

# The State of Wisconsin

## Office of the Secretary of State

C139

CITY OF SHEBOYGAN/TOWN OF SHEBOYGAN

SHEBOYGAN COUNTY

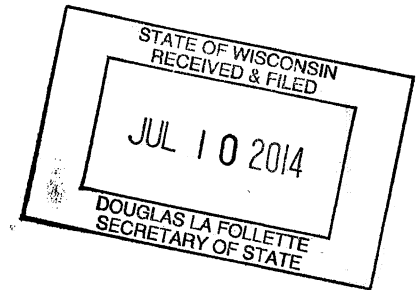
NOTICE OF LEGAL PROCEEDINGS RE: ANNEXATION ORDINANCE 62-13-14

FILED JULY 10, 2014



C139  
**HOPP NEUMANN HUMKE<sub>LLP</sub>**

July 9, 2014



Doug LaFollette, Secretary of State  
State of Wisconsin  
30 West Mifflin, 10<sup>th</sup> Floor  
Madison, WI 53703

Re: Town of Sheboygan vs. City of Sheboygan  
Sheboygan County Case No. 14 CV 434

Dear Mr. LaFollette:

Pursuant to Wis. Stat. § 66.0231, enclosed please find four (4) copies of the Notice of Commencement of Action in re above, together with our Affidavit of Mailing.

Very truly yours,

Herbert C. Humke III  
e-mail: [herbert.humke@hopplaw.com](mailto:herbert.humke@hopplaw.com)

HCH/njb

Enclosures

c: Clerk of Courts, Sheboygan County

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[www.hopplaw.com](http://www.hopplaw.com)

William W. Moir III · Carl K. Buesing · Michael J. Bauer · J. Phil Mueller · Herbert C. Humke III · Paul A. Dirkse · Crystal H. Fieber  
OF COUNSEL Roland M. Neumann RETIRED Alex Hopp  
H. C. Humke, 1963-2009

SHEBOYGAN 2124 Kohler Memorial Drive | Suite 110 | Sheboygan, WI 53081 | PH 920-457-8400 | FX 920-457-8411

C139

STATE OF WISCONSIN

CIRCUIT COURT

SHEBOYGAN COUNTY

**TOWN OF SHEBOYGAN**

a public body corporate  
and politic,  
1512 North 40<sup>th</sup> Street  
Sheboygan, WI 53081

Plaintiff

v.

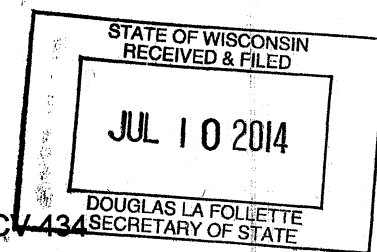
**CITY OF SHEBOYGAN**

a municipal corporation,  
828 Center Avenue  
Sheboygan, WI 53081

Defendant

Code #30703 Unclassified

Case No. 14 CV 434



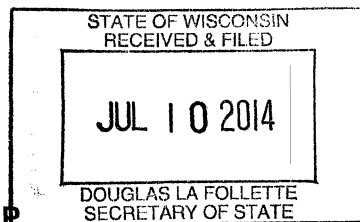
**NOTICE OF COMMENCEMENT OF ACTION**

TO: Doug LaFollette, Secretary of State  
State of Wisconsin  
30 West Mifflin, 10<sup>th</sup> Floor  
Madison, WI 53703

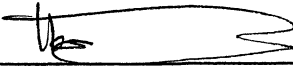
NOTICE is hereby given pursuant to Wis. Stat. § 66.0231 of the instigation of legal proceedings having the above-stated caption and as follows:


1. The name of the parties are **TOWN OF SHEBOYGAN**, a public body corporate and politic, v. **CITY OF SHEBOYGAN**, a municipal corporation.
2. This action was commenced on July 7, 2014.
3. The Court in which this proceeding is pending is the Sheboygan County Circuit Court, Sheboygan County, Wisconsin.
4. The property involved is set forth on Exhibit A attached hereto.
5. The relief sought and the object of this action is, in part, a Court order declaring an annexation ordinance (Gen. Ord. No. 62-13-14) adopted by the Common Council of the **CITY OF SHEBOYGAN** on the 14<sup>th</sup> day of April, 2014, void and having no force and effect against the lands described in Exhibit A attached, and that the **TOWN OF SHEBOYGAN** continue to have municipal jurisdiction over said lands.

Dated this 3<sup>rd</sup> day of July, 2014.



**HOPP NEUMANN HUMKE LLP**  
Attorneys for the Plaintiff

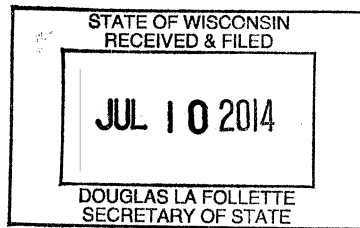
By:   
Herbert C. Humke III  
State Bar No. 1023226

By:   
Michael J. Bauer  
State Bar No. 1012261

Mailing address:

HOPP NEUMANN HUMKE LLP  
2124 Kohler Memorial Drive  
Suite 110  
Sheboygan, WI 53081  
Telephone: (920) 457-8400  
Facsimile: (920) 457-8411

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Sheboygan, Wisconsin  
CITY HALL

*Susan Richards*  
City Clerk

Gen. Ord. No. 62-13-14. By Alderperson Hammond. April 2, 2014.

