

ORD10400-Voided

**RECEIVED**

02/10/2020

Municipal Boundary Review  
Wisconsin Dept. of Admin.

STATE OF WISCONSIN

CIRCUIT COURT

TREMPEALEAU COUNTY

---

TOWN OF LINCOLN,

Plaintiff,

v.

Case No. 15-CV-112

CITY OF WHITEHALL,

Defendant.

---

**ORDER**

---

On February 28, 2017, the Court entered an order dismissing all claims asserted in the above-captioned action. Plaintiff Town of Lincoln appealed from that order. On April 17, 2019, the Wisconsin Supreme Court issued a decision reversing the February 28, 2017 order and remanding the case to this Court. The record was remitted on May 21, 2019. For the reasons set forth in the Wisconsin Supreme Court's decision, the Court hereby ORDERS that the four annexation ordinances enacted by Defendant City of Whitehall on April 29, 2015, all of which annexed territory from Plaintiff Town of Lincoln, are hereby void and unenforceable.

THIS IS A FINAL ORDER FOR PURPOSES OF APPEAL.

# The State of Wisconsin

## Office of the Secretary of State

C170

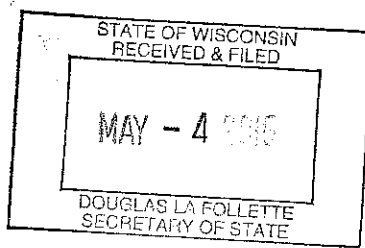
CITY OF WHITEHALL

TREMPEALEAU COUNTY

ANNEXATION ORDINANCE (phase 3)

FILED May 4, 2015

WHITEHALL ELECTRIC UTILITY  
WHITEHALL WATER DEPARTMENT  
WHITEHALL SEWER DEPARTMENT



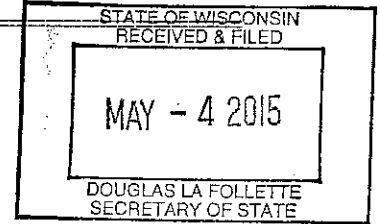
TELEPHONE (715) 538-4353  
FAX (715) 538-2301  
whitehall@wppienergy.org

# CITY OF WHITEHALL

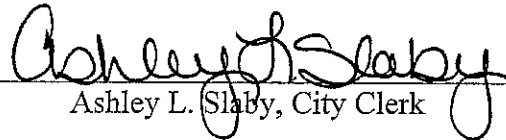
TREMPEALEAU COUNTY SEAT

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18620 HOBSON STREET  
P.O. BOX 155  
WHITEHALL, WI 54773

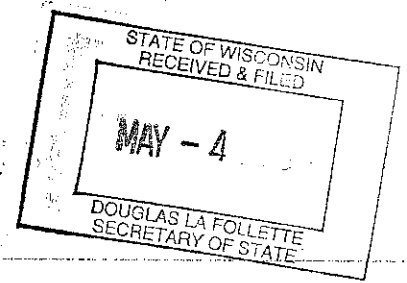


I, Ashley L. Slaby, City Clerk for the City of Whitehall, County of Trempealeau, State of Wisconsin, do hereby certify, that the attached ordinances and annexation maps are copies of the original ordinances and annexation maps that were approved by our Common Council on April 29, 2015. The annexed area has a total population of 20.

  
\_\_\_\_\_  
Ashley L. Slaby, City Clerk

## ANNEXATION ORDINANCE

§66.0217(2), Wis. Stats.



THE COMMON COUNCIL OF THE CITY OF WHITEHALL DOES HEREBY ORDAIN AS FOLLOWS:

Section One: A Petition having been filed with the City Clerk seeking annexation of the following described territory to the City of Whitehall:

See attached Exhibit "A".

Exhibit "B" is a map of the property attached to the City under this Ordinance.

Pursuant to §66.0217(2), Wis. Stats., the said described real estate is hereby annexed to the City of Whitehall.

Section Two: Said real estate is hereby detached from the Town of Lincoln, Trempealeau County.

Section Three: The City Clerk is hereby instructed to file with the Secretary of State a certified copy of this Ordinance together with the attached plat and shall send one (1) copy each to each company that provides utility service in the area annexed. The Clerk shall also record the Ordinance with the Register of Deeds for Trempealeau County and shall file a signed copy with the Clerk of the Whitehall Area School District.

Section Four: This Ordinance shall become effective upon the date of its adoption as required by law and shall act to annex the described territory to the City.

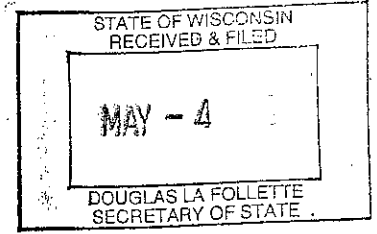
Section Five: The City Planning Commission shall have the description of the annexed territory referred to it for its recommendation as to which zoning district it shall be placed in by the Common Council.

Section Six: The annexed territory shall be placed in Ward 5 of the City of Whitehall.

Section Seven: In accord with the Annexation Petition, the population of the territory annexed to the City under this Ordinance is zero (0).

Section Eight: In accord with §66.0217(14)(a), Wis. Stats., the City shall, annually, for five (5) years following the year of annexation, pay to the Town of Lincoln an amount equal to the property taxes that the Town levied on the annexed property in the year in which the annexation is final.

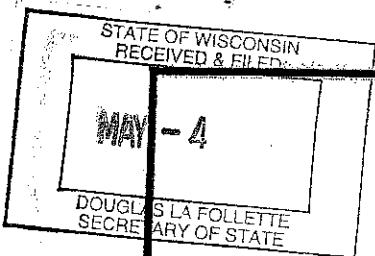
Dated this 29 day of April, 2015.



