

ORD 10093

The State of Wisconsin

Office of the Secretary of State

V410

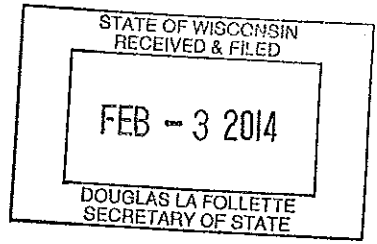
VILLAGE OF HOLMEN

LA CROSSE COUNTY

ORDER TO DISMISS ANNEXATION ORDINANCE 4-2013

FILED FEBRUARY 3, 2014

1410



Law Office

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54602-2286

January 29, 2014

Telephone 608-784-7610

Erich Schmidtke
Wisconsin Department of Administration
Municipal Boundary Review
P.O. Box 1645
Madison WI 53701

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
P.O. Box 7848
Madison WI 53707-7848

Re: Notice of Pending Litigation Town of Onalaska vs. Village of Holmen
Case No. 12-CV-476, Holmen Village Ordinance No. 4-2013
MBR No. 13650

Dear Mr. Schmidtke:

Enclosed herewith is a copy of the Stipulation and Order declaring Village of Holmen Ordinance no. 4-2013 void. Accordingly, the real estate parcel with original tax identification number of 10-364-0 reverts to the Town of Onalaska.

If you have any additional questions regarding this matter please contact this office.

Thank you.

Alan P. Peterson
Attorney for Village of Holmen

APP/sep

Cc. Nancy Proctor
Cc. Scott Heinig
Cc. La Crosse County Register of Deeds

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 4

LA CROSSE COUNTY

STATE OF WISCONSIN
RECEIVED & FILED

FEB - 3 2014

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

In Re the Matter of the:

VILLAGE OF HOLMEN
ANNEXATION ORDINANCE 4-2013

Town of Onalaska,

Petitioner

vs.

Village of Holmen,

Respondent.

La Crosse County Wis.
FILED

OCT 28 2013

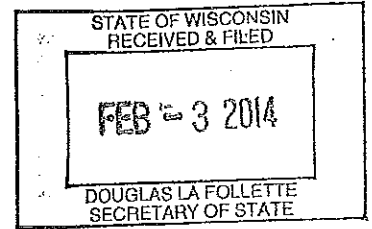
PATRICIA A. JACOB
CLERK OF COURT

Case No. 13-CV-361

STIPULATION AND ORDER TO DISMISS ORDINANCE

WHEREAS, Respondent, Village of Holmen, a Wisconsin municipality, has stipulated in its Answer filed July 9, 2013 to the factual allegations in the Petitioner's complaint and stipulated to the Court that the Village of Holmen Ordinance 4-2013 is void;

NOW, THEREFORE upon representation of the parties and review of the documents filed herein, Court enters the following:



ORDER

The Court hereby declares the Village of Holmen Ordinance 4-2013 void and awards the Town of Onalaska statutory costs pursuant to § 814.10 Wis. Stats.

Dated this 28 day of October, 2013.

A handwritten signature in cursive script, appearing to read "S. Horne".

The Honorable Scott Horne
La Crosse County Circuit Court

4829-2347-7270, v. 1

The State of Wisconsin

Office of the Secretary of State

V410

VILLAGE OF HOLMEN

LA CROSSE COUNTY

ANNEXATION ORDINANCE 4-2013

Filed MARCH 21, 2013

Village of Holmen

DEAN OLSON, P.E.
Director of Public Works
(608) 526-6322

MICHAEL BROGAN
Director of Parks & Recreation
(608) 526-6318

ANGELA HORNBERG
Clerk / Treasurer
(608) 526-6302

421 S. Main Street
P.O. Box 158
Holmen, Wisconsin 54636-0158

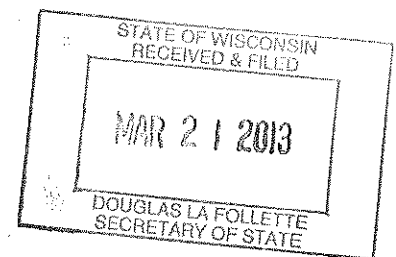


NANCY J. PROCTOR
Village President
(608) 526-6307

SCOTT HEINIG
Administrator
(608) 526-6305

March 19, 2013

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
PO Box 7848
Madison, WI 53707-7848



RE: Annexation to the Village of Holmen

MBR # 13650

I, Angela A. Hornberg, hereby certify that I am the duly appointed qualified Clerk of the Village of Holmen, La Crosse County, Wisconsin, a municipal corporation, and as such official I am the legal custodian of all papers and records of said Village. I further certify that I have compared the attached Ordinance #4-2013 (containing a population of zero), an ordinance annexing property to the Village of Holmen with the original in my possession and that the same is a true and correct copy thereof.

