Board
Jeff Speaker, Member, Wisconsin Incorporation Review Board

(the following entities are not receiving a full determination document. However, the determination document is available upon request, and may also be viewed at <http://doa.wi.gov/municipalboundaryreview>)

Wisconsin Department of Natural Resources
Wisconsin Department of Transportation
Kathy Nicholaus Waukesha County Clerk
Southeastern Wisconsin Regional Planning Commission
Waukesha County Technical College
Blackhawk Sanitary District
Ixonla Sanitary District No. 2
Mary Lane Sanitary District
Ixonla Sanitary District No. 1
Village of Oconomowoc Lake Utility District
Village of Lac LaBelle
Town of Oconomowoc
Town of Ixonla
Village of Wales
Mary Elsner, Town of Delafield Clerk
Barbara Whitmore, Town of Genesee Clerk
Susan Oman, Town of Merton Clerk
Town of Ottawa, Clerk
City of Delafield, Clerk
Village of Nashotah, Clerk
Village of Hartland, Clerk
Village of Chenequa, Clerk
Village of Merton, Clerk
Town of Concord, Clerk
Village of Sullivan, Clerk
Town of Erin, Clerk
Hamilton School District
Jefferson School District
Johnson Creek School District
Milton School District
Palmyra-Eagle Area School District
Pewaukee School District
Watertown Unified School District
Waukesha School District
Blackhawk Technical College
Madison Area Technical College

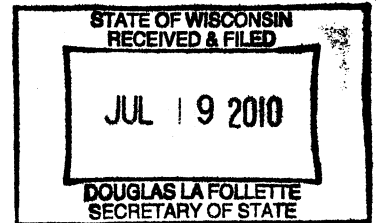
LAW OFFICES OF
ARENZ, MOLTER, MACY & RIFFLE, S.C.
720 N. EAST AVENUE
P.O. BOX 1348 (53187-1348)
WAUKESHA, WISCONSIN 53186
Telephone (262)548-1340
Facsimile (262)548-9211

V480

DALE W. ARENZ
DONALD S. MOLTER, JR.
JOHN P. MACY,
COURT COMMISSIONER
H. STANLEY RIFFLE,
COURT COMMISSIONER
ERIC J. LARSON

RICK D. TRINDL
PAUL E. ALEXY
JULIE A. AQUAVIA
R. VALJON ANDERSON

July 16, 2010



Mr. Douglas LaFollette
Wisconsin Secretary of State
30 W. Mifflin St., 10th Fl
P.O. Box 7848
Madison, WI 53707-7871

Re: The Incorporation of the Town of Summit as a Village
Case No. 08 CV 3145

Dear Secretary LaFollette:

This firm represents the Town of Summit in Waukesha County. The Town is in the process of incorporating and has obtained the approval of the Incorporation Board (a copy is enclosed) and recently the approval of the electorate. Your office will soon receive a certification of the referendum results from the Waukesha County Clerk of Courts. Once that is received the certificate of incorporation is to be issued pursuant to §66.0211(5), Stats.

On behalf of the Town we ask that the certificate not be issued until July 29th. The reason for this request is that once the certificate is issued, the new village has to hold its first election for officers no less than 40 days, but no more than 50 days, from the date of the certificate. In order to hold down expenses, the Town wishes to hold the first election on the same day as the September primary which is September 14th. This request is similar to the one made by the Town/Village of Richfield back in 2008 which you were gracious enough to accommodate. It is also our understanding that a few of the Town officials would like to attend the issuing of the certificate, as those from Richfield did.

My office will be contacting you early next week to discuss our request. Should you have any other questions please do not hesitate to contact us. Thank you for your attention to this matter.

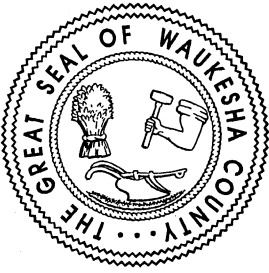
Very truly yours,

ARENZ, MOLTER, MACY & RIFFLE, S.C.,

H. Stanley Riffle
H. Stanley Riffle

Enc.

C: Mr. Len Susa, Chairman, w/out enc.
Mr. Henry Elling, Administrator, w/out enc.
Ms. Deb Schueler, Clerk, w/out enc.
Ms. Kathleen Madden, Clerk of Courts, w/out enc.



