

STATE OF WISCONSIN

CIRCUIT COURT

WAUKESHA COUNTY

STATE, ex rel, TOWN OF PEWAUKEE,
a Municipal corporation,

Petitioner/Plaintiff,

JUDGMENT

VILLAGE OF PEWAUKEE,
a Municipal corporation,

Respondent/Defendant.

STATE OF WISCONSIN
RECEIVED & FILED

SEP 14 1989

DOUGLAS LA FOLLE
SECRETARY OF STATE

Case No. 88-CV-0799

JUDGMENT IS HEREBY ENTERED in the above entitled action pursuant to the provisions of Wisconsin Statutes, Section 66.027, as follows:

1. Petitioner/Plaintiff's complaint is dismissed with prejudice and on the merits.
2. The terms and conditions of the Border Agreement executed by the parties, a copy of which is attached hereto, is incorporated into and made a part of this Judgment.
3. No further costs shall be assessed against the parties.

Judgment entered May 2, 1989.

VIRGINIA HUNKINS - Clerk

By: *Dolores Sheehan*

Deputy Clerk

Approved as to Form *[Signature]*

ARENZ, MOLTER, MACY & RIFFLE, S.C.
By: N. Stanley Riffle

FILED
IN CIRCUIT COURT

MAY - 2 1989

WAUKESHA CO. WIS.
VIRGINIA HUNKINS. CLERK

BORDER AGREEMENT

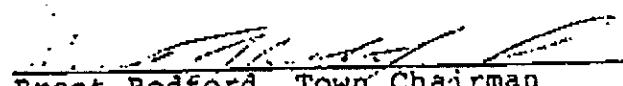
A border agreement containing the provisions as set forth herein shall be converted into a Judgment of the Circuit Court of Waukesha County in resolution of Case No. 88-CV-0799, pursuant to the provisions of Wisconsin Statutes, Section 66.027.

If, for any reason whatsoever, the detachments of Areas "A" or "B" fail in implementation, this Border Agreement shall be null and void and Case No. 88-CV-0799 shall be reinstated.

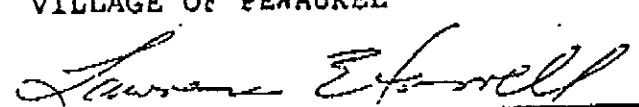
This document is drafted and transmitted for the sole purpose of discharging, in the public interest, the duty of the parties to seek a negotiated settlement of continuous and ongoing boundary disputes and litigation regarding same and shall never be used for any other purpose construed in any other manner nor shall any other inferences ever be drawn therefrom.

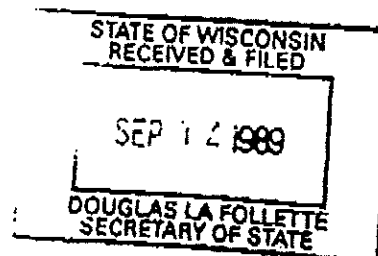
The Village agrees not to oppose the efforts of the Town to incorporate as a City of the fourth class.

TOWN OF PEWAUKEE


Brent Redford, Town Chairman

VILLAGE OF PEWAUKEE


Lawrence E. Farrell, Village President



RESOLUTION #89-4-3

WHEREAS, the Town of Pewaukee has filed an action challenging the annexation of certain lands from the Town of Pewaukee into the Village of Pewaukee, said action being State ex rel Town of Pewaukee vs. Village of Pewaukee, Case No. 88-CV-0799, in the Circuit Court for Waukesha County, and,

WHEREAS, the Town of Pewaukee wishes to recognize that it is in the mutual benefit of both the Town and Village to attempt to resolve any disputes in a manner which benefits the citizens of both municipalities, and,

WHEREAS, the Town of Pewaukee believes that it is in the best interests of the citizens of the Town of Pewaukee to attempt to resolve any and all boundary disputes now and in the future by entering into a Border Agreement which recognizes the interests of electors under the provisions of Section 66.027 of the Wisconsin Statutes, and,

WHEREAS, the Town of Pewaukee wishes to coordinate, in a cooperative fashion, municipal utility services for certain citizens of the Town of Pewaukee by entering into a cooperative agreement with the Village of Pewaukee whereby provision of sewer services will be made available to landowners within the Town of Pewaukee, and,

WHEREAS, upon the motion of Supervisor Klein and second of Supervisor Jacobs, and upon the unanimous adoption of this resolution by the Town Board of the Town of Pewaukee,

NOW, THEREFORE, be it hereby resolved that the Town Attorneys are hereby directed to enter into a stipulation for the dismissal of Case No. 88-CV-0799, that the agreement respecting borders attached hereto and incorporated herein as though fully set forth be and hereby is approved.

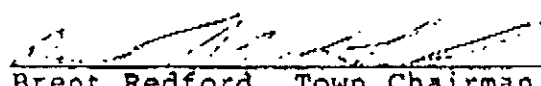
BE IT FURTHER RESOLVED, that the Service Agreement attached hereto and incorporated herein by reference be and hereby is approved.

IT IS FURTHER RESOLVED, that the foregoing direction to the Town Attorneys, and approval of the aforementioned agreements are made conditional upon receipt of written notice, from the Village of Pewaukee, on or before April 28, 1989, that agreements in identical form and a stipulation upon said terms for the dismissal of Case No. 88-CV-0799 have been adopted by the Village Board.

IT IS FURTHER RESOLVED, that this resolution is conditioned upon the stipulation and agreements being approved by the court and reduced to judgment in Circuit Court Case No. 88-CV-0799.

DATED this 9th day of April, 1989.

TOWN OF PEWAUKEE


Brent Redford, Town Chairman

STATE OF WISCONSIN
RECEIVED & FILED

APR 9 1989

DOUGLAS LA FOLLETTE
SECRETARY OF STATE

RESOLUTION OF THE VILLAGE BOARD
OF THE VILLAGE OF PEWAUKEE, WISCONSIN

WHEREAS, the Town of Pewaukee has filed an action challenging the annexation of certain lands from the Town of Pewaukee into the Village of Pewaukee, said action being State, ex rel, Town of Pewaukee vs. Village of Pewaukee, Case No. 88-CV-0799, in the Circuit Court for Waukesha County,

NOW, THEREFORE, be it hereby resolved that the Village Attorney is hereby directed to enter into a stipulation for the dismissal of Case No. 88-CV-0799, that the agreement respecting borders attached hereto and incorporated herein as though fully set forth be and hereby is approved.

BE IT FURTHER RESOLVED, that the Service Agreement attached hereto and incorporated herein by reference be and hereby is approved.

IT IS FURTHER RESOLVED, that this resolution is conditioned upon the stipulation and agreements being approved by the Court and reduced to judgment in Circuit Court Case No. 88-CV-0799.

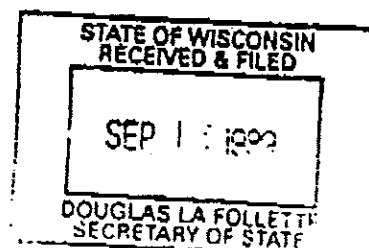
Passed and adopted this 28 day of APRIL, 1989.

BY ORDER OF THE VILLAGE BOARD
OF THE VILLAGE OF PEWAUKEE
WAUKESHA COUNTY, WISCONSIN

Lawrence E. Farrell
LAWRENCE E. FARRELL
Village President

ATTEST:

