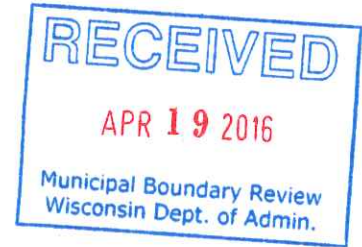


P.O. Box 197
Somers, WI 53171



(262) 859-2822
Fax (262) 859-2331

Village of Somers



Village of Somers)
Kenosha County)
State of Wisconsin)

I hereby certify the attached is a complete, true & correct copy of Ordinance No. 16-007: An Ordinance to Create Section 27.09 of the Code of Ordinances of the Village of Somers to Accomplish the Boundary Line Change Referenced in Intergovernmental Cooperation Agreement entered into on April 7, 2016; said Ordinance Annexes Certain Lands from the Town of Paris to the Village of Somers. This Ordinance was adopted by the Village of Somers, Wisconsin on April 12, 2016.

Dated at Somers, Wisconsin this 14th day of April, 2016

Timothy L. Kitzman
Timothy L. Kitzman
Clerk-Treasurer



ORDINANCE NO. 16-007

AN ORDINANCE TO CREATE SECTION 27.09 OF THE CODE OF ORDINANCES
OF THE VILLAGE OF SOMERS TO ACCOMPLISH THE BOUNDARY LINE
CHANGE REFERENCED IN INTERGOVERNMENTAL COOPERATION
AGREEMENT ENTERED INTO ON APRIL 7, 2016

The Board of Trustees of the Village of Somers, Kenosha County, Wisconsin, hereby creates Section 27.09 of the Code of Ordinances of the Village of Somers to accomplish the boundary line change referenced in Intergovernmental Cooperation Agreement entered into on April 7, 2016 to read as follows:

27.09 BOUNDARY LINE CHANGE REFERENCED IN INTERGOVERNMENTAL COOPERATION AGREEMENT ENTERED INTO ON APRIL 7, 2016.

(A) **Purpose.** The Town of Paris and the Village of Somers entered into an Intergovernmental Cooperation Agreement on April 7, 2016; the recitals and body of which are hereby incorporated herein by reference and the Village Board of the Village of Somers wishes to accomplish the boundary line change referenced therein.

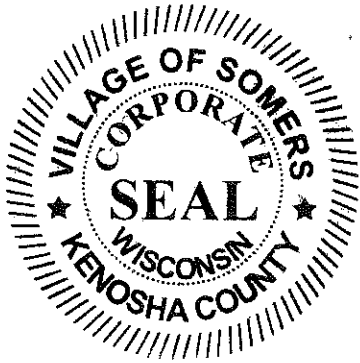
(B) **Boundary Change.** The boundary line between the Town of Paris and the Village of Somers is hereby altered to reflect the legal description represented in the attached Exhibit "A" and the boundary line depicted on the attached Exhibit "B".

(C) **Annexation.** The boundary line alteration referenced in section (B), above, is the result of all territory described as I-94 Corridor Neighborhood Planning Area in the attached Exhibit "B" being transferred from the Town of Paris to the Village of Somers.

(D) **Notification by Clerk/Treasurer.** The Clerk/Treasurer of the Village of Somers shall file a certified copy of this Ordinance with the Secretary of State and the Secretary of the Department of Administration, send one (1) copy to each company that provides utility service in the area described in Exhibit "B", record the original Ordinance with the Register of Deeds, and file a signed copy of the Ordinance with the Clerk of any affected school district.

(E) Population of Annexed Lands. The associated population of the land referenced in Exhibit "B" is 166.

Dated this 12 day of April, 2016.



VILLAGE OF SOMERS

By: *George Stoner*
George Stoner, Village Board

Attest: *Timothy Kitzman*
Timothy Kitzman, Clerk/Treasurer

I, Timothy Kitzman, the clerk of the Village of Somers, do certify the population of the area annexed by Ordinance No. 16-007 is 166 as of April 7, 2016.