CITY OF WHITEHALL

By: R. C. Moen  
Rodney Moen, Mayor

By: Ashley Slaby  
Ashley Slaby, City Clerk



# ANNEXATION MAP PHASE 3

PARCEL 20- The Southeast Quarter of the Southeast Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

EXCEPTING therefrom the following described parcel;

That part of the Southeast Quarter of the Southeast Quarter of Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin, described as follows:

Commencing at the southwest corner of the Southeast Quarter of said Section 8; thence N89°37'35"E along the south line of said Southeast Quarter 1325.97 feet to the southwest corner of the Southeast Quarter of the said Southeast Quarter and the point of beginning; thence N01°01'22"E along the west line of said Southeast Quarter of the Southeast Quarter 100.00 feet; thence N89°37'35"E 100.00 feet; thence S01°01'22"W 100.00 feet to the south line of said Southeast Quarter of the Southeast Quarter; thence S89°37'35"W along the south line of said Southeast Quarter 100.00 feet to the southwest corner of Southeast Quarter of the Southeast Quarter and the point of beginning.

PARCEL 21- The Northwest Quarter of the Southwest Quarter, Section 9, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin, lying and being west of the centerline of Witt Hill Road.

PARCEL 22- The Northeast Quarter of the Southeast Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

PARCEL 23- The Northwest Quarter of the Southeast Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

PARCEL 24- The Southeast Quarter of the Northeast Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

PARCEL 25- The Southwest Quarter of the Northeast Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF WISCONSIN.

CHAD J. NOLTE

DATE

2905  
NUMBER

DATE: 02/09/15

PROJECT: J. WHITEHALL RR

COMPUTER FILE: PHASE 3

SURVEYOR: CNOLTE

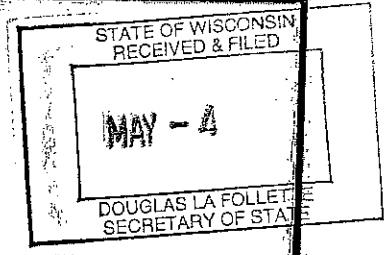
SURVEYED FOR: WHITEHALL SAND & GRAVEL, LLC



10488 COUNTY RD 139 SE  
CHATFIELD, MN 55923  
507-421-5427

COPYRIGHT 2015 CHAD J. NOLTE'S SURVEYING

# ANNEXATION MAP PHASE 3



PARCEL 26- The Northwest Quarter of the Northeast Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

EXCEPTING therefrom the following described parcel;

That part of the Northwest Quarter of the Northeast Quarter of Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin, described as follows:

Commencing at the northwest corner of said Northeast Quarter; thence N89°33'47"E along the north line of said Northeast Quarter 640.37 feet to the point of beginning; thence S13°25'19"E 1051.11 feet; thence N73°09'49"E 430.68 feet to the east line of the Northwest Quarter of said Northeast Quarter; thence N01°01'24"E along said east line 902.93 feet to the northeast corner of said Northwest Quarter of the Northeast Quarter; thence S89°33'47"W along the north line of said Northeast Quarter 672.36 feet to the point of beginning.

PARCEL 27- The Northeast Quarter of the Northwest Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

PARCEL 28- The Southeast Quarter of the Northwest Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

PARCEL 37- The Northeast Quarter of the Southwest Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF WISCONSIN.

CHAD J. NOLTE



**NOLTE'S  
SURVEYING**

10488 COUNTY RD 139 SE  
CHATFIELD, MN 55923

507-421-5427

COPYRIGHT 2015 CHAD J. NOLTE'S SURVEYING

DATE: 02/09/15

2905  
NUMBER

PROJECT: WHITEHALL RR

COMPUTER FILE: PHASE 3

SURVEYOR: CHAD J. NOLTE

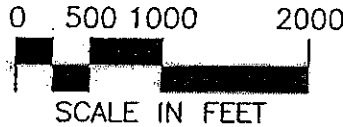
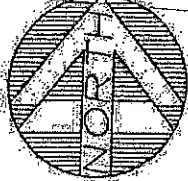
SURVEYED FOR: WHITEHALL SAND & RAIL, LLC