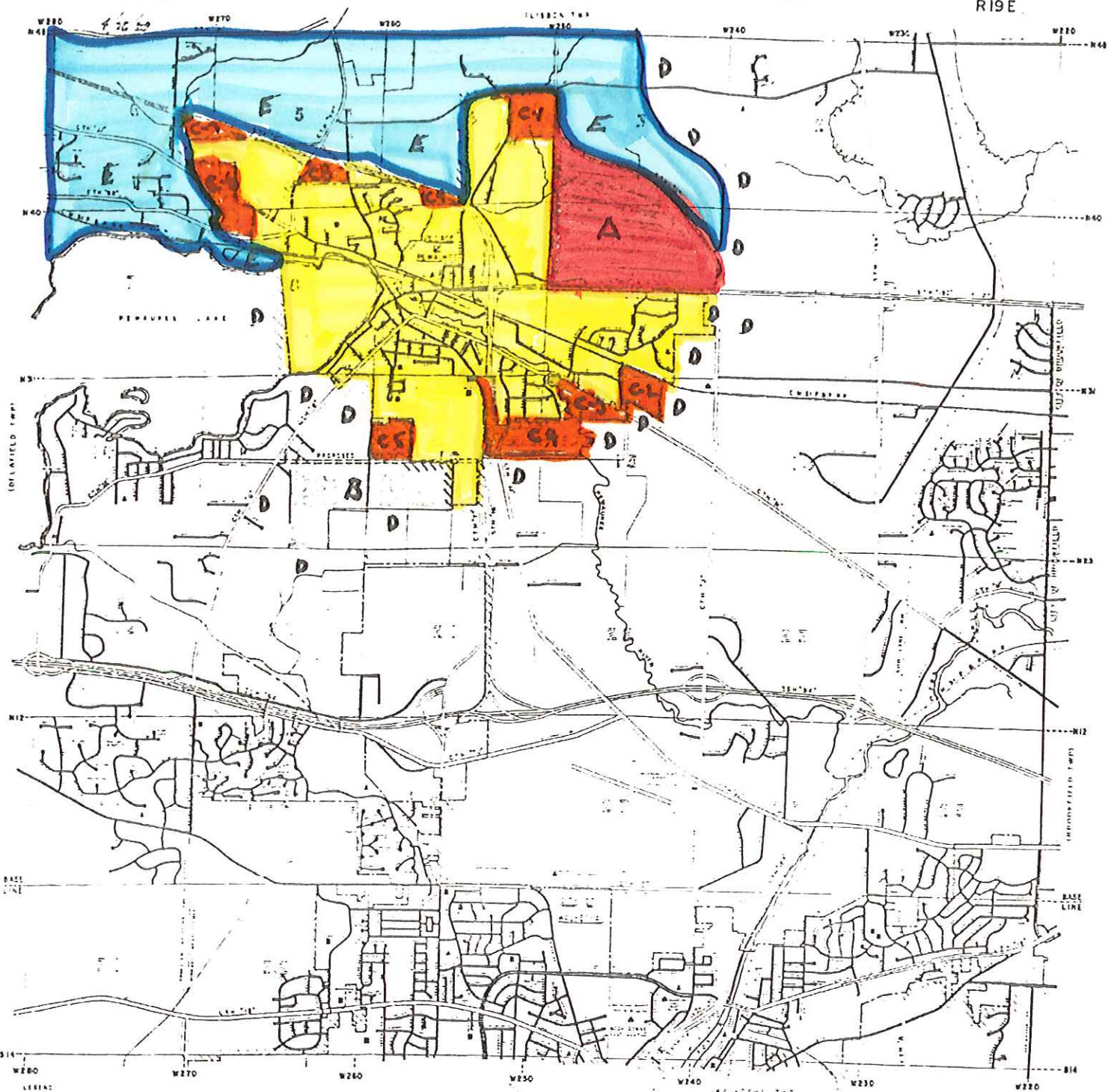
Elizabeth E. Williams
ELIZABETH E. WILLIAMS
Village Clerk



PEWAUKEE TOWNSHIP WAUKESHA COUNTY, WISCONSIN

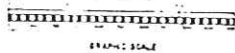
T 7N

R 19E



- LEGEND
- SCHOOLS
 - ▲ GOVERNMENT BLDGS
 - ◆ HOSPITALS
 - ▲ PARKS AND RECREATION

WAUKESHA COUNTY MAPS
STATE OWNED LAND



PREPARED BY
WAUKESHA COUNTY PARK & PLANNING COMMISSION
JULY 1989
REVISED: JANUARY 1997

EXHIBIT 1
NSK

STATE OF WISCONSIN
RECEIVED & FILED

SEP 14 1989

DOUGLAS LA FOLLETTE
SECRETARY OF STATEORDER FOR JUDGMENT

IT IS HEREBY ORDERED that Judgment be and hereby is entered in the above entitled action, pursuant to the provisions of Wisconsin Statutes, Section 66.027, as follows:

1. Dismissing Petitioner/Plaintiff's complaint with prejudice and on the merits.

2. Incorporating into said judgment the terms and conditions of the Border Agreement executed by the parties, which is hereby approved by the Court, and a copy of which shall be attached to and incorporated into and made a part of the Judgment in this action.

3. No further costs shall be assessed against the parties.

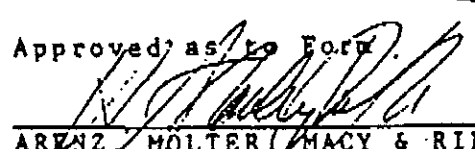
4. Pursuant to the provisions of Wisconsin Statutes, Section 66.027, the Border Agreement executed by the parties shall be published in a newspaper of general circulation in the area proposed to be annexed or detached within ten (10) days of the date of this Order for Judgment.

Dated this 2 day of May, 1989.

BY THE COURT


HONORABLE ROBERT T. MCGRAW
Circuit Court Branch 6

Approved as to Form


ARENZ, MOLTIER, MACY & RIFFLE, S.C.
By: H. Stanley Riffle

FILED
IN CIRCUIT COURT

MAY - 2 1989

WAUKESHA CO. WIS.
VIRGINIA HINKINS, CLERK

MEMORANDUM**OFFICE OF THE SECRETARY OF STATE
STATE OF WISCONSIN**

Date: 12-15-95

29 1995

From: Government Records Division
Ginny Bormann, Records Specialist
30 West Mifflin Street, 10th Floor
P. O. Box 7848
Madison, WI 53707-7848

To: Emily Jorenby
Department of Transportation
Room 951, Hill Farm State Office Bldg.

RE: Municipal filing distribution

Attached please find a municipal filing submitted to the Office of the Secretary of State pursuant to Chapter 66, Wis. Stats.

cc: Frank Humphrey, Dept of Revenue
Patricia Sweet, Dept of Public Instruction
George Hall, DOA/Energy & Intergovernmental Relations
Bob Naylor, Dept of Administration
Kate Lawton, DATCP
Scott Hausmann, Dept of Natural Resources
Clerk
File

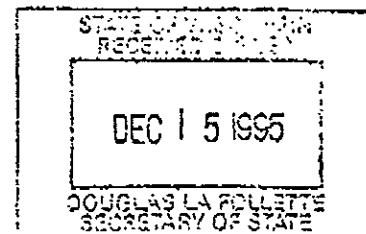
VILLAGE OF PEWAUKEE

WAUKESHA COUNTY, WISCONSIN

414-691-5660 • 235 HICKORY ST. • PEWAUKEE, WI 53072-3592

December 13, 1995

Mr. Douglas LaFollette, Secretary of State
State of Wisconsin
P. O. Box 7848
Madison, WI 53707-7848



Dear Mr. LaFollette:

In 1989 the Village of Pewaukee and Town of Pewaukee entered into a Border Agreement. One of the provisions of this Agreement was that on January 1, 1995, certain parcels of land in the Town of Pewaukee, adjacent to the Village of Pewaukee, would transfer by the Town and become part of the Village of Pewaukee.

The following information is enclosed to assist you in identifying those parcels that became part of the Village of Pewaukee on January 1, 1995.

1. The Order for Judgment and Judgment Certified by the Waukesha County Clerk of Circuit Court that accomplished the Border Agreement between the Village and Town and directed that these land transfers take place. Highlighted in yellow in the Agreement and included maps are the parcels transferred to the Village.

2. The Pewaukee Township map is enclosed and shows the parcels transferred to the Village.

3. Copies of the legal description of each parcel as well as work copies of the plat maps used to prepare these legal descriptions. It is hoped that this information will aid you in identifying the transferred parcels.

Should you have any questions, do not hesitate to contact this office.

Yours truly,

VILLAGE OF PEWAUKEE

Frank M. Paulus
Village Administrator

FMP:dlk

Enclosure

1572371
UNITED STATES OF AMERICA

STATE OF WISCONSIN, WAUKESHA COUNTY

OFFICE OF THE CLERK OF THE CIRCUIT COURT.

I, Virginia E. Hunkins, Clerk of the Circuit Court of the County of Waukesha, in the State of Wisconsin, the said Circuit Court being a court of record and having a seal, do hereby certify that the annexed has been compared by me with the original Stipulation and Order for Judgment, Resolution of Village Board of the Village of Pewaukee, Resolution #89-4-3, Border Agreement, Judgment and Statement Case #88-CV-799

and that the same is a true copy of the original and of the whole thereof, as the same now remains on file and of record in my custody in said Circuit Court.

RECEIVED
WAUKESHA COUNTY, WIS. 1998

1998 JAN -9 AM 8:55

FILED 1169 WAUKESHA 0426

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of said Circuit Court at the City of Waukesha, in said county and state, this 20th day of

September

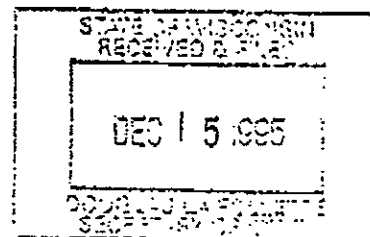
A. D. 1999

Virginia E. Hunkins
Clerk of the Circuit Court aforesaid.

By _____ Deputy Clerk.

1572371

w 3098
Pewaukee CT - 126



STATE OF WISCONSIN

CIRCUIT COURT

WAUKESHA COUNTY

STATE, ex rel, TOWN OF PEWAUKEE,
a Municipal corporation,

Petitioner/Plaintiff,

JUDGMENT

VILLAGE OF PEWAUKEE,
a Municipal corporation,

Case No. 88-CV-0799

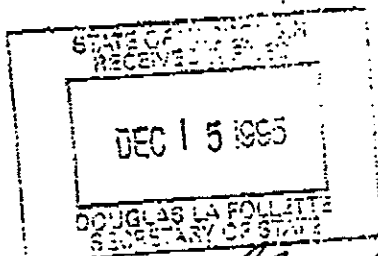
Respondent/Defendant.