Timothy Kitzman
Timothy Kitzman, Clerk/Treasurer
Village of Somers

EXHIBIT A

Legal Description Paris / Somers IGA

April 6, 2016

That portion of Sections 1, 12, 13, 24, 25, 34, 35 and 36 in Town 2 North, Range 21 East of the Fourth Principal Meridian being located in the Town of Paris, County of Kenosha, State of Wisconsin, described as follows:

Begin at the northeast corner of the Northeast $\frac{1}{4}$ of Section 1, Town 2 North, Range 21 East of the Fourth Principal Meridian; thence west along the north line of said Northeast $\frac{1}{4}$ of Section 1, said line being the centerline of County Trunk Highway "KR" and the boundary line between the Town of Yorkville in Racine County and the Town of Paris in Kenosha County to a point being the northwest corner of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ of Section 1, Town 2, Range 21; thence south along the west line of the East $\frac{1}{2}$ of the Northeast $\frac{1}{4}$ and the west line of the East $\frac{1}{2}$ of the Southeast $\frac{1}{4}$ of said Section 1 to the south line of said Section, said point also being the north line of Section 12, Town 2 North, Range 21 East of the Fourth Principal Meridian; thence south along the east line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 12, 1327.18 feet to the Southeast corner of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 12; thence west along the south line of the Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of said Section 12 to the west line of the Northeast $\frac{1}{4}$ of said section; thence south along the west line of the Northeast $\frac{1}{4}$ of said Section 12 and the west line of the Southeast $\frac{1}{4}$ of said Section 12 to the south line of Section, said point being the southwest corner of the Southeast $\frac{1}{4}$ of Section 12 and the northwest corner of the Northeast $\frac{1}{4}$ of Section 13, Town 2 North, Range 21 East of the Fourth Principal Meridian; thence west along the north line of the Northwest $\frac{1}{4}$ of said Section 13, 140 feet; thence south parallel with the east line of the Northwest $\frac{1}{4}$ of Section 13, 661 feet; thence east parallel with the north line of said $\frac{1}{4}$ section, 140 feet to the west line of the Northeast $\frac{1}{4}$ of Section 13; thence south along the west line of the Northeast $\frac{1}{4}$ and the west line of the Southeast $\frac{1}{4}$ of Section 13 to the southwest corner of the Southeast $\frac{1}{4}$ of said Section 13 also being the northeast corner of the Northwest $\frac{1}{4}$ of Section 24, Township 2 North, Range 21 East of the Fourth Principal Meridian; thence west along the north line of the Northwest $\frac{1}{4}$ of said Section 24 to the northwest corner of the Northwest $\frac{1}{4}$ of said Section 24; thence continue west along the north line of the Northeast $\frac{1}{4}$ of Section 23, Town 2 North, Range 21 East of the Fourth Principal Meridian 33 feet to the west line of 136th Avenue also known as County Trunk Highway "MB"; thence south on the west line of 136th Avenue being parallel with and 33 feet west of the Northwest $\frac{1}{4}$ of Section 24 to the intersection of said right of way with the south right of way line of State Trunk Highway 142 also known as Burlington Road thence continue south along the west right of way line of 136th Avenue also being known as County Trunk Highway "UE" at a point which is 33 feet west of and parallel with the west line of the Northwest $\frac{1}{4}$ and the Southwest $\frac{1}{4}$ of Section 24 and the Northwest $\frac{1}{4}$ of Section 25 to the intersection of 136th Avenue right of way line with the south right of way line of County Trunk