STATE OF WISCONSIN  
RECEIVED & FILED

MAY - 4

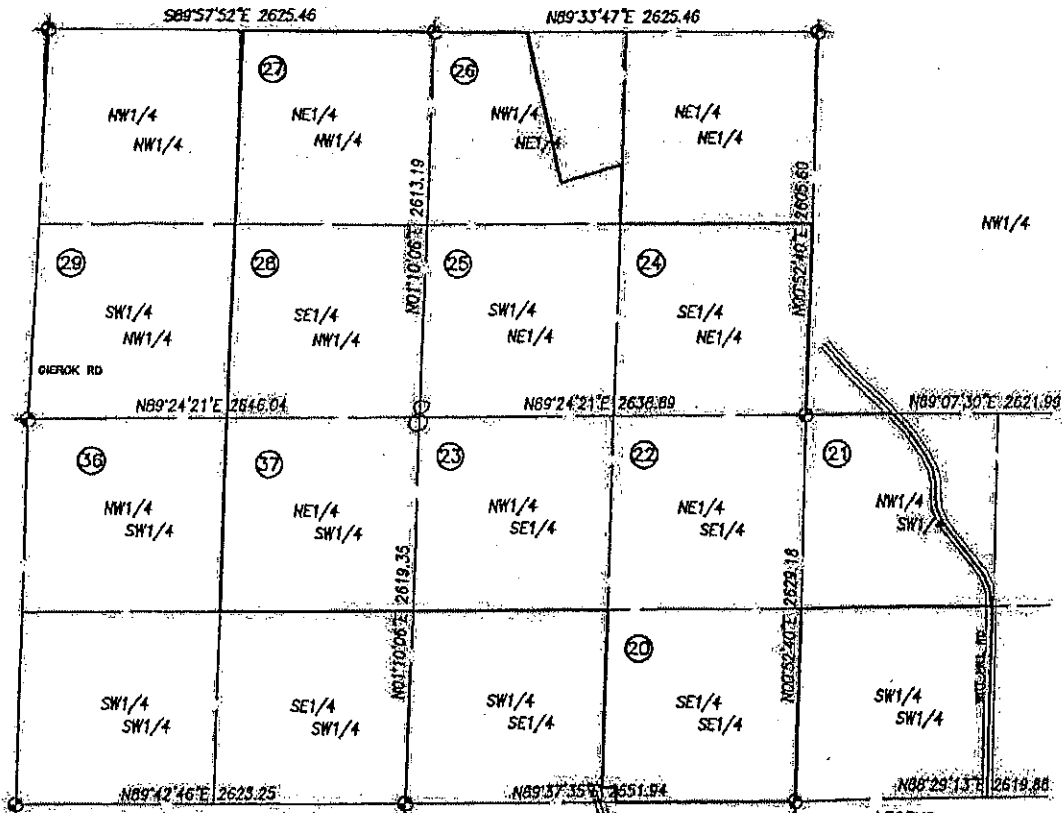
DOUGLAS L.A. FOLLETTE  
SECRETARY OF STATE

# ANNEXATION MAP PHASE 3



### BEARINGS

ALL BEARINGS ARE  
BASED ON THE  
TREMPEALEAU COUNTY  
COORDINATE SYSTEM.  
NAD 83 (96 ADJ)HARN



NOTE: Phase 1 acres for annexation  
is 277.15' more or less.

NOTE: An agreement between Nolte's Land Surveying and  
Whitehall Sand & Rail, LLC to exclude monuments  
to be set at bearing changes per Wisconsin State  
Statute, Chapter A-E 7.

- LEGEND**
- 1/2" Rebars
  - 1/2" Iron Pipes
  - Found Monuments (Pipe, Rod, Etc.)
  - ⊕ Found County Marker
  - BOUNDARY OF ANNEXATION
  - RIGHT-OF-WAY
  - CENTERLINE
  - ⓪ PARCEL NUMBERING

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR  
REPORT WAS PREPARED BY ME OR UNDER MY  
DIRECT SUPERVISION AND THAT I AM A DULY  
LICENSED LAND SURVEYOR UNDER THE LAWS OF  
THE STATE OF WISCONSIN.

*Chad J. Nolte*  
CHAD J. NOLTE  
DATE: 02/09/15 NUMBER: 2905



**NOLTE'S  
SURVEYING**  
10488 COUNTY RD 139 SE  
CHATFIELD, MN 55923  
507-421-5427  
COPYRIGHT 2015 NOLTE'S SURVEYING





**KOSTNER, KOSLO & BROVOLD LLC**  
ATTORNEYS AT LAW

**RECEIVED**  
**December 27, 2019**  
Municipal Boundary Review  
Wisconsin Dept. of Admin.

December 20, 2019

**Via U.S. Mail & UPS**

Wisconsin Department of Administration  
P.O. Box 7864  
Madison, Wisconsin, 53707

Wisconsin Department of Administration  
101 E. Wilson Street, 10th Floor  
Madison, WI 53703

Re: Town of Lincoln v. City of Whitehall - Annexation Invalidated  
Our File No. 4490/008

Greetings,

Reference is made to the annexation ordinances ("Ordinances") of the City of Whitehall ("City") to annex land from the Town of Lincoln ("Town"). On November 13, 2019, the Circuit Court of Trempealeau County issued an order ("Order") invalidating and voiding the Ordinances. In accordance with *Wis. Stat. § 66.0231*, we are sending a certified copy of the Order to you. You may wish to note that we are also providing notice of the Order to other municipal agencies and utilities as specified under *Wis. Stat. § 66.0227(5)* and *Wis. Stat. § 66.0217(9)*.

More specifically, enclosed are (i) a certified copy of the Order, invalidating and voiding the Ordinances, (ii) four (4) pages of legal descriptions describing the land annexed by the City through the Ordinances, and (iii) four (4) pages of maps showing the land annexed by the City through the Ordinances.

By the Order, the land annexed by the City through the Ordinances has been returned to the jurisdiction of the Town. Please take notice that you should update your records to show such property being within the boundaries of the Town.

Very truly yours,

TERRENCE J. MADDEN

esh

Enclosures

cc: Eric Schmidtke (via electronic mail only)  
Mr. Jack Speerstra  
Attorney Peter Reinhardt

FILED  
11-13-2019  
Clerk of Circuit Court  
Trempealeau County  
2015CV000112

DATE SIGNED: November 13, 2019

Electronically signed by Thomas W. Clark  
Circuit Court Judge

STATE OF WISCONSIN                      CIRCUIT COURT                      TREMPEALEAU COUNTY

---

TOWN OF LINCOLN,

Plaintiff,

v.

Case No. 15-CV-112

CITY OF WHITEHALL,

Defendant.