CLERK OF CIRCUIT COURT'S OFFICE

WAUKESHA COUNTY

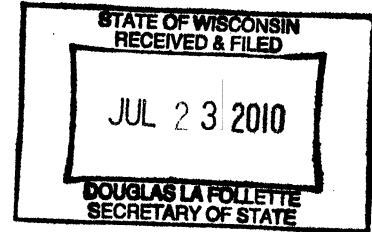
Kathleen A. Madden
Clerk of Circuit Court

515 W. Moreland Blvd., Room C-108
Waukesha, WI 53187-1627

Phone: (262) 896-8525
Fax: (262) 896-8364

July 21, 2010

Mr. Douglas LaFollette
Wisconsin Secretary of State
30 W. Mifflin St., 10th Fl
P.O. Box 7848
Madison, WI 53707-7871



Re: The Incorporation of the Town of Summit as a Village
Case No. 08 CV 3145

Dear Secretary LaFollette:

Pursuant to §66.0211(5), Stats., I am sending to you the following documents related to the incorporation of the Town of Summit as a Village:

Certificate of Election
Legal Description for the Village of Summit
Scale Map of the Village of Summit
Population for the Village of Summit.

It is my understanding that upon receipt of these documents your office will issue a Certificate of Incorporation. It is also my understanding that the Town of Summit asks that the Certificate of Incorporation not be issued until July 29, 2010.

Thank you for your attention to this matter.

Sincerely,

A handwritten signature in cursive script, appearing to read "Kathleen A. Madden".

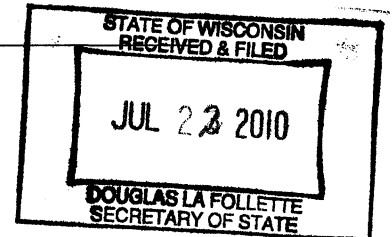
Kathleen Madden
Clerk of Circuit Court, Waukesha County

c: Attorney Stan Riffle

In Re the Incorporation of the Town of
Summit, Waukesha County, Wisconsin as a Village Case No. 08 CV 3145

CERTIFICATION OF ELECTION

To: Mr. Douglas J. La Follette
Wisconsin Secretary of State
30 W. Mifflin St., 10th Fl.
Madison, WI 53702



I, Kathleen Madden, Waukesha County Clerk of Courts, certify that the following information is true and correct:

On June 15, 2010, a referendum was held in the Town of Summit regarding the incorporation of the Town as a Village.

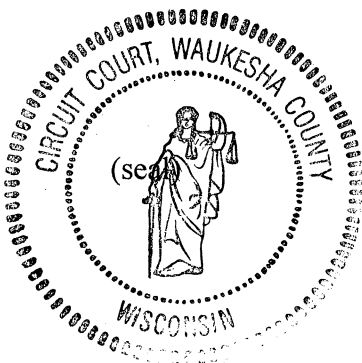
The election results are as follows:


Total Number of Votes:	570
Number For Incorporation:	483
Number Against Incorporation:	85
Undervote:	2

Attached to this certification is the Legal Description, Population and Plat as required under §66.0211(5), Stats.

Attached to this certification is a copy of the statement from the election inspectors.

Given this 21st day of July 2010.