JUDGMENT IS HEREBY ENTERED in the above entitled action
pursuant to the provisions of Wisconsin Statutes, Section 66.027,
as follows:

1. Petitioner/Plaintiff's complaint is dismissed with
prejudice and on the merits.
2. The terms and conditions of the Border Agreement
executed by the parties, a copy of which is attached hereto, is
incorporated into and made a part of this Judgment.
3. No further costs shall be assessed against the parties.

Judgment entered May 2, 1989.

VIRGINIA HUNKINS - Clerk



By:

Virginia Hunkins
Deputy Clerk

Approved as to Form

[Signature]
ARENZ, MOLTER, MACY & RIFFLE, S.C.
By: H. Stanley Riffle

FILED
IN CIRCUIT COURT
MAY - 2 1989
WAUKESHA CO. WIS.
VIRGINIA HUNKINS, CLERK

STATEMENT

Judgment entered and docketed May 2, 1989.
Amount claimed in complaint \$ 0,000.00
Interest \$ 00.00
Total Damages \$ 0,000.00

COSTS AND DISBURSEMENTS

Summons and warrant \$ 00.00
Service fee 0.00
Clerks fee 0.00
Judgment fee 00.00
Attorney's fees

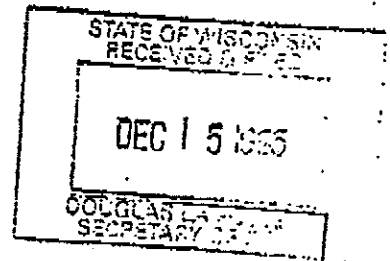
\$ 0,000.00

Costs and disbursements taxed at zero dollars.

VIRGINIA HUNKINS - Clerk

By: *Debra L. Hunkins*
Deputy Clerk

WAUKESHA COUNTY
CLERK OF COURTS
RECEIPT



9:22 AM 5707

5.00 CLERK
05/02/89

BORDER AGREEMENT

LAND IDENTIFICATION

Map Identified as 4/3/89 (Attached as Exhibit 1)

Present Village of Pewaukee - Yellow on map

Area "A" - Red on map

Area "B" - Green on map

Areas "C-1" - through "C-9" inclusive - Orange on map

Area "D" - White on map

Area "E" - Blue on map

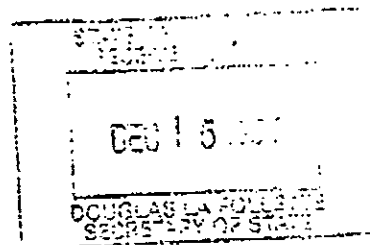
It is understood that any reference to Town of Pewaukee herein refer to the City of Pewaukee in the event the Town is successful in incorporation as a fourth class City.

Area "A": Lands lying north of Capitol Drive, east of the present Village boundary, west of CTH "J" (Pewaukee Road), and south of Lindsay Road, in U.S. Public Land Survey Sections 3 and 10, T7N, R19E.

Area "B": Lands which are commonly referred to as "Simmons Annexation" including lands presently owned by Simmons, Steele, and Dopke.

Area "C-1": Lands lying north and east of the present Village boundary west of the CTH "J", and south of Lindsay Road in U.S. Public Land Survey Section 4.

Area "C-2": Lands lying east of the present Village and south of Soo Line Railroad tracks, west of the properties presently owned by Wisconsin Electric Power Company, and north of a line 300 feet to the north of and parallel to CTH "M" (Watertown Road) but including all the property presently owned by P. Kostka, and all lying within U.S. Public Land Survey Sections 10 and 15.



Area "C-3": Lands lying south of CTH "M", east of the Pewaukee River and lying within the N. 1/2 of the N.W. 1/4 of U.S. Public Land Survey Section 15.

Area "C-4": All lands which lie to the south and east of the present Village boundary, west of the Pewaukee River and lying within the N. 1/4 of U.S. Public Land Survey Section 15 and the N.E. 1/4 of U.S. Public Land Survey Section 16.

Area "C-5": Lands owned by WCTC and lying south and west of the present Village boundary, and lying within the N.W. 1/4 of U.S. Public Land Survey Section 16.

Area "C-6": Lands lying south and west of the present Village boundary north of CTH "GR" (Glacier Road), and east of the unnamed tributary flowing in a southerly direction to Lake Pewaukee, and lying within Public Land Survey Sections 5, 6, and 8.

Area "C-7": Lands lying south of STH "16", north of the present Village boundaries, and east of the unnamed tributary flowing in a southerly direction to Lake Pewaukee, and lying within U.S. Public Land Survey Sections 5 and 6.

Area "C-8": Lands lying south of STH "16", east of CTH "KF" (Ryan Road), and west and north of the present Village boundaries within Public Land Survey Section 5.

Area "C-9": Lands lying south of STH "16", north and east of the present Village boundaries, and lying within the S.W. 1/4 of U.S. Public Land Survey Section 4.

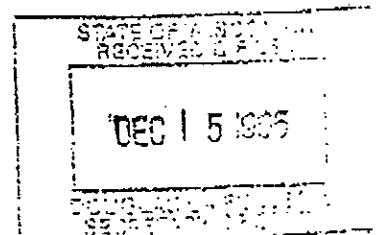
Area "D": All lands presently in the Town of Pewaukee not within Areas "A", "B", "C-1" through "C-9" inclusive and "E" as described herein.

Area "E": All lands lying north of Pewaukee Lake, west of Swan Island, north of areas described as Area "A", Areas "C-1", "C-6", "C-7", "C-8", and "C-9", and north and west of the present Village boundary.

BORDER ADJUSTMENTS

Areas "A" and "B"

1. Area "A" shall be immediately detached from the Town and become part of the Village.



BORDER ADJUSTMENTS

Areas "A" and "B"

1. Area "A" shall be immediately detached from the Town and shall become part of the Village.
2. Area "B" shall be immediately detached from the Village and become a part of the Town as Area "D".

Areas "C-1" through "C-9"

1. Lands owned by landowners within areas "C-1" through "C-9" shall become part of the Village at such time as any of the landowners with said areas owning land contiguous to the Village requests, in writing either annexation to the Village or the extension of municipal services to said lands by any governmental unit; in either case, the subject land shall be immediately detached from the Town and shall immediately become a part of the Village. In addition, in the event all lands within areas "C-1", "C-4", "C-5", "C-6", "C-7", "C-8" and "C-9" have not been detached from the Town and incorporated into the Village prior to December 31, 1994 then at midnight on December 31, 1994, said areas shall be detached from the Town and incorporated into the Village.

If, for any reason whatsoever, the detachment of any "C" Area fails in implementation, the issue involving the detachment of said "C" Area shall not affect any other term of this agreement, but shall affect only the "C" Area in question. Hence, any issue arising out of the detachment of any "C" Area shall not affect the detachment of Area "A" from the Town of Pewaukee and the incorporation of Area "A" into the Village of Pewaukee, or the detachment of Area "B" from the Village of Pewaukee and the incorporation of Area "B" into the Town of Pewaukee. If any individual "C" parcel designated "C-1", "C-4", "C-5", "C-6", "C-7", "C-8" or "C-9" is prevented from becoming part of the Village, as provided herein, whether by referendum or otherwise, said parcel or parcels shall be treated as parcels "C-2" and "C-3" hereinafter.

2. The Town and all Town sanitary districts (or City and its sewer or water utilities) shall be prohibited from extending utility services to Areas "C-1" through "C-9".

3. The Town and all Town sanitary districts (or City and its sewer or water utilities) shall be prohibited from placing new assessments on the land in Areas "C-1" through "C-9".

Area "D"

All of Area "D" plus any amendments as set forth herein shall remain within the Town (or City) and may be annexed by the Village or detached from the Town (or City) only with the consent of both the property owners and the Town (or City).

Area "E"

Shall not be affected by this border agreement.

BORDER AGREEMENT

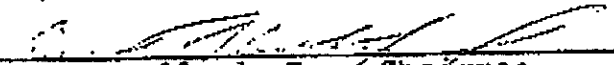
A border agreement containing the provisions as set forth herein shall be converted into a Judgment of the Circuit Court of Waukesha County in resolution of Case No. 88-CV-0799, pursuant to the provisions of Wisconsin Statutes, Section 66.027.

If, for any reason whatsoever, the detachments of Areas "A" or "B" fail in implementation, this Border Agreement shall be null and void and Case No. 88-CV-0799 shall be reinstated.

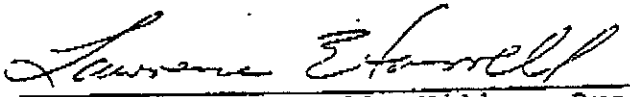
This document is drafted and transmitted for the sole purpose of discharging, in the public interest, the duty of the parties to seek negotiated settlement of continuous and ongoing boundary disputes and litigation regarding same and shall never be used for any other purpose construed in any other manner nor shall any other inferences ever be therefrom.

