

AMENDMENT TO

AGREEMENT BETWEEN CITY OF KENOSHA,  
CITY OF KENOSHA WATER UTILITY AND  
TOWN OF SOMERS FOR SANITARY SEWER  
SERVICE WITHIN THE TOWN OF SOMERS

Pleasant  
Prairie  
TOW

WHEREAS, on the 29th day of March, 1985, the City of Kenosha, City of Kenosha Water Utility and Town of Somers entered into an agreement which provided the Town of Somers with City sanitary sewer service. Within said agreement, the Town of Somers was divided into Areas "A" and "B". The agreement provided that Area "A" would be provided with City sanitary sewer service without the property to be served being annexed to the City, and that Area "B" would be provided with City sanitary sewer service only upon the condition that property to be served be annexed to the City; and,

sewer

WHEREAS, the Town of Pleasant Prairie is attempting to incorporate under authority of 1987 Wisconsin Act 399 (Section 66.011, Wisconsin Statutes) and the City of Kenosha is willing to consent thereto under certain conditions, one of which is that certain Pleasant Prairie lands, which will not be included in the incorporated Town are to detach from the Town of Pleasant Prairie and attach to the Town of Somers through an Ordinance adopted by the County Board of Supervisors of Kenosha County, under authority of Section 59.07(22), Wisconsin Statutes, and be located in "Service Area B" of the Town of Somers, as referenced in said 1985 Sanitary Sewer Service Agreement.

Kenosha  
1985

WHEREAS, the purpose of this agreement is to designate

certain Pleasant Prairie Lands, described herein, as lands lying within "Service Area B" of the parties' agreement of March 29, 1985, and reserving those lands for the immediate expansion of City boundaries.

THIS AMENDMENT, which shall become effective upon approval by the respective governing bodies and execution by appropriate officers, shall amend the "AGREEMENT BETWEEN CITY OF KENOSHA, CITY OF KENOSHA WATER UTILITY AND TOWN OF SOMERS FOR SANITARY SEWER SERVICE WITHIN THE TOWN OF SOMERS", which has been effective and in full force and effect since March 29, 1985.

WITNESSETH:

PLEASANT PRAIRIE LANDS

Certain lands presently lying in and being a part of the Town of Pleasant Prairie, described as Parcels B2 in Exhibit "A", which is attached hereto and incorporated herein by reference, shall be incorporated into the parties' Agreement of March 29, 1985, as sanitary sewer service area "B" lands, which shall be available for the immediate expansion of City boundaries. The parties specifically agree that said described lands shall become part of the City through annexation, boundary adjustment under Section 66.027, Wisconsin Statutes, or special act of the State Legislature, when and as may be requested by the City, and that the parties will do all acts that are necessary to bring said described land within the City as soon as possible. The Town of Somers' duty to cooperate in this effort shall automatically terminate four (4) years after the effective date of the

incorporation of the Town of Pleasant Prairie or upon the effective date of a notice from the City that the City has conclusively determined that such parcel will remain in the Town of Somers, whichever occurs first.

The parties agree that they will deal in good faith with each other to secure the above commitments and consent to the specific enforcement of this Agreement in a Court of Law.

IN WITNESS WHEREOF, the parties hereto have caused this Amendment to Agreement to be executed on the dates below written.

TOWN OF SOMERS

By: David D. Holtze  
David D. Holtze, Chairman  
Date: 1-10-89

By: Kenneth Bohm  
Kenneth Bohm, Supervisor  
Date: Jan 10/9/89

By: James M. Smith  
James M. Smith, Supervisor  
Date: 1-10-89

By: Joyce E. Sadlon  
Joyce E. Sadlon, Clerk  
Date: 1-10-89

(TOWN SEAL)

CITY OF KENOSHA

By: Patrick E. Moran  
Patrick E. Moran, Mayor  
Date: 2-9-89

By: Gail B. Procarione  
Gail B. Procarione, City Clerk  
Date: 2/9/89

CITY OF KENOSHA WATER UTILITY

By: Paul J. Raddatz  
Paul J. Raddatz, Chairman  
Board of Water  
Commissioners  
Date: 2-9-89

By: O. Fred Nelson  
O. Fred Nelson  
General Manager  
Date: 2-9-89

(CORPORATE SEAL)

Town of Pleasant Prairie/Town of Somers  
Boundary Adjustment  
Parcels B2  
December 9, 1988

Commencing at the Northwest corner of Section 6, Town 1 North, Range 22 East, Kenosha County, Wisconsin; thence South 424.5 feet along the West line of said Section 6 to the point of beginning; thence East 140 feet along a line parallel to the North line of said Section 6 to the East line of 120th Avenue (I-94 Frontage Road); thence East 818 feet along a line parallel to the North line of said Section 6; thence South 600 feet to a point 972.9 feet East of the West line of said Section 6; thence West 972.9 feet along a line parallel to and 1,024.5 feet South of the North line of said Section 6 to the West line of said Section 6; thence North 600 feet along the West line of said Section 6 to the point of beginning.