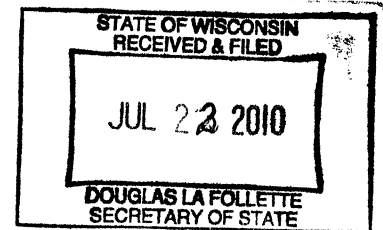

Kathleen Madden
Waukesha County Clerk of Courts

LEGAL DESCRIPTION FOR INCORPORATION OF TOWN OF SUMMIT

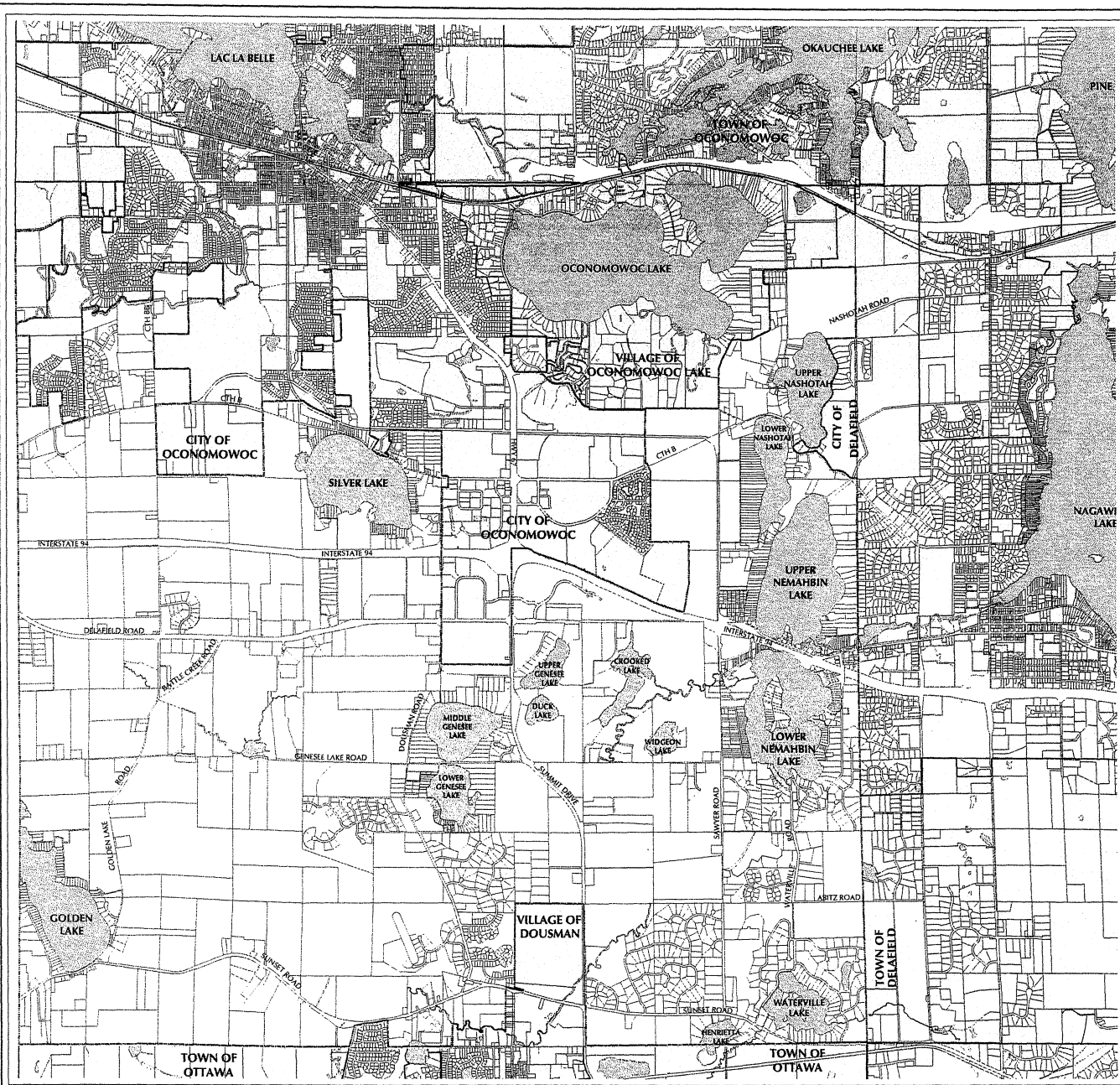
All of Sections 13, 16-21, 23-33, 35, 36 and those parts of Sections 1, 4-9, 11,12, 14,15, 22 and 34 that are not part of the City of Oconomowoc, Village of Dousman, Village of Oconomowoc Lake or City of Delafield, all lands being in Township 07 North, Range 17 East, Township of Summit, Waukesha County, Wisconsin.

POPULATION FOR THE TOWN OF SUMMIT

The official Department of Administration estimate for the Town of Summit population is 5,181 as of 1/1/2009.



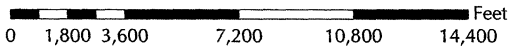
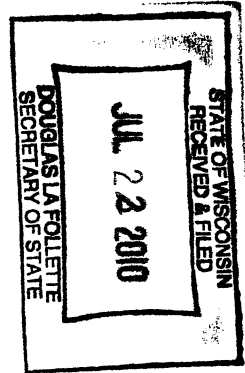
TOWN OF SUMMIT INCORPORATION PETITION EXHIBIT B