Highway "N"; thence east along the south line of County Trunk Highway "N" approximately 33 feet to the intersection with the west line of the Southwest ¼ of Section 25; thence south along the west line of the Southwest ¼ of said Section 25 to the southwest corner of the Southwest ¼ of said Section 25 also being the northwest corner of the Northwest ¼ of Section 36; thence south along the west line of the Northwest ¼ of said Section 36 to the southwest corner of the Northwest ¼ of Section 36, said point also being the northeast corner of the Southeast ¼ of Section 35, Township 2 North, Range 21 East of the Fourth Principal Meridian; thence west along the north line of the Southeast ¼ and the north line of the Southwest ¼ of said Section 35 to the northwest corner of the Southwest ¼ of said Section 35, also being the northeast corner of the Southeast ¼ said Section 34; thence west along the north line of the Southeast ¼ of said Section 34 to the northwest corner of the Southeast ¼ of said Section; thence south along the west line of the Southeast ¼ of said Section 34 to a point being 783.61 feet north along said west line from southwest corner of said Southeast ¼ of Section 35; thence east parallel to the south line of said Section 34; 658 feet; thence south parallel to the west line of the Southeast ¼ of said Section to a point on the south line of Section 34 being the centerline of County Trunk Highway "K", said point also being the northerly boundary line of the Village of Bristol; thence east along the south line of the Southeast ¼ of Section 34 being the centerline of County Trunk Highway "K" to a point being the southwest corner of the Southwest ¼ of Section 35, Township 2 North, Range 21 East of the Fourth Principal Meridian; thence east along the south line of the Southwest ¼ and the south line of the Southeast ¼ of said Section 35 also being the centerline of County Trunk Highway "K" to the southwest corner of the Southwest ¼ of said Section 36; thence east along the south line of the Southwest ¼ of said Section 36 and the south line of the Southeast ¼ of said Section 36 to a point on the south line of the Southeast ¼ of said Section 36 being 906.56 feet west of the southeast corner of the Southeast ¼ of said Section; thence N 01° 50' 13" W 810.02 feet; thence west parallel with the south line of said Section 577.50 feet; thence north parallel with the east line of said Section 1180.26 feet; thence west parallel to the north line of the Southeast ¼ of Section 36, 10.73 feet; thence N 01° 34' 34" W 661.39 feet to a point on the north line of the Southeast ¼ of said Section 36 being 1148.49 feet east along the said north line of the Southeast ¼ from the center of Section 36; thence east along the north line of the Southeast ¼ of said Section 36, 795.42 feet; thence south parallel to the east line of said Section 36, 100.02 feet; thence east parallel to the north line of the Southeast ¼ of Section 36, 40.17 feet; thence south parallel to the east line of Section 36, 246.48 feet thence east parallel to the north line of said Southeast ¼ of Section 36, 380.13 feet to the west line of Interstate I-94; thence southerly along a curve to the left having a radius of 17433.76 feet and an arc length of 373.86 feet, being subtended by a chord of S 00° 04' 13" E for a distance of 373.85 feet, along said west right of way line of Interstate 94, to a point on the south line of the prorated north 15 acres of the prorated east 55 acres of said Southeast ¼ of Section 36; thence southerly along the west line of Interstate I-94 along and upon the arc of a curve having a central angle of S 0° 48' 10" W a radius of 17,212.68 feet and a chord which bears S 0° 35' 25" W a distance of 224.43 feet and to the end of said curve; thence S 0° 00' 30" W along and upon said right of way line 1560.89 feet to a vision triangle at the intersection of said Interstate Highway I-94 and 60th Street; thence S 45° 31' 07" W along and upon vision triangle 16.69 feet; thence north parallel to the east line of said Section 90.85 feet ; thence N 88° 58' 20" W parallel to the south line of the Southeast ¼ of Section 36, 214.00 feet; thence south parallel to the east