AN ORDINANCE annexing territory owned by the City to the City of  
Sheboygan, Wisconsin.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Territory Annexed. In accordance with sec. 66.0223 of the Wisconsin Statutes, the following described territory in the Town of Sheboygan, Sheboygan County, Wisconsin, owned by the City of Sheboygan and lying near to the City, is hereby annexed to the City of Sheboygan, Wisconsin:

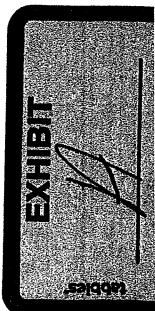
The Northeast Quarter (NE1/4) of the Northeast Quarter (NE1/4) of Section Six (6), Township Fifteen (15) North, Range Twenty-three (23) East, Sheboygan County, Wisconsin, except that part thereof described as Lot One (1) of a Certified Survey Map recorded for record in Volume 7 of Certified Survey Maps on page 209 in the office of the Register of Deeds for Sheboygan County, Wisconsin.

-ALSO-

The Southeast Quarter (SE1/4) of the Northeast Quarter (NE1/4) of Section Six (6), Township Fifteen (15) North, Range Twenty-three (23) East, Sheboygan County, Wisconsin.

-ALSO-

The East three-eighths of the West one-half of the Northeast Quarter (E3/8 W1/2 NE1/4) of Section Six (6), Township Fifteen (15) North, Range Twenty-three (23) East, containing 31.09 acres of land more or less, EXCEPTING therefrom the property described as follows: Commencing at the Northeast corner of Section 6, Township 15 N., Range 23 E., thence South 89°56'19" W. along the North line of the NE1/4 said Section 6, a distance of 1344.21 feet to the Northeast corner of the NW1/4 NE1/4 said Section 6, also being point of beginning, thence from said point of beginning, continuing South 89°56'19" W. along the North line of the NE1/4 said Section 6 a distance of 243.05 feet; thence South 0°56'25" W. a distance of 889.40 feet to a one inch pipe set; thence North 89°56'19" E. a distance of 265.45 feet to a one inch iron pipe set on the East line of the NW1/4 NE1/4 said Section 6, thence North 0°30'12" W. along the E. line of the NW1/4 NE1/4 said Section 6, a



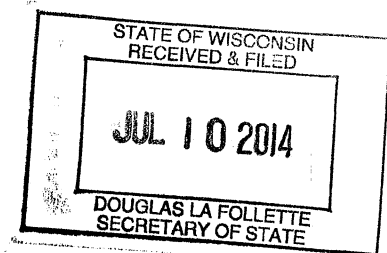
distance of 889.20 feet to the point of beginning and containing 5.1900 acres of land including therein the North 33 feet lying in the right of way of Playbird Road.

Section 2. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Sheboygan 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 Sheboygan.~~

Section 3. 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 4. This ordinance shall take effect upon passage and publication, and upon the filing of seven (7) certified copies of this ordinance in the office of the secretary of state of the State of Wisconsin, together with seven (7) copies of a plat showing the boundaries of the territory attached to the City.

Section 5. The territory described in Section 1 of this ordinance is hereby made a part of the 30th Ward, 1st Aldermanic District, 11th Supervisory District, 27th Assembly District and the 9th Senatorial District.



A handwritten signature in dark ink, appearing to be "DLF", written over a horizontal line.

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the 14th day of April, 2014.

Dated April 17 2014. Susan Richards, City Clerk

Approved April 17 2014. Michael J. Pankash, Mayor

Proceedings Published April 23, 2014.

Ordinances Published April 23, 2014.

Certified April 21, 2014 to Plumbing Insp.; Police Dept.; Eng.; Assessor; Fin. Dir./Treas.; Dep. Fin. Dir./Treas.; Library; City Dev.; Bldg. Insp.; Supt. of Streets/MSB; Transit; Victor/Eng.; DPW; Atty.; Deputy City Clerk; SBC; Sheb. Cty. Clerk; Supt. of Assessments; Alliant; WPS; Water Ut.; Real Property; Supt. of Schools; Sec. of State; Reg. of Deeds; Charter Cable; Ord. Book; City Clerk; Fire Chief; Police Chief; Sheb. Cty. Sheriff; Town of Sheboygan

STATE OF WISCONSIN

:

CIRCUIT COURT  
Branch 5

:

SHEBOYGAN COUNTY

TOWN OF SHEBOYGAN

Code #30703 Unclassified

Plaintiff,

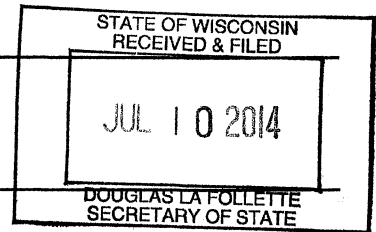
v.

Case No. 14 CV 434

CITY OF SHEBOYGAN

Defendant.

**AFFIDAVIT OF MAILING**



STATE OF WISCONSIN )

SS

SHEBOYGAN COUNTY )

Nancy J. Beck, being first duly sworn on oath deposes and says that she is a secretary in the office of HOPP NEUMANN HUMKE LLP, attorneys for the defendant, Town of Sheboygan, in the above-entitled matter; that on the 9<sup>th</sup> day of July, 2014, she mailed four (4) true copies of the NOTICE OF COMMENCEMENT OF ACTION, in the above entitled action by regular mail securely enclosed in an envelope with postage paid thereon and addressed to:

Doug LaFollette, Secretary of State  
State of Wisconsin  
30 West Mifflin, 10<sup>th</sup> Floor  
Madison, WI 53703

Nancy J. Beck

Subscribed and sworn to before me  
this 9<sup>th</sup> day of July, 2014.

Karen L. Kellogg  
Notary Public, State of Wisconsin  
My Commission: 6/24/17