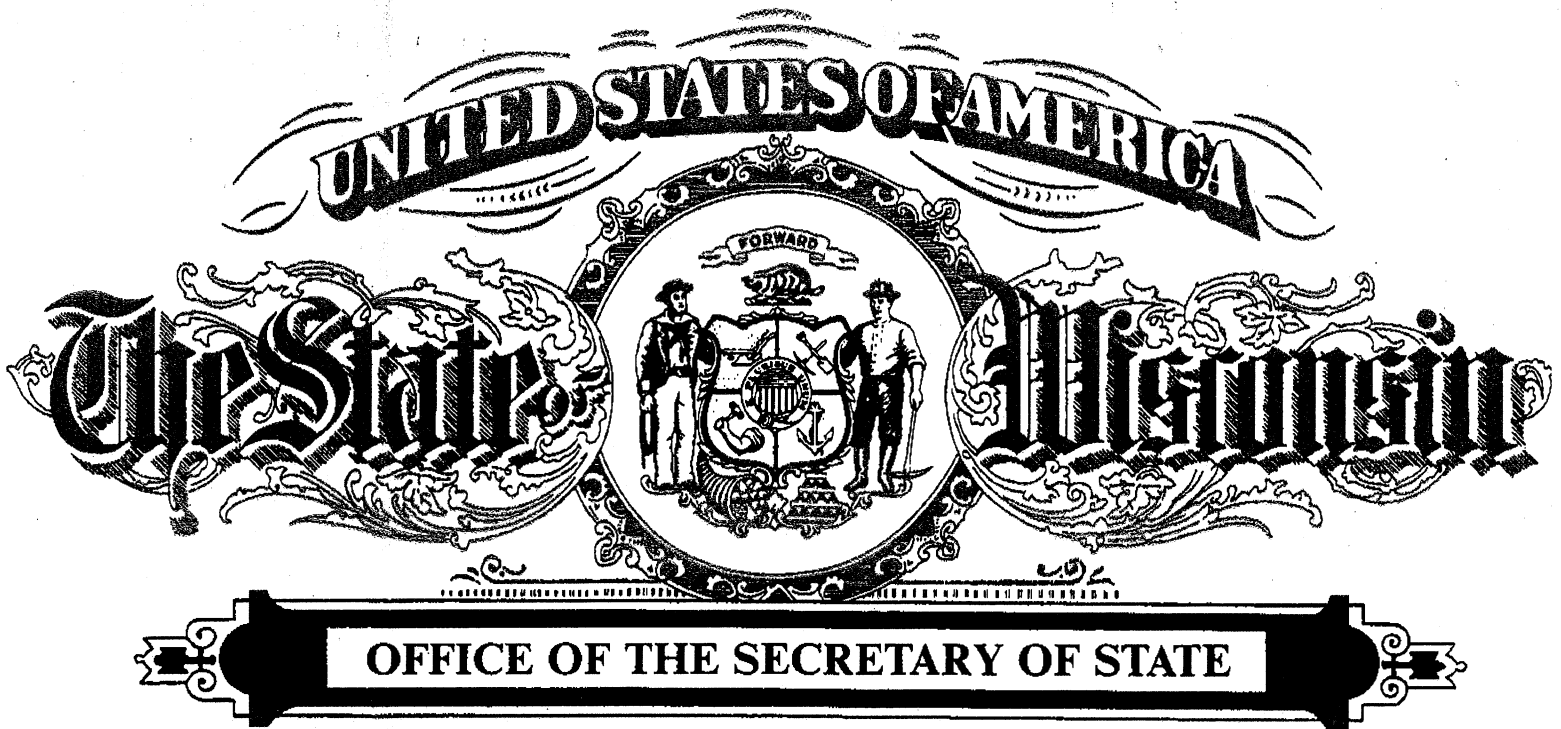


Legend

- Current Town of Summit Boundary -2008 (16313.79 acres)
- Parcel Lines and ROW Lines
- Municipal Boundaries
- Water

*Ultimate Area of Town: 14716.52 acres, or 22.99 square miles





**CERTIFICATE OF INCORPORATION
of the
VILLAGE OF SUMMIT
WAUKESHA COUNTY, WISCONSIN**

I, **DOUGLAS LA FOLLETTE**, Secretary of State of Wisconsin, Keeper of the Great Seal thereof and Custodian of the records relating to incorporations of towns, villages and cities, **DO HEREBY CERTIFY THAT:**

WHEREAS, on the 22nd day of July, 2010, documents pertaining to the incorporation of the Town of Summit as a village under the provisions of §66.0211(5), Wisconsin Statutes, were submitted to the Office of the Secretary of State of Wisconsin by the Clerk of Circuit Court of Waukesha County, Kathleen Madden, and;

WHEREAS, the Clerk of Circuit Court of Waukesha County has certified:

That pursuant to the return of votes cast at the election held on the 15th day of June, 2010, on the question of whether the Town of Summit should be incorporated as a village, a majority of the votes were cast in favor of a village as follows:

FOR the village: 483

AGAINST the village: 85

That the territory for incorporation of the Village of Summit has a population of 5181, according to the January 1, 2009 estimate of the Department of Administration of the State of Wisconsin, and;

That the description of land to be included within the village limits of Summit is legally described being all of Sections 13, 16-21, 23-33, 35, 36 and those parts of Sections 1, 4-9, 11, 12, 14, 15, 22 and 34 that are not part of the City of Oconomowoc, Village of Dousman, Village of Oconomowoc Lake or City of Delafield, all lands being in Township 07 North, Range 17 East, Township of Summit, Waukesha County, Wisconsin.

NOW, THEREFORE, I, DOUGLAS LA FOLLETTE, Secretary of State of Wisconsin, pursuant to Wisconsin Statutes 66.0211(5), do hereby declare that the area described above, situated in the Town of Summit, County of Waukesha, State of Wisconsin, is duly incorporated as a village and that from henceforth the said village shall be known as the:

VILLAGE OF SUMMIT

and be governed by the provisions of Chapter 66 of the Wisconsin Statutes and Laws amendatory thereof and supplementary thereto.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the Great Seal of the State of Wisconsin, in the City of Madison, this 29th day of July, 2010.

DOUGLAS LA FOLLETTE
Secretary of State