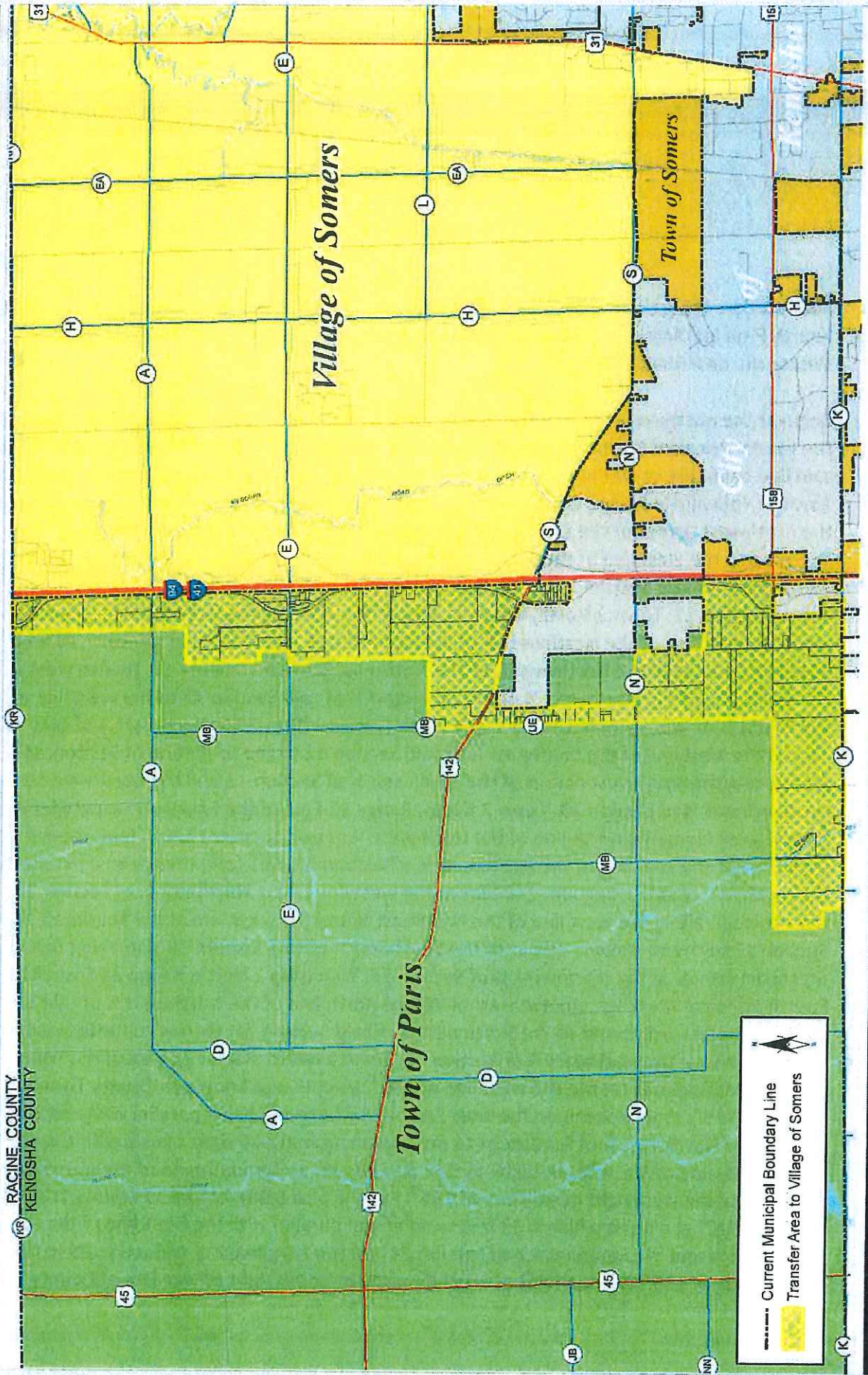
line of said $\frac{1}{4}$ section to the south line of the Southeast $\frac{1}{4}$ of said Section 36 being the centerline of County Trunk Highway "K"; thence east along the south line of said Southeast $\frac{1}{4}$ of Section 36 to the southeast corner of Southeast $\frac{1}{4}$ of said Section; thence north along the east line of the Southeast $\frac{1}{4}$ and the east line of the Northeast $\frac{1}{4}$ of said Section 36 to the northeast corner of the Northeast $\frac{1}{4}$ of said Section 36; also being the southeast corner of the Southeast $\frac{1}{4}$ Section 25, Township 2 North, Range 21 East of the Fourth Principal Meridian; thence west along the south line of the Southeast $\frac{1}{4}$ of Section 25 to the southwest corner of said Southeast $\frac{1}{4}$; thence west along the south line of the Southeast $\frac{1}{4}$ of said Section 25 to the southwest corner of the Southeast $\frac{1}{4}$ of said Section; thence north along the west line of the Southeast $\frac{1}{4}$ of Section 25 to the center of Section 25; thence west along the south line of the Northwest $\frac{1}{4}$ of Section 25, also being the centerline of County Trunk Highway "N" to a point being 660 feet east of the southwest corner of the Northwest $\frac{1}{4}$ of said Section 25; thence north parallel with and 660 feet east of the west line of Section 25 to the north line of the Northwest $\frac{1}{4}$ of said Section said point being 660 feet east of the northwest corner of the Northwest $\frac{1}{4}$ of said Section 25 said point also being 660 feet east of the southwest corner of the Southwest $\frac{1}{4}$ of Section 24, Township 2 North, Range 21 East of the Fourth Principal Meridian; thence north parallel with and 660 feet east of the west line of the Southwest $\frac{1}{4}$ of said Section 24 to the north line of the Southwest $\frac{1}{4}$ of said Section; thence Easterly along the North line of the Southwest $\frac{1}{4}$ of said Section 24 to the West line of Certified Survey Map 2487 recorded in the Kenosha County Register of Deeds Office on August 24th 2005 as document number 1447062; thence North along the West line of Certified Survey Map 2487 and the northerly extension thereof to the centerline of State Trunk Highway 142 also known as Burlington Road; thence Southeasterly along the center line of State Trunk Highway 142 to the intersection of State Trunk Highway 142 with the Center line of West Frontage Road as described on State Transportation Project Plat Number: 1030-22-20 recorded at the Kenosha County Register of Deeds Office on September 30th 2008; thence Southerly along the center line of West Frontage Road to a point being on the south line of the Southeast $\frac{1}{4}$ of Section 24; thence west along the south line of said Section 24 to the west line of West Frontage road; thence southeasterly to a point being the southeast corner of lot 20 as described on the State of Wisconsin Transportation Project Plat Number: 1030-22-20-4.05 recorded at the Kenosha County Register of Deeds Office on September 30th 2008 as document number 1568910; thence east parallel with the north line of the Northeast $\frac{1}{4}$ of said Section 25 to the East line of the Northeast $\frac{1}{4}$ of Section 25; thence north along the east line of Section 25, Section 24, Section 13, Section 12 and Section 1 to the place of beginning.