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**ORDER**

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On February 28, 2017, the Court entered an order dismissing all claims asserted in the above-captioned action. Plaintiff Town of Lincoln appealed from that order. On April 17, 2019, the Wisconsin Supreme Court issued a decision reversing the February 28, 2017 order and remanding the case to this Court. The record was remitted on May 21, 2019. For the reasons set forth in the Wisconsin Supreme Court's decision, the Court hereby ORDERS that the four annexation ordinances enacted by Defendant City of Whitehall on April 29, 2015, all of which annexed territory from Plaintiff Town of Lincoln, were invalid and void.

State of Wisconsin  
County of Trempealeau  
I hereby certify that this document  
has been compared with the original now  
on file in the official custody of this  
Court, and it is a full, true and correct  
copy of said original on file.

Attest December 8, 2019  
*Michelle Weisenberger*  
Michelle Weisenberger, Clerk of Court

# ANNEXATION MAP PHASE I

STATE OF WISCONSIN  
RECEIVED & FILED  
MAY - 4 - 1915  
DOUGLAS LA FOLLETTE  
SECRETARY OF STATE



- PARCEL 01- All that part of the Southeast Quarter of the Northeast Quarter of Section 22, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin, lying north of the northerly right-of-way line of the Fox Valley and Western Ltd. Railroad and west of the following described line:  
Commencing at the East Quarter Corner of said Section 22; thence N83°29'28"W 1275.78 feet to the northerly right-of-way line of the Fox Valley and Western Ltd. Railroad and the point of beginning of this line description; thence N25°37'58"E 1045.00 feet, more or less, to the center of the channel of the Trempealeau River; thence northerly along the center of the channel to the North line of the Southeast Quarter of the Northeast Quarter and the terminus of this line description.
- PARCEL 02- All that part of the Southwest Quarter of the Northeast Quarter of Section 22, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin, lying north of the southerly right-of-way line of the Fox Valley and Western Ltd. Railroad.
- PARCEL 03- The Southeast Quarter of the Northwest Quarter, Section 22, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.
- PARCEL 04- The Southwest Quarter of the Northwest Quarter, Section 22, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.
- PARCEL 05- The South 15 rods of the West 22 rods of the Northeast Quarter of the Northeast Quarter of Section 22, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.
- PARCEL 06- All that part of the Northwest Quarter of the Northeast Quarter of Section 22, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin, lying South and West of the waters edge of the Trempealeau River.
- PARCEL 07- The Northeast Quarter of the Northwest Quarter, Section 22, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.
- PARCEL 08- The Northwest Quarter of the Northwest Quarter, Section 22, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.
- PARCEL 09- The Northeast Quarter of the Northeast Quarter, Section 21, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin, lying and being north of the north right-of-way line of the Fox Valley & Western LTD. Railroad.
- PARCEL 10- All that part of the Southwest Quarter of the Southeast Quarter of Section 15, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin, lying South and West of the waters edge of the Trempealeau River.
- PARCEL 11- The Southwest Quarter of the Southwest Quarter of the Southwest Quarter, Section 15, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF WISCONSIN.



**NOLTE'S SURVEYING**  
10488 COUNTY RD 139 SE  
CHATELLE, MN 55928  
507-421-6427  
PROPERTY AND SURVEY SERVICES

CHAD J. NOLTE  
DATE \_\_\_\_\_ NUMBER 2905

EXHIBIT

A

# ANNEXATION MAP PHASE 2

- PARCEL 12-- The Southeast Quarter of the Southeast Quarter, Section 16, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.
- PARCEL 13-- The Northeast Quarter of the Southeast Quarter, Section 16, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.
- PARCEL 14-- The Northwest Quarter of the Southeast Quarter, Section 16, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.
- PARCEL 15-- The Northeast Quarter of the Southwest Quarter, Section 16, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.
- PARCEL 16-- The Southeast Quarter of the Northwest Quarter, Section 16, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.
- PARCEL 17-- The Southwest Quarter of the Northwest Quarter, Section 16, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

EXCEPTING therefrom the following described parcel;

That part of the Southwest Quarter of the Northwest Quarter of Section 16, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin, described as follows:

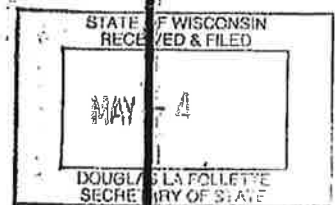
Commencing at the southwest corner of the Northwest Quarter of said Section 16; thence N88°49'38"E along the south line said Northwest Quarter 310.16 feet to the point of beginning; thence N00°41'42"E 260.14 feet; thence N88°49'38"E 480.26 feet; thence S00°41'42"W 260.14 feet to the south line of said Northwest Quarter; thence S88°49'38"W along said south line 480.26 feet to the point of beginning.

Said tract contains 2.87 acres more or less.

Said tract is subject to township road right-of-way easement on the south.

Said tract is subject to any other easements of record.

- PARCEL 18-- The Southeast Quarter of the Northeast Quarter, Section 17, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin, lying and being east of the centerline of Evenson Lane.
- PARCEL 19-- The Northeast Quarter of the Northeast Quarter, Section 17, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin, lying and being east of the centerline of Evenson Lane.



I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF WISCONSIN.