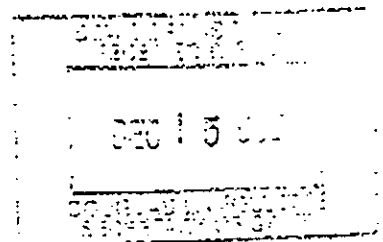
The Village agrees not to oppose the efforts of the Town to incorporate as a City of the fourth class.

TOWN OF PEWAUKEE


Brent Redford, Town Chairman

VILLAGE OF PEWAUKEE


Lawrence E. Farrell, Village President



RESOLUTION #89-4-3

WHEREAS, the Town of Pewaukee has filed an action challenging the annexation of certain lands from the Town of Pewaukee into the Village of Pewaukee, said action being State ex rel Town of Pewaukee vs. Village of Pewaukee, Case No. 88-CV-0799, in the Circuit Court for Waukesha County and,

WHEREAS, the Town of Pewaukee wishes to recognize that it is in the mutual benefit of both the Town and Village to attempt to resolve any disputes in a manner which benefits the citizens of both municipalities and,

WHEREAS, the Town of Pewaukee believes that it is in the best interests of the citizens of the Town of Pewaukee to attempt to resolve any and all boundary disputes now and in the future by entering into a Border Agreement which recognizes the interests of electors under the provisions of Section 66.027 of the Wisconsin Statutes, and,

WHEREAS, the Town of Pewaukee wishes to coordinate, in a cooperative fashion, municipal utility services for certain citizens of the Town of Pewaukee by entering into a cooperative agreement with the Village of Pewaukee whereby provision of sewer services will be made available to landowners within the Town of Pewaukee, and,

WHEREAS, upon the motion of Supervisor Klein and second of Supervisor Jacobs, and upon the unanimous adoption of this resolution by the Town Board of the Town of Pewaukee,

NOW, THEREFORE, be it hereby resolved that the Town Attorneys are hereby directed to enter into a stipulation for the dismissal of Case No. 88-CV-0799, that the agreement respecting borders attached hereto and incorporated herein as though fully set forth be and hereby is approved.

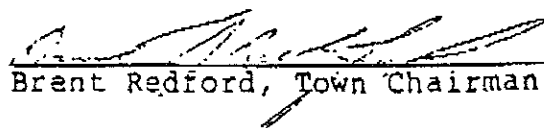
BE IT FURTHER RESOLVED, that the Service Agreement attached hereto and incorporated herein by reference be and hereby is approved.

IT IS FURTHER RESOLVED, that the foregoing direction to the Town Attorneys, and approval of the aforementioned agreements are made conditional upon receipt of written notice, from the Village of Pewaukee on or before April 28, 1989, that agreements in identical form and a stipulation upon said terms for the dismissal of Case No. 88-CV-0799 have been adopted by the Village Board.

IT IS FURTHER RESOLVED, that this resolution is conditioned upon stipulation and agreements being approved by the court and reduced to judgment in Circuit Court Case No. 88-CV-0799.

DATED this 17 day of April, 1989.

TOWN OF PEWAUKEE


Brent Redford, Town Chairman

DEC 15 1989

RESOLUTION OF THE VILLAGE BOARD
OF THE VILLAGE OF PEWAUKEE, WISCONSIN

WHEREAS, the Town of Pewaukee has filed an action challenging the annexation of certain lands from the Town of Pewaukee into the Village of Pewaukee, said action being State, ex rel, Town of Pewaukee vs. Village of Pewaukee, Case No. 88-CV-0799, in the Circuit Court for Waukesha County,

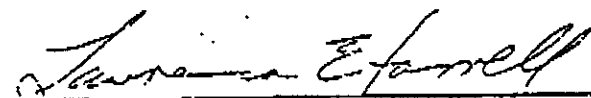
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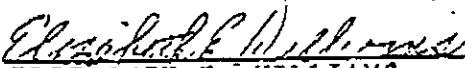
IT IS FURTHER RESOLVED, that this resolution is conditioned upon the stipulation and agreements being approved by the Court and reduced to judgment in Circuit Court Case No. 88-CV-0799.

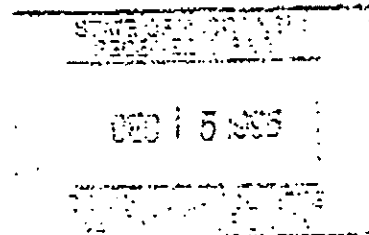
Passed and adopted this 28 day of APRIL, 1989.

BY ORDER OF THE VILLAGE BOARD
OF THE VILLAGE OF PEWAUKEE
WAUKESHA COUNTY, WISCONSIN


LAWRENCE E. FARRELL
Village President

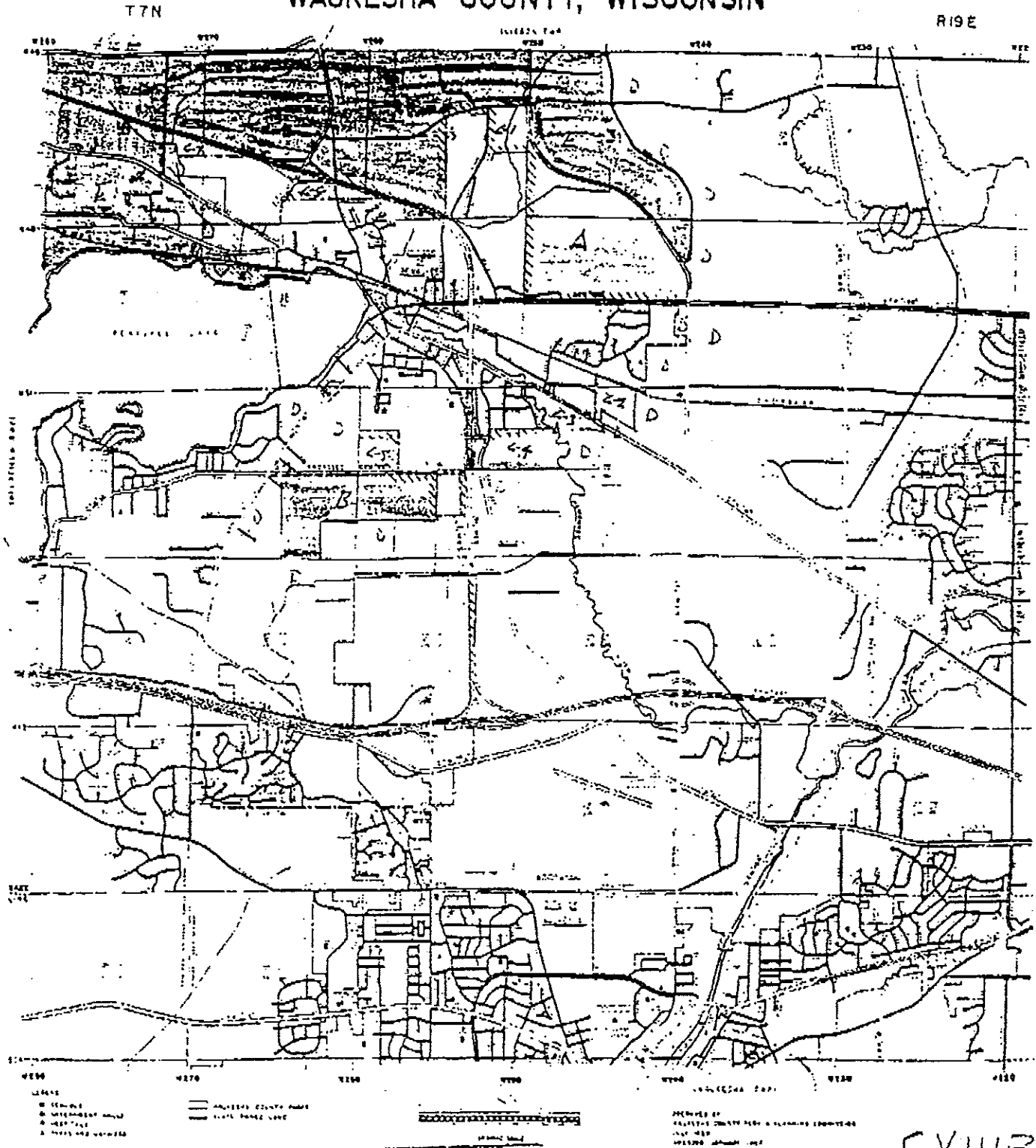
ATTEST:


ELIZABETH E. WILLIAMS
Village Clerk



HSR

PEWAUKEE TOWNSHIP WAUKESHA COUNTY, WISCONSIN



STATE OF WISCONSIN
RECEIVED & FILED
DEC 15 1995
DOUGLAS LA SALLE
COUNTY CLERK

EXHIB
1752

ORDER FOR JUDGMENT

IT IS HEREBY ORDERED that Judgment be and hereby is entered in the above entitled action, pursuant to the provisions of Wisconsin Statutes, Section 66.027, as follows:

1. Dismissing Petitioner/Plaintiff's complaint with prejudice and on the merits.

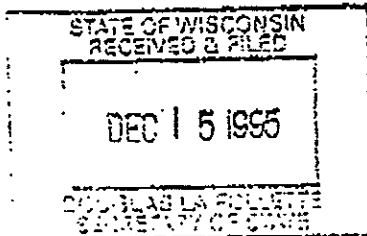
2. Incorporating into said judgment the terms and conditions of the Border Agreement executed by the parties, which is hereby approved by the Court, and a copy of which shall be attached to and incorporated into and made a part of the Judgment in this action.