EXHIBIT "B"

I-94 PLANNING AREA

KENOSHA COUNTY, WISCONSIN

RACINE COUNTY
KENOSHA COUNTY



Map developed by the KENOSHA COUNTY LAND INFORMATION OFFICE

ORD - 10 549

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Joseph Kolnik et al vs. George Stoner et al

[Printable Version \(PDF\)](#)

Kenosha County Case Number 2016CV000480

Court Record Events

What is RSS? 

Date	Event	Court Official	Court Reporter
1 04-19-2016	Receipt	Amount \$ 31.25	
Additional Text: 16R 014277			
2 04-15-2016	Transcript		Howell, Karen
Additional Text: 04/14/16 - Motion for Temporary Restraining Order and Temporary Injunction			
3 04-14-2016	Notice of assignment of judge	Matoska-Mentink, Rebecca	
4 04-14-2016	Responsible court official changed	Schroeder, Bruce E.	
Additional Text: per COC			
5 04-14-2016	Motion		
Additional Text: For Temporary Restraining Order and Temporary Injunction filed by City of Kenosha by Atty Antaramian and Att. McTernann			
6 04-14-2016	Hearing on temporary restraining order	Schroeder, Bruce E.	Howell, Karen
Additional Text: Minutes: Clerk/T. Lehman. Plaintiff, Joseph Kolnik, appeared in person w/Atty McTernan. Atty McTernan also appeared on behalf of plaintiffs, Vicky Kolnik, Donis Taylor, & Mandy Taylor. Plaintiff, City of Kenosha, appeared by Atty Ed Antaramian. Deft, Village of Somers, appears by Atty Jeff Davison. Arguments heard on the plaintiffs' motion for temporary restraining order/temporary injunction. Court grants the temporary restraining order; i.e. that no ordinance be adopted or published respecting the agreement that is of issue in this case. The boundaries shall not be altered without further hearing before the court. Atty Antaramian will prepare an order for the court's signature.			
7 04-14-2016	Filing fee paid	Amount \$ 164.50	
Additional Text: 16R 013707			
8 04-14-2016	Summons and complaint		
Additional Text: For Injunction			