## NOLTE'S SURVEYING

10488 COUNTY RD 139 SE  
CHATFIELD, MN 55923  
507-421-5427

CHAD J. NOLTE  
DATE 2905 NUMBER

DATE: 02/03/15 PROJECT: J. WINTERHILL RR COMPUTER FILE: PHASE 2 SURVEYOR: C. NOLTE SURVEYED FOR: WINTERHILL SAND & RAIL, LLC

# ANNEXATION MAP PHASE 3

STATE OF WISCONSIN  
RECEIVED & FILED  
  
MAY - 4  
  
DOUGLAS LA FOLLETTE  
SECRETARY OF STATE

PARCEL 26- The Northwest Quarter of the Northeast Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

EXCEPTING therefrom the following described parcel;

That part of the Northwest Quarter of the Northeast Quarter of Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin, described as follows:

Commencing at the northwest corner of said Northeast Quarter; thence N89°33'47"E along the north line of said Northeast Quarter 640.37 feet to the point of beginning; thence S13°25'19"E 1051.11 feet; thence N73°09'49"E 430.68 feet to the east line of the Northwest Quarter of said Northeast Quarter; thence N01°01'24"E along said east line 902.93 feet to the northeast corner of said Northwest Quarter of the Northeast Quarter; thence S89°33'47"W along the north line of said Northeast Quarter 672.36 feet to the point of beginning.

PARCEL 27- The Northeast Quarter of the Northwest Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

PARCEL 28- The Southeast Quarter of the Northwest Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

PARCEL 37- The Northeast Quarter of the Southwest Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

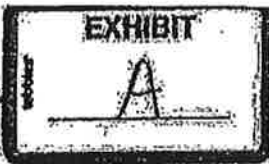
I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF WISCONSIN.

CHAD J. NOLTE



**NOLTE'S  
SURVEYING**  
10488 COUNTY RD 139 SE  
CHATFIELD, MN 55923  
507-421-5427  
COPYRIGHT 2005 NOLTE'S SURVEYING  
SURVEYED FOR: WHITEHALL SAND & GRAVEL, LLC

DATE: 02/09/15 PROJECT #: WHITEHALL, WI COMPUTER FILE: PHASE 3 SURVEYOR: CHAD J. NOLTE



# ANNEXATION MAP PHASE 4

PARCEL 29- The Southwest Quarter of the Northwest Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

PARCEL 30- The Southeast Quarter of the Northeast Quarter, Section 7, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

EXCEPTING therefrom the following described parcel;

A parcel of land in the SE 1/4 of NE 1/4 Section 7, Township 22 North, Range 8 West, lying west of the centerline of Gierok Road and north of the following described line:

Beginning at a found P.K. Nail monument which is N31°08'30"W 454.58 feet from the southeast corner of the Northeast Quarter of said Section 7; thence N69°44'24"W 292.19 feet to a found Iron Pipe monument; thence N22°44'57"W 83.46 feet to a found Iron Pipe monument; thence N84°05'25"W 111.68 feet to a found Iron Pipe monument; thence N22°48'49"W 70.25 feet to a found Iron Pipe monument; thence N49°39'54"W 1054.36 feet to the north line of the South Half of the Northeast Quarter of said Section 7 and there terminating.

PARCEL 31- The Southwest Quarter of the Northeast Quarter, Section 7, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

EXCEPTING therefrom the following described parcel;

A parcel of land in the SW 1/4 of NE 1/4 Section 7, Township 22 North, Range 8 West, lying northeast of the following described line:

Beginning at a found P.K. Nail monument which is N31°08'30"W 454.58 feet from the southeast corner of the Northeast Quarter of said Section 7; thence N69°44'24"W 292.19 feet to a found Iron Pipe monument; thence N22°44'57"W 83.46 feet to a found Iron Pipe monument; thence N84°05'25"W 111.68 feet to a found Iron Pipe monument; thence N22°48'49"W 70.25 feet to a found Iron Pipe monument; thence N49°39'54"W 1054.36 feet to the north line of the South Half of the Northeast Quarter of said Section 7 and there terminating.

PARCEL 32- The Northeast Quarter of the Southeast Quarter, Section 7, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

PARCEL 33- The Southeast Quarter of the Southeast Quarter, Section 7, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

EXCEPTING therefrom the following described parcel;

A parcel of land in the SE 1/4 of SE 1/4 Section 7, Township 22 North, Range 8 West, described as follows:

Commencing where the centerline of the private drive intersects with the East boundary line of said forty; thence due West 190 feet; thence due North 228 feet; thence due East 190 feet to the East boundary line of said forty; thence due South 228 feet to the place of beginning.

PARCEL 34- The Southwest Quarter of the Southeast Quarter, Section 7, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

PARCEL 35- The Northwest Quarter of the Northeast Quarter, Section 18, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

PARCEL 36- The Northwest Quarter of the Southwest Quarter, Section 8, Township 22 North, Range 8 West, Town of Lincoln, Trempealeau County, Wisconsin.

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF WISCONSIN.