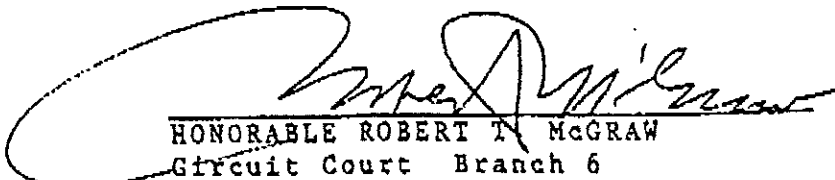
3. No further costs shall be assessed against the parties.

4. Pursuant to the provisions of Wisconsin Statutes, Section 66.027, the Border Agreement, executed by the parties shall be published in a newspaper of general circulation in the area proposed to be annexed or detached within ten (10) days of the date of this Order for Judgment.

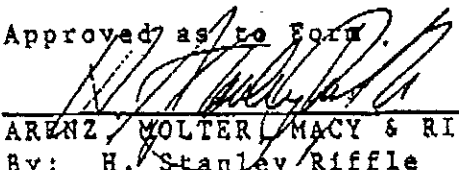
Dated this 2 day of May, 1989.

BY THE COURT




HONORABLE ROBERT T. MCGRAW
Circuit Court Branch 6

Approved as to Form


ARENZ, MULTER, MACY & RIFFLE, S.C.
By: H. Stanley Riffle

FILED
IN CIRCUIT COURT

MAY - 2 1989

WAUKESHA CO. WIS.
VIRGINIA HUNKINS, CLERK

STATE OF WISCONSIN

CIRCUIT COURT

WAUKESHA COUNTY

STATE, ex rel, TOWN OF PEWAUKEE,
a Municipal corporation,

FILED
IN CIRCUIT COURT

MAY 01 1989

Petitioner/Plaintiff,

-vs-

STIPULATION AND ORDER
FOR JUDGMENT

WAUKESHA CO. V
VIRGINIA HUNKINS, C.

VILLAGE OF PEWAUKEE,
a Municipal corporation,

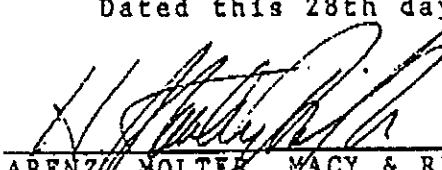
Case No. 88-CV-0799


Respondent/Defendant.

IT IS HEREBY STIPULATED and agreed by and between the parties that the Court may enter judgment in the above entitled action pursuant to the provisions of Wisconsin Statutes, Section 66.027, as follows:

1. Dismissing Petitioner/Plaintiff's complaint with prejudice and on the merits.
2. Incorporating into said judgment the terms and conditions of the Border Agreement executed by the parties, a copy of which is attached hereto and incorporated into this stipulation by reference as though fully set forth herein.
3. Ordering that no further costs shall be assessed against the parties.

Dated this 28th day of April, 1989.


ARENZ MOLTER, MACY & RIFFLE
By: H. Stanley Riffle
Attorney for the Petitioner/
Plaintiff, Town of Pewaukee


TIMOTHY P. GARRITY
Attorney for the Respondent/
Defendant, Village of Pewaukee

STATE OF WISCONSIN
RECEIVED & FILED

DEC 15 1993

DOUGLAS LA FOLLETTE
CLERK OF CIRCUIT COURT

LEGAL DESCRIPTION for PARCEL A in Border Agreement Between the VILLAGE OF PEWAUKEE and TOWN OF PEWAUKEE incorporating the following described lands
into the VILLAGE OF PEWAUKEE.

All that part of the Northwest One-Quarter (1/4), Southwest One-Quarter (1/4), Southeast One-Quarter (1/4), and Northeast One-Quarter (1/4) of Section 10, the Northwest One-Quarter (1/4), Southwest One-Quarter (1/4), and Southeast One-Quarter (1/4) of Section 3, Town 7 North, Range 19 East, Town of Pewaukee, Waukesha County, Wisconsin bounded and described as follows:

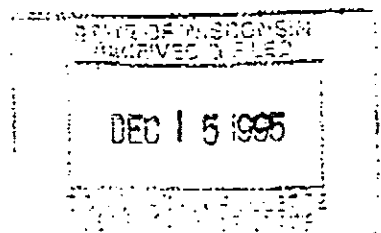
Commencing at the Northwest corner of the said Southwest One-Quarter (1/4) of Section 10, said point also being the point of beginning of the lands hereinafter described:

Thence South $00^{\circ} 45' 39''$ East, 322.29 feet to the South line of Capital Drive; thence along the Southerly Right of Way line of Capital Drive, the following nine courses:

North $88^{\circ} 49' 10''$ East, 770.21 feet; thence North $86^{\circ} 35' 01''$ East, 220.80 feet; thence South $00^{\circ} 45' 39''$ West, 60.16 feet; thence North $69^{\circ} 00' 26''$ East, 298.04 feet; thence North $86^{\circ} 35' 01''$ East, 300.00 feet; thence South $87^{\circ} 42' 21''$ East, 402.00 feet; thence North $86^{\circ} 35' 01''$ East, 300.00 feet; thence North $78^{\circ} 18' 28''$ East, 277.89 feet; thence North $86^{\circ} 35' 01''$ East, 185.65 feet to a point in the East line of the Southwest 1/4 of Section 10;

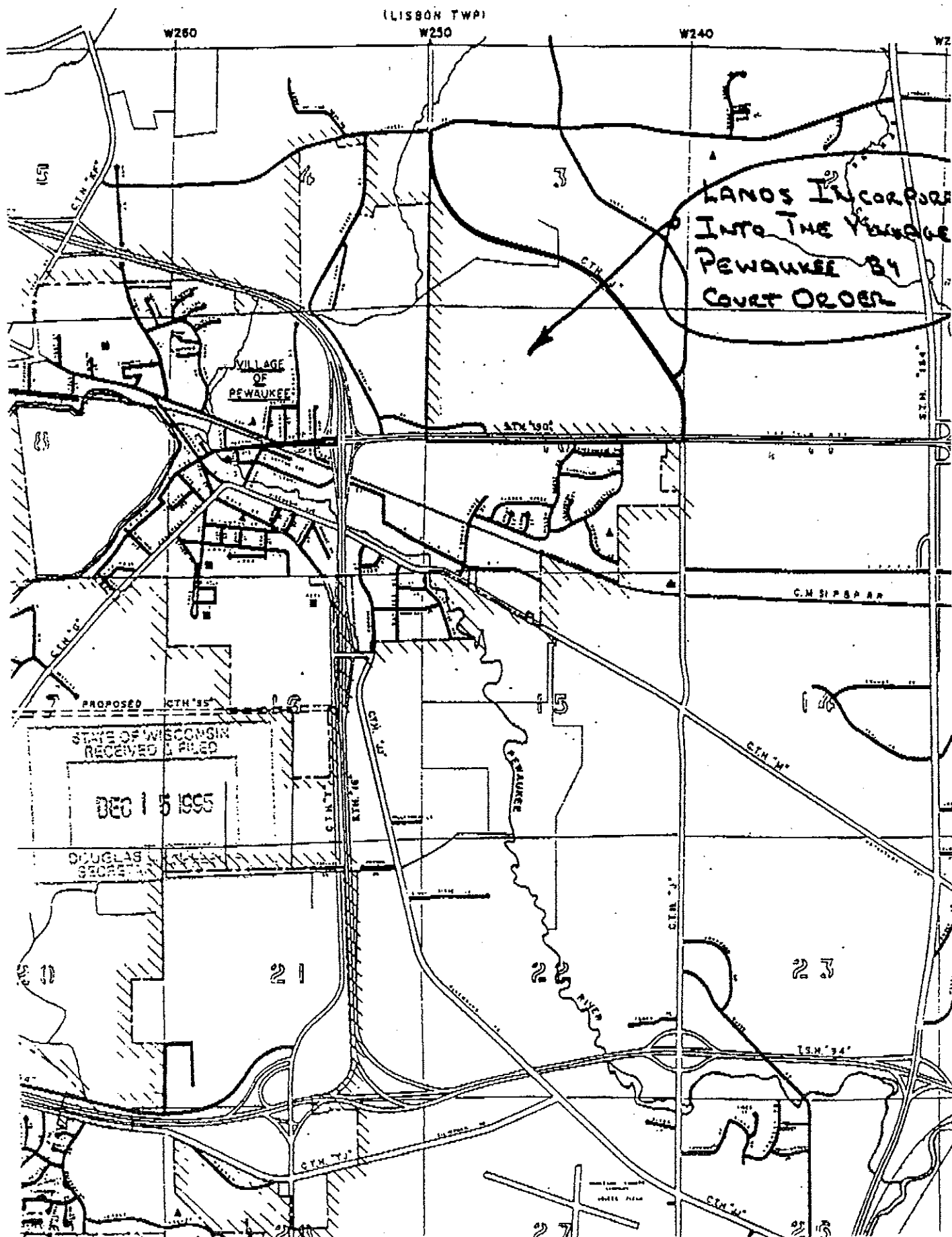
Thence North $86^{\circ} 34' 37''$ East along the South line of Capital Drive and parallel to and at a perpendicular distance of 90.00 feet from the Reference line for Capitol Drive, 1,682.80 feet to a point; thence South $89^{\circ} 44' 30''$ East along the South line of Capital Drive and parallel to the North line of the said Southeast One Quarter (1/4) of Section 10; 714.00 feet to a point; thence North $00^{\circ} 28' 27''$ West, 8.25 feet to a point; thence South $89^{\circ} 44' 30''$ East along the south line of Capital Drive and parallel to the North line of the said Southeast One-Quarter (1/4) of Section 10, 264.00 feet to a point in the East line of said Southeast One-Quarter (1/4) of Section 10, and the centerline of County Trunk Highway "J"; thence North $00^{\circ} 28' 27''$ West, on and along the East line of said Southeast One-Quarter (1/4) of Section 10 and the centerline of County Trunk Highway "J", 24.75 feet to the Northeast corner of said Southeast One Quarter (1/4) of Section 10; thence Northerly and Northwesterly on and along the centerline of County Trunk Highway (C.T.H.) "J" as established and laid out in accordance with the right-of-way plat for State of Wisconsin Project Number 2780-01-76 for Waukesha County to the centerline of Lindsay Road, C.T.H. "JF"; thence Westerly, on and along the centerline of said Lindsay Road, C.T.H. "JF" to a point in the West line of the said Northwest One-Quarter (1/4) of Section 3; thence due South, on and along the West line of the said Northwest One-Quarter (1/4) of Section 3, to the Southwest corner of the said Northwest One-Quarter (1/4) of Section 3; thence South $00^{\circ} 24' 17''$ East, on and along the West line of the said Southwest One-Quarter (1/4) of Section 3, 2,653.01 feet to the Northwest corner of the said Northwest One-Quarter (1/4) of Section 10; thence South $00^{\circ} 14' 57''$ East, on and along the West line of the said Northwest One-Quarter (1/4) of Section 10, 2,655.42 feet to the Northwest corner of the said Southwest One-Quarter (1/4) of Section 10 and the point of beginning.