[Printable Version \(PDF\)](#)

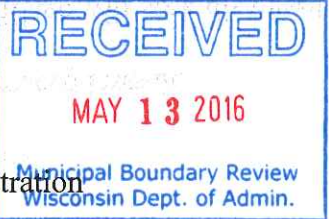
[Return to Case 2016CV000480](#)

P.O. Box 197
Somers, WI 53171



(262) 859-2822
Fax (262) 859-2331

Village of Somers



TO: Secretary of State
P.O. Box 7848
Madison, WI 53707-7848

Secretary of Dept. of Administration
P.O. 7864
Madison, WI 53707-7864

RE: Notice of Litigation effecting Municipal Status or Boundaries.

To Whom This May Concern:

Please find a Notice of Litigation affecting municipal status for boundaries, attached. Please note that this notice is required pursuant to Wis. Stat. § 66.0231.

I am filing this notice pursuant to my duties as Clerk/Treasurer of the Village of Somers.

The Village of Somers recently became an involuntary defendant in the above-referenced lawsuit.

The Village has filed responsive pleadings denying the lawsuit's claims and the Village will seek dismissal. Furthermore, the Village reserves all rights.

Prior to this suit, certain lands were detached from the Town of Paris and attached to the Village of Somers pursuant to an intermunicipal agreement under § 66.0301(6). Thereafter, the Village of Somers adopted a triggering ordinance, effectuating the jurisdictional transfer.

The City of Kenosha and others filed a lawsuit naming the Village of Somers and its trustees as defendants. Before the Village of Somers had been served and had an opportunity to answer the Complaint, Judge Schroeder issued a temporary injunction whereby he prohibited the publication of the triggering ordinance, which seems to be of no consequence concerning the transfer of the lands in question according to the statutes.

Also for your information, I am attaching a copy of the Summons & Complaint.

As you will note, this is a complex jurisdictional transfer and lawsuit, so the facts do not likely follow the traditional annexation dispute.

Please don't hesitate to contact me with questions or concerns at any point in time.

VILLAGE OF SOMERS

Timothy L. Kitzman, Clerk/Treasurer

Enclosures

JOSEPH KOLNIK, VICKY KOLNIK,
DONIS L. TAYLOR, and
MANDY P. TAYLOR, Individuals,

and

CITY OF KENOSHA, WISCONSIN,
a municipal corporation,

Plaintiffs,

Case No.:2016-CV-480

v.

VILLAGE OF SOMERS,
a municipal corporation,

and

GEORGE STONER, in his official capacity,
ALLEN G. BROKMEIER, in his official capacity,
RICHARD HEINISCH, in his official capacity,
DAVID M. GEERSTEN, in his official capacity,
JOE CARDINALI, in his official capacity,
KARL J. OSTBY, in his official capacity,
JACK AUPPERLE, in his official capacity,

Defendants,

and

MARS CHEESE CASTLE, INC.,
VENTURA FAMILY LIMITED PARTNERSHIP, and
TYSON and CYNTHIA WEHRMEISTER

Proposed Intervenors.

NOTICE OF LITIGATION AFFECTING MUNICIPAL STATUS OR BOUNDARIES

TO: Secretary of State
P.O. Box 7848
Madison, WI 53707-7848

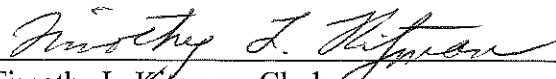
Secretary of Dept. of Administration
P.O. 7864
Madison, WI 53707-7864

PLEASE TAKE NOTE, that a lawsuit has been filed concerning the above-referenced parties affecting the municipal status or boundaries of the Village of Somers, Town of Paris, and possibly other parties.

This notice is required pursuant to Wis. Stat. § 66.0231.

Dated this 10 day of May, 2016.