**MOLTE'S SURVEYING**

10488 COUNTY RD 139 SE  
CHATFIELD, MN 55923

507-421-5427

COURTESY OF MOLTE'S SURVEYING

CHAD J. NOLTE

DATE

02/09/15

PROJECT # WISCONSIN RR

COMPUTER FILE # PHASE 4

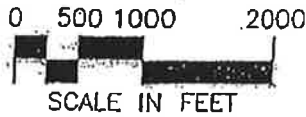
SURVEYOR CHAD J. NOLTE

SURVEYED FOR: MITCHELL SAND & CO., LLC

STATE OF WISCONSIN  
RECEIVED & FILED  
MAY - 4 - 2015  
DOUGLAS LA FOLLETTE  
SECRETARY OF STATE

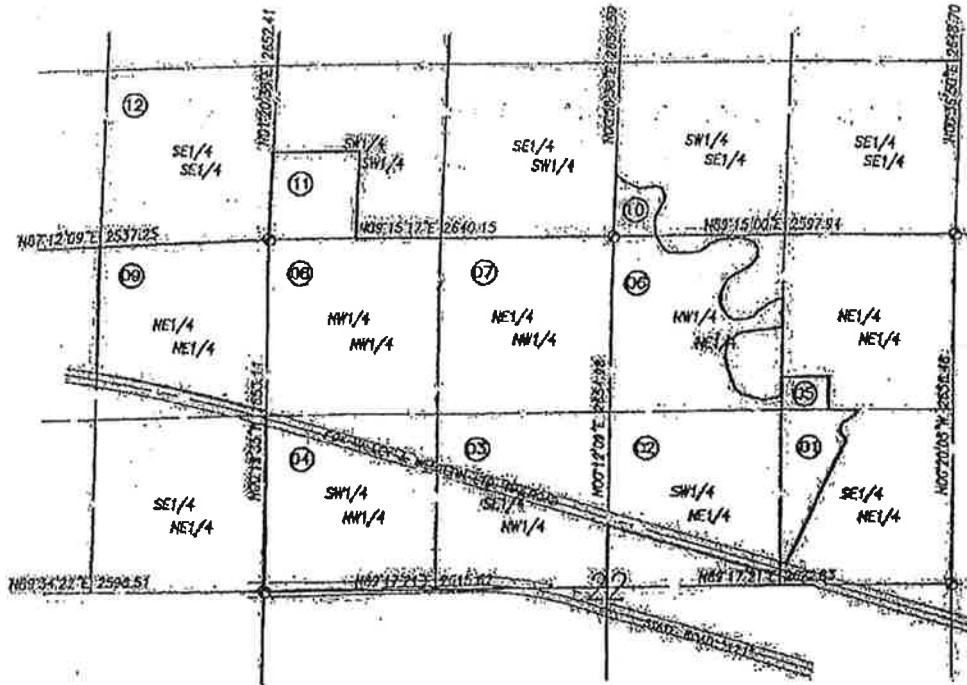
EXHIBIT  
B

# ANNEXATION MAP PHASE 1



**BEARINGS**

ALL BEARINGS ARE  
BASED ON THE  
TREMPEALEAU COUNTY  
COORDINATE SYSTEM,  
NAD 83 (96 ADJ)HARN



NOTE: Phase 1 acres for annexation  
is 277.15 more or less.

NOTE: An agreement between Nolte's Land Surveying and  
Whitehall Sand & Rail, LLC to exclude monuments  
to be set at bearing changes per Wisconsin State  
Statute, Chapter A-E 7.

**LEGEND**

- 1/2" Rebars
- 1/2" Iron Pipes
- Found Monuments  
(Pipe, Rod, Etc.)
- ◆ Found County Marker
- BOUNDARY OF ANNEXATION
- - - RIGHT-OF-WAY
- CENTERLINE
- 1 PARCEL NUMBERING

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR  
REPORT WAS PREPARED BY ME OR UNDER MY  
DIRECT SUPERVISION AND THAT I AM A DULY  
LICENSED LAND SURVEYOR UNDER THE LAWS OF  
THE STATE OF WISCONSIN.

*Chad Nolte*  
DATE: 07/09/15 NUMBER: 2985  
DATE: 02/01/15 PROJECT: WHITEHALL RD COMPUTER FILE: PHASE 1 SURVEYOR: CHAD NOLTE



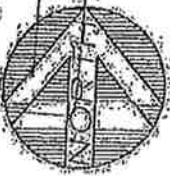
**NOLTE'S  
SURVEYING**  
10488 COUNTY RD 139 SE  
CHATFIELD, MN 55923  
507-421-5427  
SURVEYED FOR: WHITEHALL SAND & RAIL, LLC