Containing approximately 430 acres more or less.



PEWAUKEE TOWNSHIP

WAUKESHA COUNTY, WISCONSIN

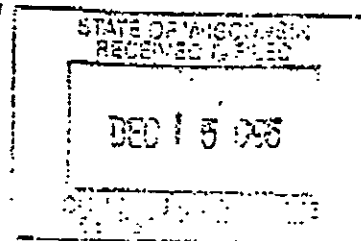


Legal description for Parcel C-5 in the Border Agreement between the Village of Pewaukee and Town of Pewaukee incorporating the following described lands into the Village of Pewaukee:

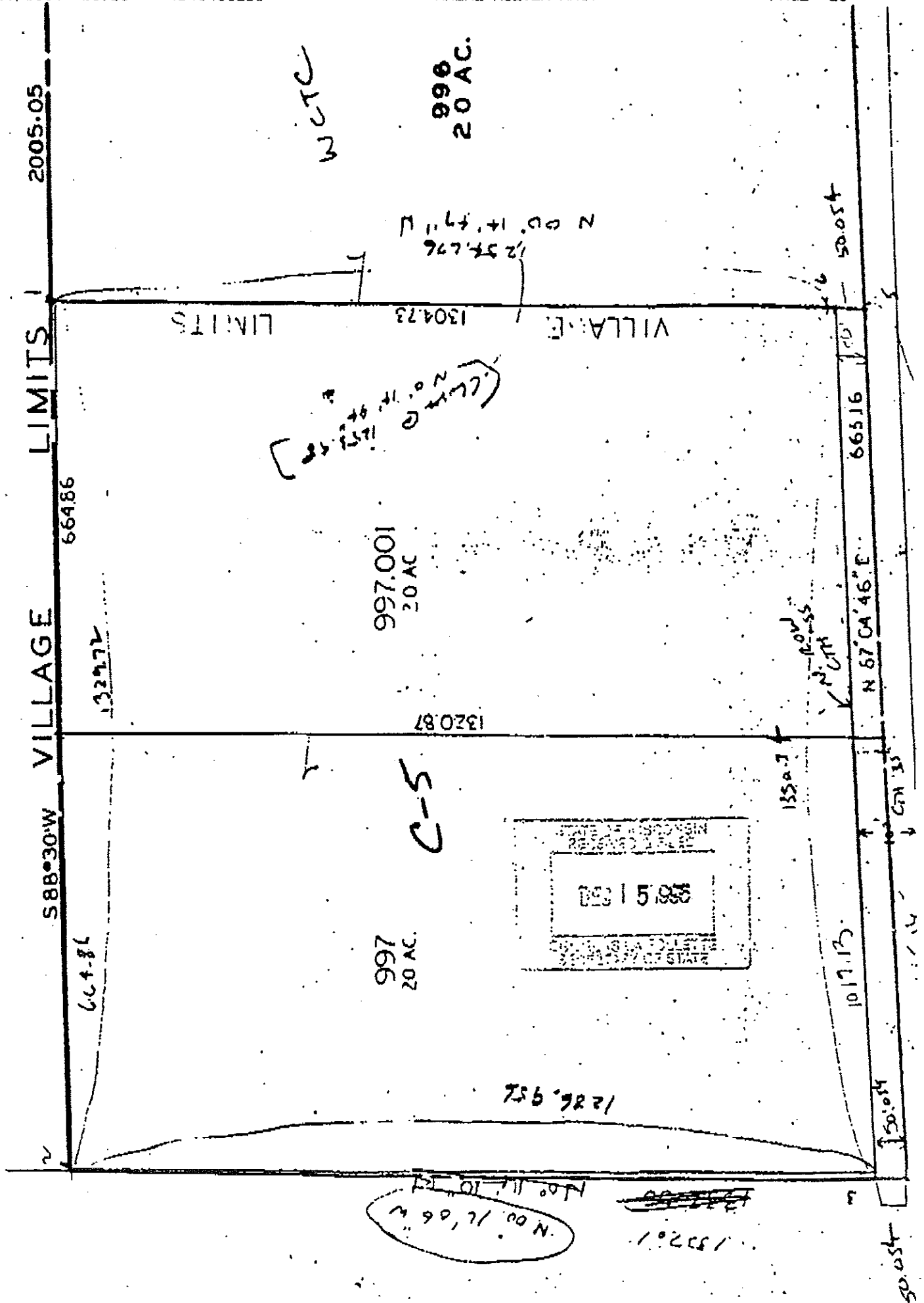
All that part of the NW 1/4 of Section 16, T 7 N, R 19 E, Town of Pewaukee, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the North 1/4 corner of Sec. 16, T 7 N, R 19 E; thence S 00~13'20"E along North 1/4 line of Sec. 16 1,272.44 feet to a point; thence S88~28'13"W 1,329.73 feet to a point, said point being the place of beginning; thence S88~30'W 1,329.72 feet to a point on the west line of Section 16; thence S00~10'06"E along said section line 1,337.01 feet to the West 1/4 corner of Section 16; thence N 87~04' 46" E along the section line 1,330.32 feet to a point; thence N 00~14' 47" W 1,304.73 feet to the place of beginning; containing 40.2 acres, more or less.

This description prepared by Jeffrey L. Weigel, P.E., Town Engineer
January 1995
PARCELC5



04
2-17



Legal description for Parcel C-7 in the Border Agreement between the Village of Pewaukee and Town of Pewaukee incorporating the following described lands into the Village of Pewaukee:

All that part of the SW 1/4 of Section 5, the NE 1/4 of Section 6, and the SE 1/4 of Section 6 T 7 N, R 19 E, Town of Pewaukee, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the NE corner of the SW 1/4, SEC ⁵ T 7 N, R 19 E, thence South along the 1/4 line of Section 5 1,100 feet, more or less, to a point on the south right-of-way line of STH "16"; thence N 62~ 42' 46" W along said south line of STH "16" 631.99 feet to a point; thence continuing along said south right-of-way line of STH "16" N 70~ 49' 25" W to a point, said point being the place of beginning; thence S 88~ 17' 11" W 494.84 feet to a point; thence S 88~ 30' 26" W 1,814.82 feet to a point; thence N 89~ 53' W 66 feet, more or less, to the center of a stream; thence northwesterly along the center of said stream 1,100 feet, more or less, to a point on the south right-of-way line of STH "16"; thence southeasterly along said south line of STH "16" 2,850 feet, more or less to the place of beginning; containing 23 acres, more or less.