Commencing at the Northwest corner of the Northeast 1/4 of Section 6, Town 1 North, Range 22 East, Kenosha County, Wisconsin; thence South 200 feet along the West line of said Northeast 1/4 to the point of beginning; thence East 33 feet along a line parallel to the North line of said Northeast 1/4; thence South 1,271.17 feet along a line 33 feet East of and parallel to the West line of said Northeast 1/4; thence East 218.44 feet; thence South 521.45 feet; thence West 251.44 feet to the East line of the Northwest 1/4 of said Section 6; thence West 322.66 feet; thence North 591.5 feet more or less; thence East 309.15 feet to a point 18 feet West of the East line of said Northwest 1/4; thence North to a point 200 feet South of the North line of said Northwest 1/4; thence East to the West line of the Northeast 1/4 of said Section 6 and point of beginning.

Commencing at the Northwest corner of the Northeast 1/4 of Section 6 Town 1 North, Range 22 East, Kenosha County, Wisconsin; thence South 200 feet along the West line of said Northeast 1/4; thence East 600 feet along a line 200 feet South of and parallel to the North line of said Northeast 1/4 to the point of beginning; thence continue East 331.6 feet along a line 200 feet South of and parallel to the North line of said Northeast 1/4; thence South 265 feet; thence West 331.6 feet along a line 465 feet South of and parallel to the North line of said Northeast 1/4; thence North 265 feet to the point of beginning.

Commencing at the Northeast corner of the Northeast 1/4 of Section 6, Town 1 North, Range 22 East, Kenosha County, Wisconsin; thence West 33 feet to the West line of 104th Avenue (C.T.H. "HH") extended; thence South 467.55 feet along the West line of said 104th Avenue to the point of beginning; thence continue South 1,016.75 feet along the West line of said 104th Avenue; thence West 370 feet along a line parallel to the North line of said Northeast 1/4; thence North 1,016.75 feet along a line 403 feet West of and parallel to the East line of said Northeast 1/4; thence East 370 feet along a line parallel to the North line of said Northeast 1/4 to the point of beginning.

Beginning at a point on the West line of 88th Avenue (S.T.H."192") said point being 622 feet South of the North line of Section 5, Town 1 North, Range 22 East, Kenosha County, Wisconsin; thence North 304 feet along the West line of said 88th Avenue; thence East 33.04 feet to the West line of the Northwest 1/4 of Section 4, Town 1 North, Range 22 East; thence East 33.04 feet to the Southwest corner of Certified Survey Map (CSM) 662 as recorded in Kenosha County, Wisconsin; thence East 310 feet along the South line of said Certified Survey Map 662; thence South 1,255 feet more or less along a line parallel to and 343 feet East of the West line of said Northwest 1/4; thence West 310 feet to the East line of 88th Avenue; thence South 972.2 feet more or less along the East line of said 88th Avenue; thence West 33.04 feet to the East line of the Northeast 1/4 of Section 5, Town 1 North, Range 22 East; thence West 439.5 feet; thence North 79.92 feet; thence West 697.4 feet along a line parallel to the ~~North~~<sup>South</sup> line of said Northeast 1/4; thence North 1,459.2 feet; thence East to the West line of 88th Avenue; thence North 104 feet along the West line of said 88th Avenue; thence West 446.10 feet along a line parallel to the North line of said Northeast 1/4; thence North 88 feet along a line parallel to the West line of 88th Avenue; thence West 658.04 feet along a line parallel to the North line of said Northeast 1/4; thence North 192 feet; thence East along a line parallel to the North line of said Northeast 1/4 to the point of beginning and West line of 88th Avenue.



Commencing at the Southeast corner of the Northwest 1/4 of Section 3, Town 1 North, Range 22 East, Kenosha County, Wisconsin; thence West 320.79 feet along the South line of said Northwest 1/4 to the point of beginning and West line of S.T.H. "31"; thence West 1,300 feet, more or less, along the South line of said Northwest 1/4; thence North 310 feet along a line parallel to the West line of said Northwest 1/4; thence East 1,124.26 feet along a line parallel to the South line of said Northwest 1/4; thence North 1,066.71 feet along a line 210 feet West of and parallel to the West line of S.T.H. "31"; thence East 210 feet to the West line of said S.T.H. "31"; thence South along the West line of said S.T.H. "31" to the point of beginning.