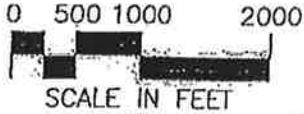
STATE OF WISCONSIN  
RECEIVED & FILED

MAY - 4 2015

DOUGLAS LA FOLLETT  
SECRETARY OF STATE



# ANNEXATION MAP PHASE 2

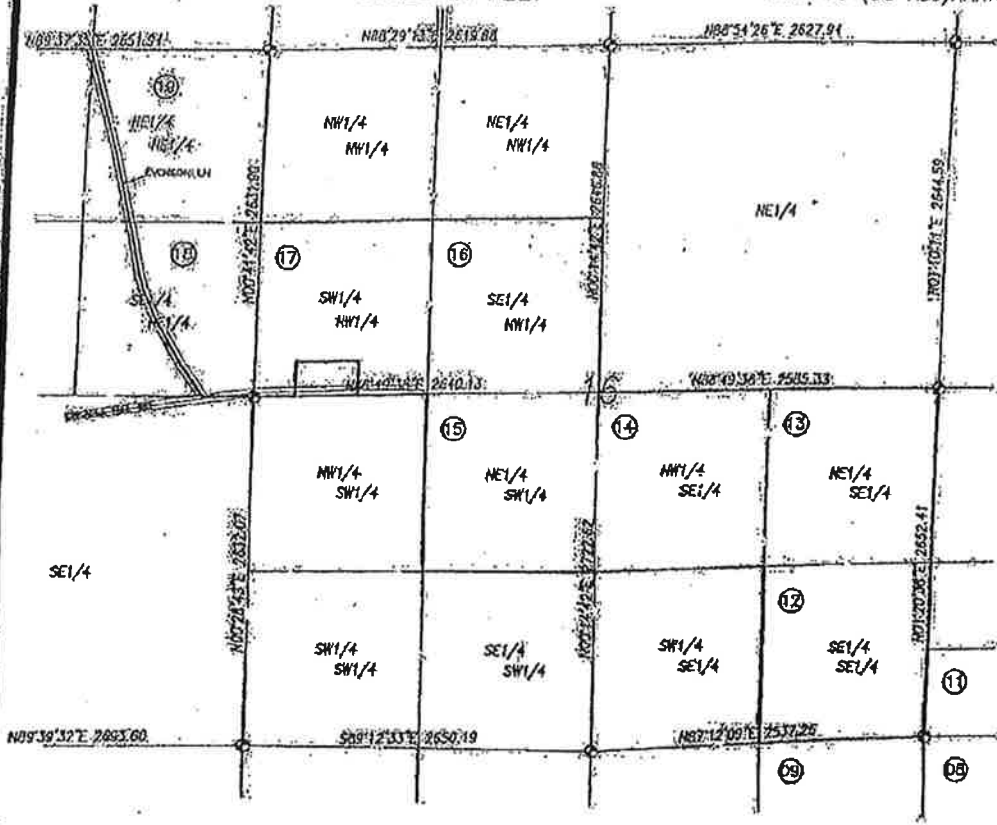


### BEARINGS

ALL BEARINGS ARE  
BASED ON THE  
TREMPEALEAU COUNTY  
COORDINATE SYSTEM.  
NAD 83 (96 ADJ)HARN

EXHIBIT

B



NOTE: Phase 2 acres for annexation  
is 292.58 more or less.

NOTE: An agreement between Nolte's Land Surveying and  
Whitehall Sand & Rail, LLC to exclude monuments  
to be set at bearing changes per Wisconsin State  
Statute, Chapter A-E 7.

### LEGEND

- 1/2" Rebars
- 1/2" Iron Pipes
- Found Monuments  
(Pipe, Rod, Etc.)
- ◆ Found County Marker
- BOUNDARY OF ANNEXATION
- RIGHT-OF-WAY
- CENTERLINE
- ① PARCEL NUMBERING

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR  
REPORT WAS PREPARED BY ME OR UNDER MY  
DIRECT SUPERVISION AND THAT I AM A DULY  
LICENSED LAND SURVEYOR UNDER THE LAWS OF  
THE STATE OF WISCONSIN.

*Chad J. Nolte*  
CHAD J. NOLTE

DATE: 05/09/15 NUMBER: 2905

DATE: 02/02/15 PROJECT: WHITEHALL SAND & RAIL, LLC COMPUTER: N.D. PHASE 2 SURVEYOR: CHAD J. NOLTE SURVEYED FOR: WHITEHALL SAND & RAIL, LLC



**NOLTE'S  
SURVEYING**  
10488 COUNTY RD 139 SE  
CHATFIELD, MN 55929  
507-421-5427

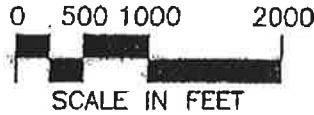
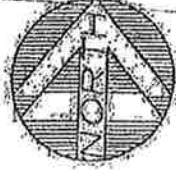


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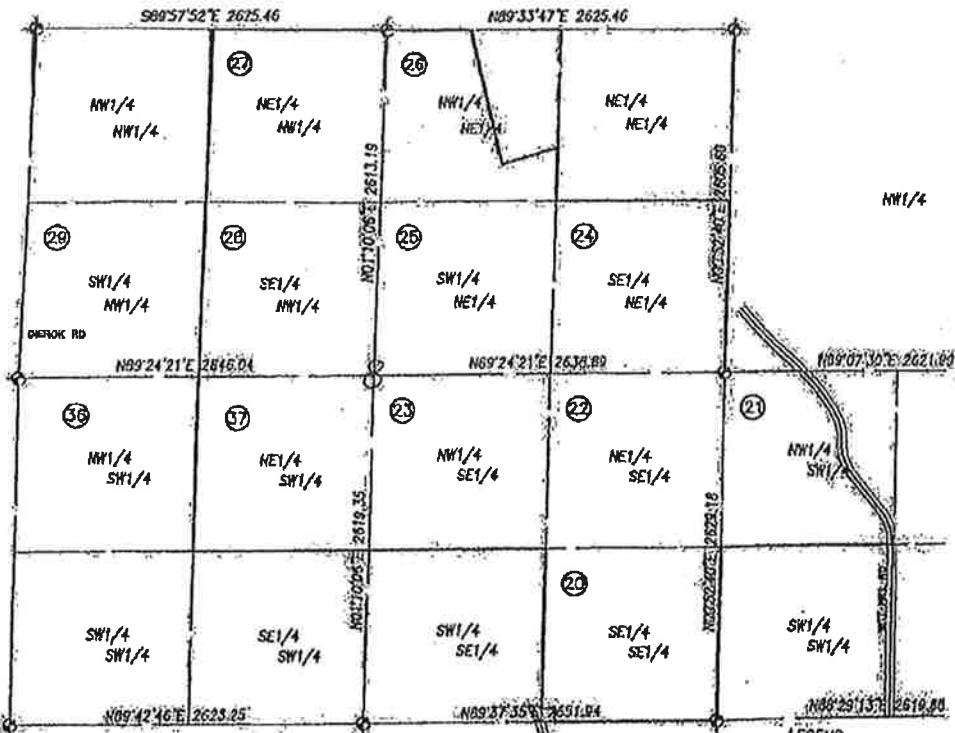
DOUGLAS L. FOLLETTE  
SECRETARY OF STATE

# ANNEXATION MAP PHASE 3



### BEARINGS

ALL BEARINGS ARE  
BASED ON THE  
TREMPEALEAU COUNTY  
COORDINATE SYSTEM,  
NAD 83 (96 ADJ) HARN



NOTE: Phase 1 acres for annexation  
is 277.15' more or less.