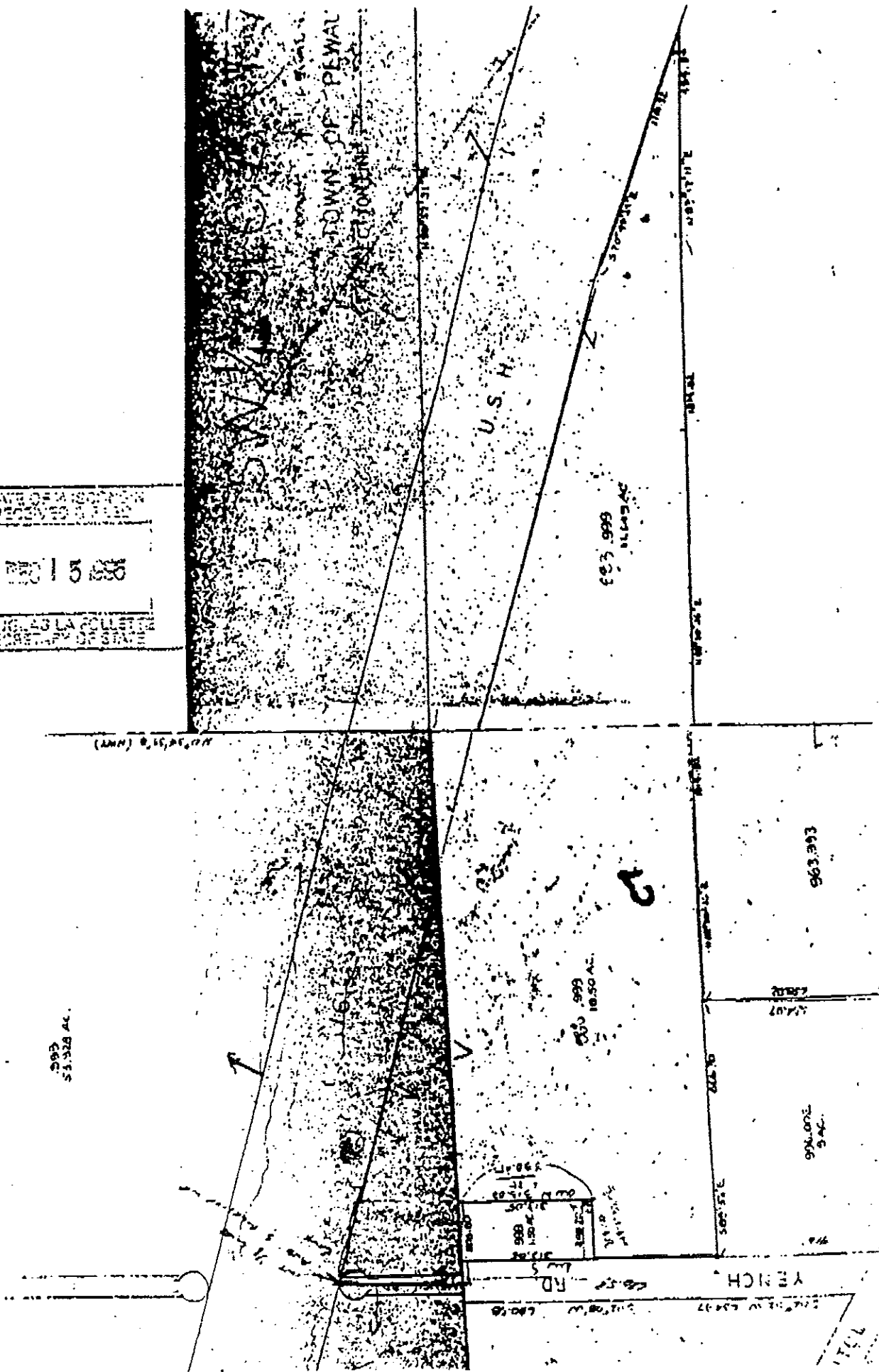
STATE OF WISCONSIN
RECEIVED & FILED

JAN 15 1995

This description prepared by Jeffrey L. Weigel, P.E., Town Engineer
January 1995
PARCELC7

OK
2-15-95

STATE OF MISSOURI
RECEIVED
DEC 15 1998
DOUGLAS LA FOLLETTE
SECRETARY OF STATE

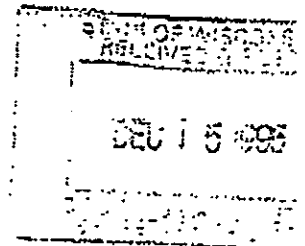


Legal description for Parcel C-8 in the Border Agreement between the Village of Pewaukee and Town of Pewaukee incorporating the following described lands into the Village of Pewaukee:

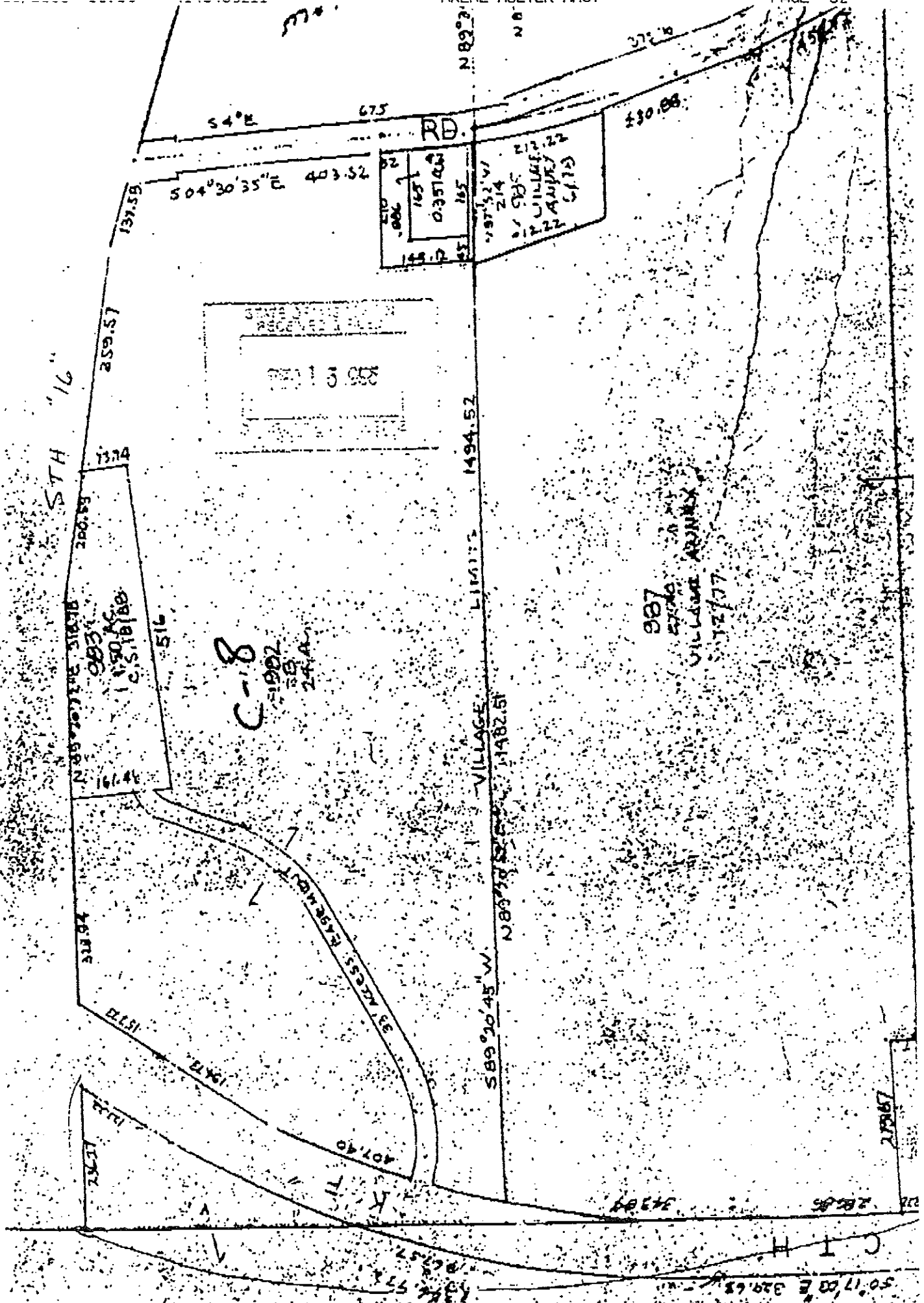
All that part of the SE 1/4 of Section 5, T 7 N, R 19 E, Town of Pewaukee, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the SW corner of said SE 1/4, SEC 5, T 7 N, R 19 E; thence N00-17'03"W 1,346.932 feet to a point; thence N89-32'E 236.27 feet to the point of beginning, said point being on the southerly right-of-way line of STH "16"; thence southeasterly along the southerly right-of-way line of STH "16" the following five courses:
thence N89-32' E 460.16 feet to a point;
thence N89-32'30"E 318.78 feet to a point;
thence S 81-36'47" E 200.592 feet to a point;
thence S 81-31' E 259.57 feet to a point;
thence S 74-12' E 137.58 feet to a point on the center of right-of-way of High Street;
thence S 00-30'35" E along the center line of High Street 548.52 feet to a point;
thence S 89-20'45" W 1,780 feet, more or less, to the west right-of-way line of Ryan Street;
thence northerly along said west line of Ryan Street 760 feet, more or less, to the place of beginning; containing 23.4 acres, more or less.