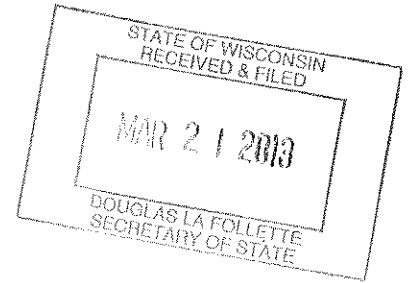
IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Village of Holmen, Wisconsin, this 19th day of March 2013.

Angela A. Hornberg, Clerk-Treasurer

(seal)

Cc: Town of Onalaska Clerk
School District of Holmen Clerk
Local Utilities

VILLAGE OF HOLMEN
LA CROSSE COUNTY, WISCONSIN
ORDINANCE 4-2013



AN ORDINANCE ANNEXING CERTAIN
TERRITORY INTO THE VILLAGE OF HOLMEN (Petition #13650)

BE IT ORDAINED by the Village Board of Trustees, Village of Holmen, La Crosse County, Wisconsin as follows:

Section 1.

JUSTIFICATION FOR ANNEXATION, of such action being in the public's interest:

Whereas, the Village of Holmen received a petition for annexation by the Apostolic Life Church, with the intent to detach certain property from the Town of Onalaska for the purpose of seeking services, zoning and utilities that can only be provided by the Village; and

Whereas, the proposed annexation would begin to reduce the size of an unincorporated area that is, in part, nearly surrounded by the Village of Holmen, and is in keeping with the natural growth patterns of the Village in that area; and

Whereas, the proposed annexation is consistent with the South Holmen Drive Corridor Plan, a regional planning document that the Village of Holmen developed in partnership with the Town of Onalaska, for the purpose of ensuring logical and harmonious development patterns, that shall eventually create one contiguous, connected, identified community, with a discernible "community edge," that identifies where one community begins and the other ends; and

Whereas, both Village and Town officials in early 2011, participated in the creation of the South Holmen Drive Corridor Plan, and agreed upon an established "potential cooperative boundary line," to foster dialogue on where annexations should occur and should not occur, with the purpose of eliminating the current jagged municipal boundaries along the corridor that present significant challenges for efficient service delivery; and

Whereas, the proposed Apostolic Life Church annexation is located within both the "South Holmen Drive Corridor Plan Study Area" and the "potential cooperative boundary line," thus under mutual agreement through the development of the Plan, officials from both parties identified this area as best served in the Village of Holmen following annexation; and

Whereas, the Village of Holmen adopted and incorporated the South Holmen Drive Corridor Plan as a plan component of its Comprehensive Plan on May 10, 2012; and

Whereas, the Village of Holmen intends to continue its partnership with the Town of Onalaska and work toward adoption of a mutually acceptable boundary agreement that is in keeping with the intent of the South Holmen Drive Corridor Plan and previously agreed "potential cooperative boundary line," as it relates to southern Holmen; and

Whereas, the Village of Holmen finds that the proposed Apostolic Life Church annexation is in the public's best interest.

Section 2.

NOW THEREFORE, BE IT ORDAINED, pursuant to Section 66.0217(2) of the Wisconsin Statutes and the petition of Apostolic Life Church, for annexation (Petition #13650) as filed with the Village of Holmen, that certain territory be annexed to the Village of Holmen, La Crosse County, and detached from the Town of Onalaska, La Crosse County, by direct annexation as provided by the Wisconsin Statutes 66.0217(2).

That such territory, as petitioned for annexation, and as described on the attached legal description, Exhibit A, and as shown on the attached scale map, Exhibit B, and as reviewed by the Wisconsin Department of Administration, and as is consistent with the South Holmen Drive Corridor Plan (a component of the Village of Holmen Comprehensive Plan), shall be immediately annexed to the Village of Holmen.

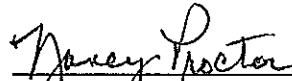
The population of the territory to be annexed is zero (0).

BE IT FURTHER ORDAIN, that the Zoning Classification for this newly annexed parcel shall be R-5 Multiple-Family Residential District; with the existing religious facility permitted as a conditional use of the R-5 District, and shall be governed by the Holmen Zoning Ordinance.


Section 3.

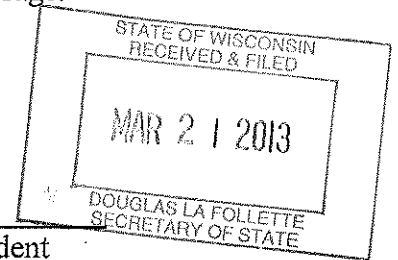
Adopted and passed by a vote of 7-0 of the Village Board, at a Regular Village Board meeting on March 14, 2013. This Ordinance shall become effective on the date of passage.