NOTE: An agreement between Nolte's Land Surveying and  
Whitehall Sand & Roll, LLC to exclude monuments  
to be set of bearing changes per Wisconsin State  
Statute, Chapter A-E 7.

- LEGEND**
- 1/2" Rebars
  - ⊙ 1/2" Iron Pipes
  - Found Monuments (Pipe, Rod, Etc.)
  - ⊕ Found County Marker
  - BOUNDARY OF ANNEXATION
  - RIGHT-OF-WAY
  - CENTERLINE
  - ⓪ PARCEL NUMBERING

I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR  
REPORT WAS PREPARED BY ME OR UNDER MY  
DIRECT SUPERVISION AND THAT I AM A DULY  
LICENSED LAND SURVEYOR UNDER THE LAWS OF  
THE STATE OF WISCONSIN

*Chad J. Nolte*  
CHAD J. NOLTE  
02/09/15 2905  
DATE NUMBER



**NOLTE'S  
SURVEYING**  
10488 COUNTY RD 139 SE  
CHATFIELD, MN 55923  
507-421-5427  
CONFIDENTIAL AND LEGAL DOCUMENT  
SURVEYED FOR: WHITEHALL SAND & ROLL, LLC

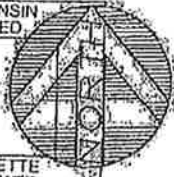
EXHIBIT

B

STATE OF WISCONSIN  
RECEIVED & FILED

MAY - 4

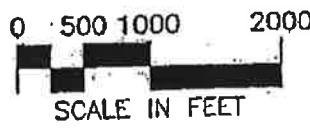
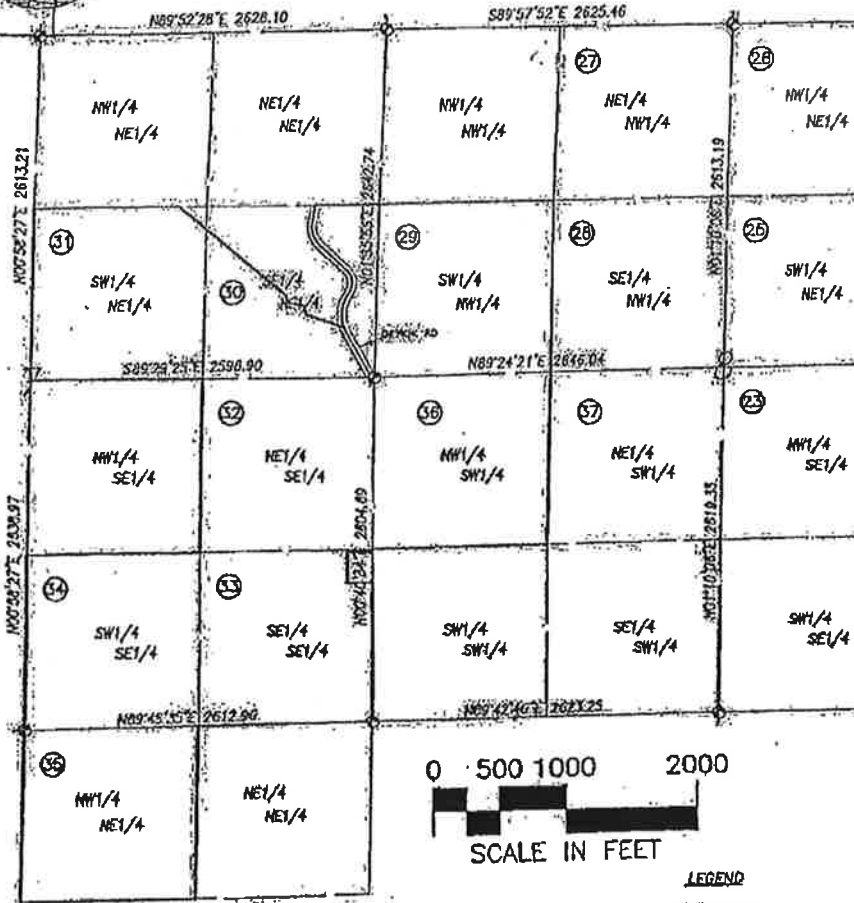
DOUGLAS A. FOLLETTE  
SECRETARY OF STATE



# ANNEXATION MAP PHASE 4

### BEARINGS

ALL BEARINGS ARE  
BASED ON THE  
TREMPEALEAU COUNTY  
COORDINATE SYSTEM.  
NAD 83 (96 ADJ)HARN



### LEGEND

- 1/2" Rebar
- 1/2" Iron Pipes
- Found Monuments (Pipe, Rod, Etc.)
- ◆ Found County Marker
- BOUNDARY OF ANNEXATION
- RIGHT-OF-WAY
- CENTERLINE
- ① PARCEL NUMBERING

NOTE: Phase 4 acres for annexation is 300.57 more or less.

NOTE: An agreement between Nolte's Land Surveying and Whitehall Sand & Rail, LLC to exclude monuments to be set at bearing changes per Wisconsin State Statute, Chapter A-E 7.

I HEREBY CERTIFY THAT THIS SURVEY PLAN OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF WISCONSIN.

CHAD J. NOLTE  
DATE: 07/09/15  
5905 NUMBER



**NOLTE'S SURVEYING**  
10488 COUNTY RD 139 SE  
CHATFIELD, MN 55923  
507-421-5427  
SURVEYED FOR: WHITEHALL SAND & RAIL, LLC