This description prepared by Jeffrey L. Weigel, P.E., Town Engineer
January 1995
PARCELC8



OK
2-15-95



PD.

210	0.006	0.351	0.351	0.351
165	165	165	165	165
165	165	165	165	165

1975.21 V
214
1985
VILLAGE
ANNEX
12/77

137.59
259.57
137.74
167.46
516
1494.52
1482.51

C-18
1982
38
24 A

987
1980
VILLAGE ANNEX
12/77

27387

C T H

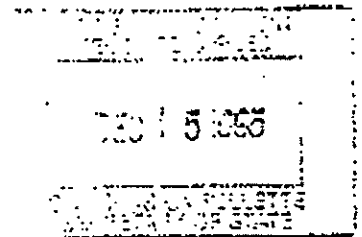
50°17'03" E 329.68

Legal description for Parcel C-8(A) in the Border Agreement between the Village of Pewaukee and Town of Pewaukee incorporating the following described lands into the Village of Pewaukee:

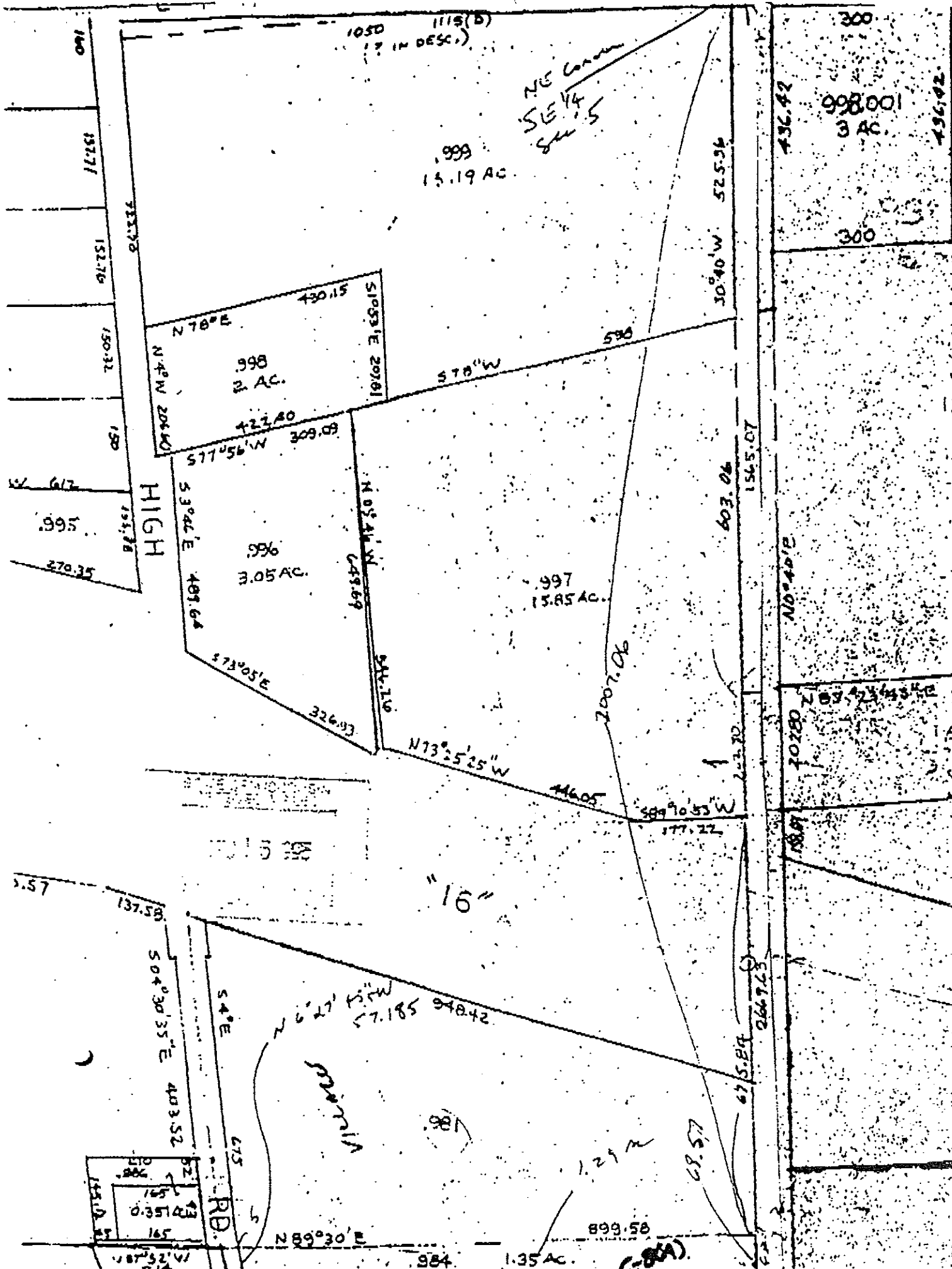
All that part of the SE 1/4 of Section 5, T 7 N, R 19 E, Town of Pewaukee, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the NE corner of the SE 1/4, Section 5, T 7 N, R 19 E; thence S 00-- 40' W along said section line 2,007.06 feet to the point of beginning; thence continuing along said section line S 00--40' W 68.57 feet to a point; thence N 89-- 45' W 892.32 feet to a point on the center of right-of-way of High Street; thence N 06--27'45.2" W along said center of High Street 57.18 feet to a point; thence N 89-- 30" E 899.58 feet to the place of beginning; containing 1.3 acres, more or less.

This description prepared by Jeffrey L. Weigel, P.E., Town Engineer
January 1995
PARC8A



OK
2-13-95

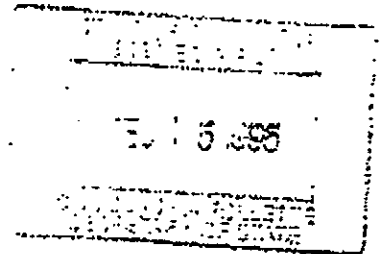


Legal description for Parcel C-8(B) in the Border Agreement between the Village of Pewaukee and Town of Pewaukee incorporating the following described lands into the Village of Pewaukee:

All that part of the SW 1/4 of Section 4, T 7 N, R 19 E, Town of Pewaukee, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the SW corner of SEC 4, T 7 N, R 19 E; thence N 00~ 40' E along said section line 750 feet, more or less, to the point of beginning; thence continuing N 00~ 40' E along said section line 210 feet, more or less, to a point on the south right-of-way line of STH "16"; thence southeasterly along said south line of STH "16" 700 feet, more or less, to a point; thence west 659.50 feet to the place of beginning, excepting the portion contained within the corporate limits of the Village of Pewaukee; containing 1.6 acres more or less.

This description prepared by Jeffrey L. Weigel, P.E., Town Engineer
January 1995
PARC8B



OK
2-15-95

*Point Paul
from US 16
N. 40° E*



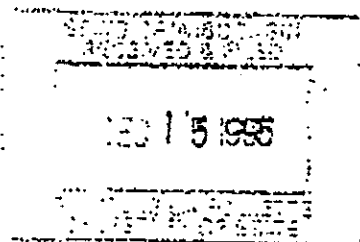
$N 2^{\circ} 30' E$

Legal description for Parcel C-9 in the Border Agreement between the Village of Pewaukee and Town of Pewaukee incorporating the following described lands into the Village of Pewaukee:

All that part of the SW 1/4 of Section 4, T 7 N, R 19 E, Town of Pewaukee, Waukesha County, Wisconsin, bounded and described as follows:

Commencing at the SE corner of the SW 1/4, SEC 4, T 7 N, R 19 E; thence west along said section line 310 feet, more or less, to a point on the south right-of-way line of STH "16", said point being the point of beginning; thence continuing west along said section line 1,080 feet, more or less, to a point; thence N 3-45' E 475 feet, more or less, to a point on the south right-of-way line of STH "16"; thence southeasterly along said south right-of-way line 1,140 feet, more or less, to the place of beginning; containing 5.8 acres, more or less.

This description prepared by Jeffrey L. Weigel, P.E., Town Engineer
December 1994
PARCELC9



OW
2-15-95

53

340.62

912.80

43

08.617
534.80

996.001
B
29.33 AC
O.S. 21/329

S 72° 29' 53" E

804.10

S 56° 32' 28" E

16"

STATE
OWNS

CM

510

SE 1/4
SW 1/4

11.15.23