VILLAGE OF HOLMEN

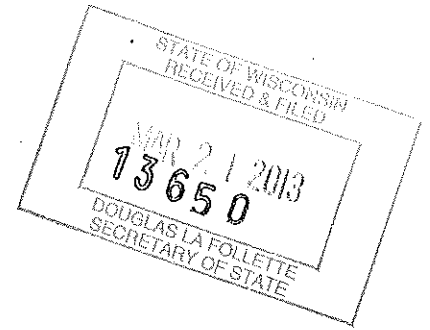


Nancy Proctor, Village President


Angela Hornberg, Clerk/Treasurer



"Exhibit A"

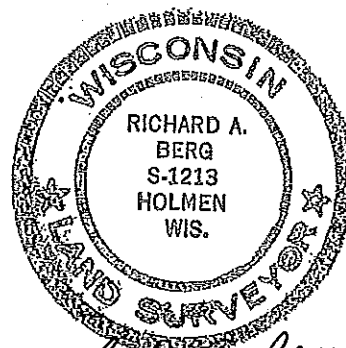


PARCEL TO BE ANNEXED TO THE VILLAGE OF HOLMEN

DESCRIPTION

Part of the NE1/4 of the SE1/4, and part of the SE1/4 of the NE1/4, and part of the SW1/4 of the NE1/4, and part of the NW1/4 of the NE1/4, and part of the NE1/4 of the NE1/4 of Section 19, T17N, R7W, described as follows: Commencing at the East Quarter Corner of Section 19, T17N, R7W, as the point of beginning of this description; Thence S02°37'04"W, 300.00 feet along the east line of the NE1/4 of the SE1/4 of said Section 19, to the northeast corner of the recorded subdivision plat of WALDEN ACRES ADDITION; Thence S89°55'23"W, 907.73 feet along the north line of WALDEN ACRES ADDITION, and the westerly extension thereof, to the centerline of State Road 35; Thence N12°58'06"W, 2534.15 feet along said centerline, to the southwesterly right-of-way line of U.S. Highway 53; Thence N75°06'26"W, 688.75 feet along said southwesterly right-of-way line; Thence N74°44'41"W, 86.43 feet along said southwesterly right-of-way line; Thence N40°43'52"W, 363.20 feet along said southwesterly right-of-way line, to the north line of the NW1/4 of the NE1/4 of Section 19, T17N, R7W; Thence S89°53'10"E, 1270.45 feet along said north line, to the northeast corner of the NW1/4 of the NE1/4 of Section 19, T17N, R7W; Thence S02°20'03"W, 514.53 feet along the east line of the NW1/4 of the NE1/4 of said Section 19, to the southerly right-of-way line of U.S. Highway 53; Thence S62°49'27"W, 152.04 feet along said southerly right-of-way line, to the easterly right-of-way line of State Road 35; Thence S12°56'16"E, 98.17 feet along said right-of-way line; thence S77°01'54"W, 30.00 feet along said right-of-way line; Thence S12°58'06"E, 2007.56 feet along said easterly right-of-way line of State Road 35, to the south line of the SE1/4 of the NE1/4 of Section 19, T17N, R7W; Thence N89°55'23"E, 918.61 feet along said south line, to the East Quarter Corner of Section 19, T17N, R7W, and the point of beginning of this description.

Drafted By: Richard A. Berg PLS #1213



Richard A. Berg
1-14-2013

ANNEXATION MAP

"Exhibit B"

PROPERTY TO BE ANNEXED TO THE VILLAGE OF HOLMEN
 LOCATED IN THE NE1/4 AND THE SE1/4 OF SECTION 19,
 T17N, R7W, LACROSSE COUNTY, WISCONSIN.

SW1/4, SE1/4
 18-17-7

SE1/4, SE1/4
 18-17-7

73650

STATE OF WISCONSIN
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MAR 21 2013
 DOUGLAS LA FOLLETTE
 SECRETARY OF STATE

N1/4 COR
 19-17-7
 LUNDE MON.

NE COR
 19-17-7
 LUNDE MON.

EXISTING MUNICIPAL BOUNDARY - VILLAGE OF HOLMEN

EXISTING MUNICIPAL BOUNDARY - VILLAGE OF HOLMEN
 U.S. HIGHWAY 53

S89°53'10"E, 1270.45'

N74°29'52"W
 365.20'

N74°44'41"W
 86.49'

N75°06'26"W, 688.75'

S02°20'03"W
 514.53'

S62°48'27"W
 152.04'

S12°55'16"E
 98.17'

S77°01'54"W
 20.00'

NW1/4, NE1/4
 19-17-7

NE1/4, NE1/4
 19-17-7

COUNTY ROAD OT

SW1/4, NE1/4
 19-17-7

SE1/4, NE1/4
 19-17-7

C1/4 COR
 19-17-7
 LUNDE MON.