VILLAGE OF SOMERS



Timothy L. Kitzman, Clerk

STATE OF WISCONSIN

CIRCUIT COURT

KENOSHA COUNTY

JOSEPH KOLNIK, VICKY KOLNIK,
DONIS L. TAYLOR and MANDY P. TAYLOR,

Individuals,

and

CITY OF KENOSHA, WISCONSIN,

Plaintiffs,

MARS CHEESE CASTLE, INC., VENTURA
FAMILY LIMITED PARTNERSHIP and
TYSON AND CYNTHIA WEHRMEISTER,

Plaintiffs Intervenors,

v.

VILLAGE OF SOMERS, GEORGE STONER,
ALLEN G. BROKMEIER, RICHARD HEINISCH,
DAVID M. GEERTSEN, JOE CARDINALI,
KARL J. OSTBY and JACK AUPPERLE,

and

TOWN OF PARIS and TOWN OF PARIS CLERK,
BEVERLY McCUMBER,

Defendants/Third-Party Plaintiffs,

KENOSHA COUNTY,

Third-Party Involuntary Plaintiff.

Case No. 16-CV-480
Case Code No. 30704

Hon. Phillip A. Koss



ORDER

This matter having come before the Court for a status conference on July 5, 2016, the plaintiffs, Joseph and Vicky Kolnik, and Donis L. and Mandy P. Taylor, appearing by J. Michael McTernan, the City of Kenosha, appearing by Edward Antaramian, Mars Cheese Castle, Inc., Ventura Family Limited Partnership and Tyson and Cynthia Wehrmesier, appearing by Andrea H. Roschke, the Village of Somers, George Stoner, Allen G. Brokmeier, Richard Heinisch, David M.

Gersten, Joe Cardinali, Karl J. Ostby and Jack Aupperle, appearing by Andrew J. Rossmeissl and Jeffrey Davison, the Town of Paris and the Town of Paris Clerk, Beverly McCumber, appearing by John St. Peter, and Kenosha County, appearing by Joseph Cardamone, and the Court having heard and considered various issues, including plaintiffs' contention that the Village of Somers has violated the Court's Temporary Restraining Order by asserting jurisdiction over territory that was supposed to remain under the jurisdiction of the Town of Paris, and the Court having issued an oral ruling, on the record, which ruling is incorporated herein by reference,

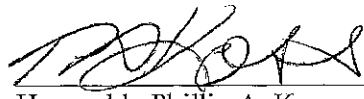
NOW THEREFORE, IT IS HEREBY ORDERED that:

1. The Court's previous temporary restraining order prohibited the municipalities in question from transferring jurisdiction over the territory at issue from the Town of Paris to the Village of Somers;
2. With the exception of Mars Cheese Castle Inc.'s liquor license, which has been issued by the Village of Somers and remains in effect, the Village of Somers and the Town of Paris are ordered to take such remedial measures as are necessary to confirm that the territory at issue remains part of the Town of Paris;
3. The parties will have until July 20, 2016 to amend their pleadings;
4. The City of Kenosha, Mars Cheese Castle Inc., Ventura Family Limited Partnership and Tyson and Cynthia Wehrmeister shall have until July 20, 2016 to file any brief in support of Joseph and Vicky Kolnik, and Donis L. and Mandy P. Taylor's Motion for Partial Summary Judgment.
5. Defendants will have until August 5, 2016 to file their responses to plaintiffs' motion for partial summary judgment, and to file any motion to dismiss;
6. Plaintiffs will have until September 7, 2016 to file their responses to defendants' motion to dismiss and to file any reply to defendants' briefs in opposition to summary judgment,;

7. The defendants will have until September 21, 2016 to file a reply to plaintiffs' briefs in opposition to their motion to dismiss;
8. The hearing on the plaintiffs' motion for partial summary judgment will be held on October 10, 2016 at 1:30pm;

Dated this 27 day of July, 2016.

BY THE COURT:



Honorable Phillip A. Koss
Circuit Court Judge

Drafted by:

J. Michael McTernan
Alia, DuMez, Dunn & McTernan, S.C.
6633 Green Bay Road
Kenosha, WI 53142
Tele: (262) 654-8700
Facs: (262) 654-8600
Email: jmm@addmlaw.com