E1/4 COR
 19-17-7
 LUNDE MON.

N89°55'23"E, 918.61'

NW1/4, SE1/4
 19-17-7

SE1/4, SE1/4
 19-17-7

NE1/4, SE1/4
 19-17-7

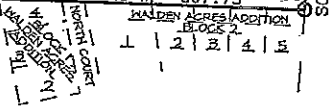


Richard A. Berg
 1-14-2013

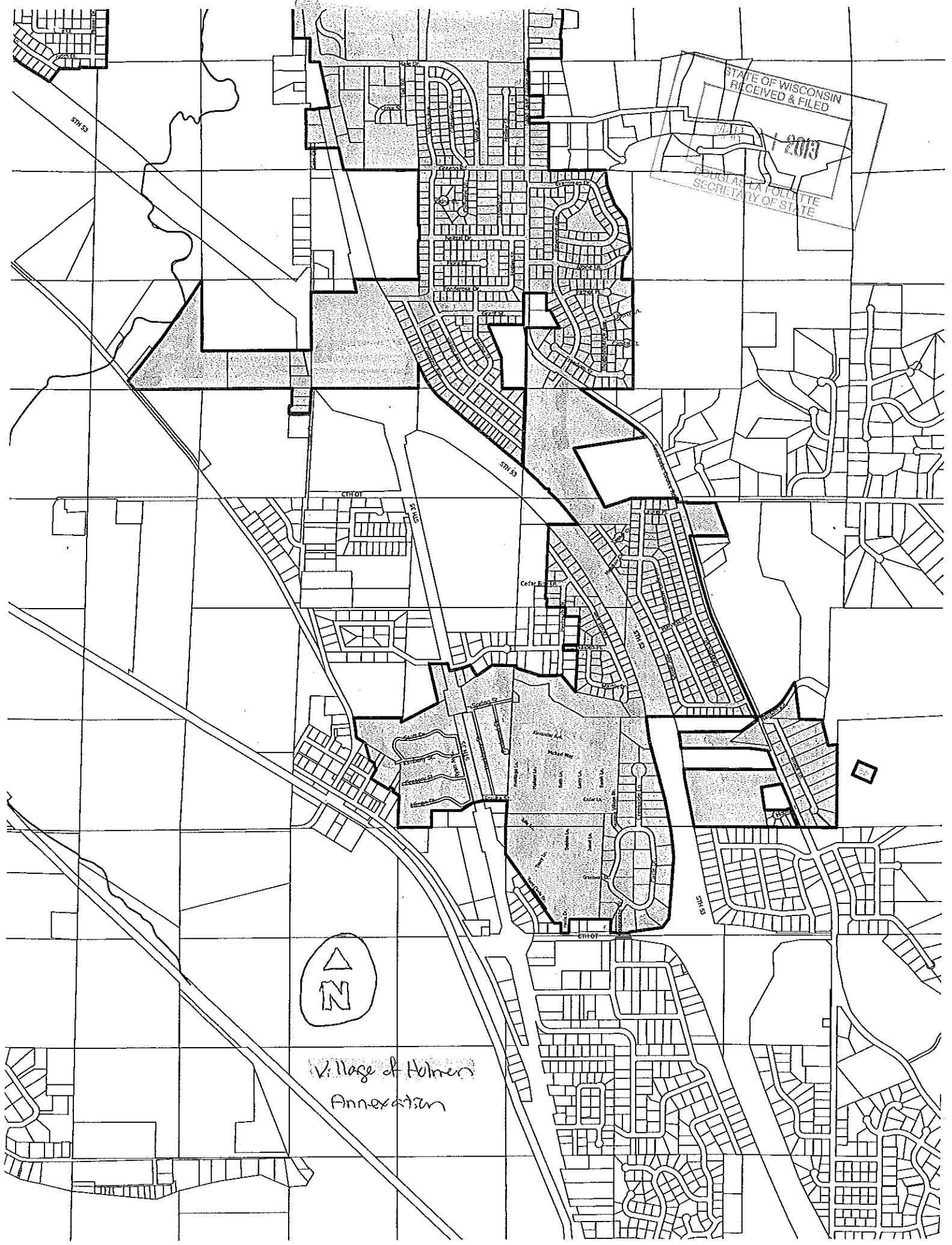
SCALE 1"=400'



DRAFTED BY:
 RICHARD A. BERG, PLS#1213
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 300 STATE ST. - PO BOX 625
 HOLMEN, WI 54636



STATE OF WISCONSIN
RECEIVED & FILED
MAY 1 2013
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SECRETARY OF STATE



Village of Holmes
Annexation