

Email: dfink@foxcrossingwi.gov

ORD11319

RECEIVED
05/11/2021

The seal is circular with a dotted border. Inside, the text "WINNEBAGO COUNTY" is at the top, "VILLAGE" is below it, "OF" is in the center, "FOX CROSSING" is below "OF", and "STATE OF WISCONSIN" is at the bottom.

Barla M. Fink

Darla M. Fink
Village Clerk

ORD #210510-1:ORD *First Reading, Second Reading & Adoption*

AN ORDINANCE ATTACHING CERTAIN LANDS FROM THE CITY OF APPLETON, OUTAGAMIE COUNTY TO THE VILLAGE OF FOX CROSSING, WINNEBAGO COUNTY, WISCONSIN – KLOEHN ATTACHMENT

WHEREAS, the City of Appleton Clerk's office coordinated with the petitioner to publish a Class 1 Notice of her Intention to Circulate a Petition of Detachment, which was published on February 25, 2021.

WHEREAS, the petitioner filed a Petition for Detachment with a legal description, exhibit map, and GIS maps with the Appleton City Clerk on March 1, 2021.

WHEREAS, the Appleton City Plan Commission met and recommended approval of the Petition for Detachment on March 23, 2021.

WHEREAS, the Appleton City Council adopted a detachment ordinance on April 7, 2021, which was published on April 12, 2021.

WHEREAS, the Village wishes to attach the subject land and complete the detachment and attachment process in accordance Wis. Stat. §66.0227 via this Ordinance.

NOW THEREFORE, the Village Board of the Village of Fox Crossing does ordain as follows:

Part 1: Territory Attached. In accordance with Section 66.0227(2) of the Wisconsin Statutes for 2019 – 2020, the following described territory in the City of Appleton, Outagamie County, Wisconsin, lying contiguous to the Village of Fox Crossing, is hereby attached to the Village of Fox Crossing, Wisconsin.

A part of Lots 21, 22, 23, 24 & 25, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 36,393 square feet (0.835 acres) of land more or less and more particularly described as follows: Beginning at the Southwest corner of said Section 34; thence N00°15'42"W, 76.95 feet along the East line of Lot 1 of Certified Survey Map No. 2480 as recorded in Volume 1 of CSM's on Page 2480 as Document No. 788841 in the Winnebago County Register of Deeds Office to the start of a meander line, being S00°15'42"E, 66 feet more or less from the approximate ordinary highwater mark of the Fox River; thence N64°16'35"E, 24.54 feet along said meander line; thence S82°29'14"E, 65.19 feet along said meander line; thence S74°25'43"E, 199.41 feet along said meander line to the terminus of said meander line on the East line of said Lot 21, being S03°29'40"W, 63 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 24.62 feet along said East line to the South line of Outagamie County; thence S89°47'57"W, 276.98 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

Area of Property to be attached contains 0.835 acres m/l.

Outagamie County Parcel Id Numbers: 31-4-9003-00, 31-4-9004-00 & 31-4-9005-00.

The population of such territory is 0.

Part 2: Effect of Attachment. From and after the date of this ordinance the territory described in Part 1 shall be a part of the Village of Fox Crossing for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the Village of Fox Crossing.

Part 3: Severability. If any provisions of this ordinance are invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this ordinance which can be given without the invalid or unconstitutional provision or application.

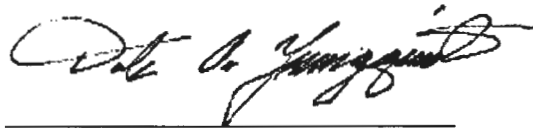
Part 4: Effective Date. This ordinance shall take effect upon passage and posting.

Date Introduced: May 10, 2021

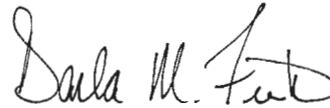
Date Adopted: May 10, 2021

Requested by: Jeffrey Sturgell, Village Manager

Submitted by: Dale A. Youngquist, Village President



Dale A. Youngquist, Village President

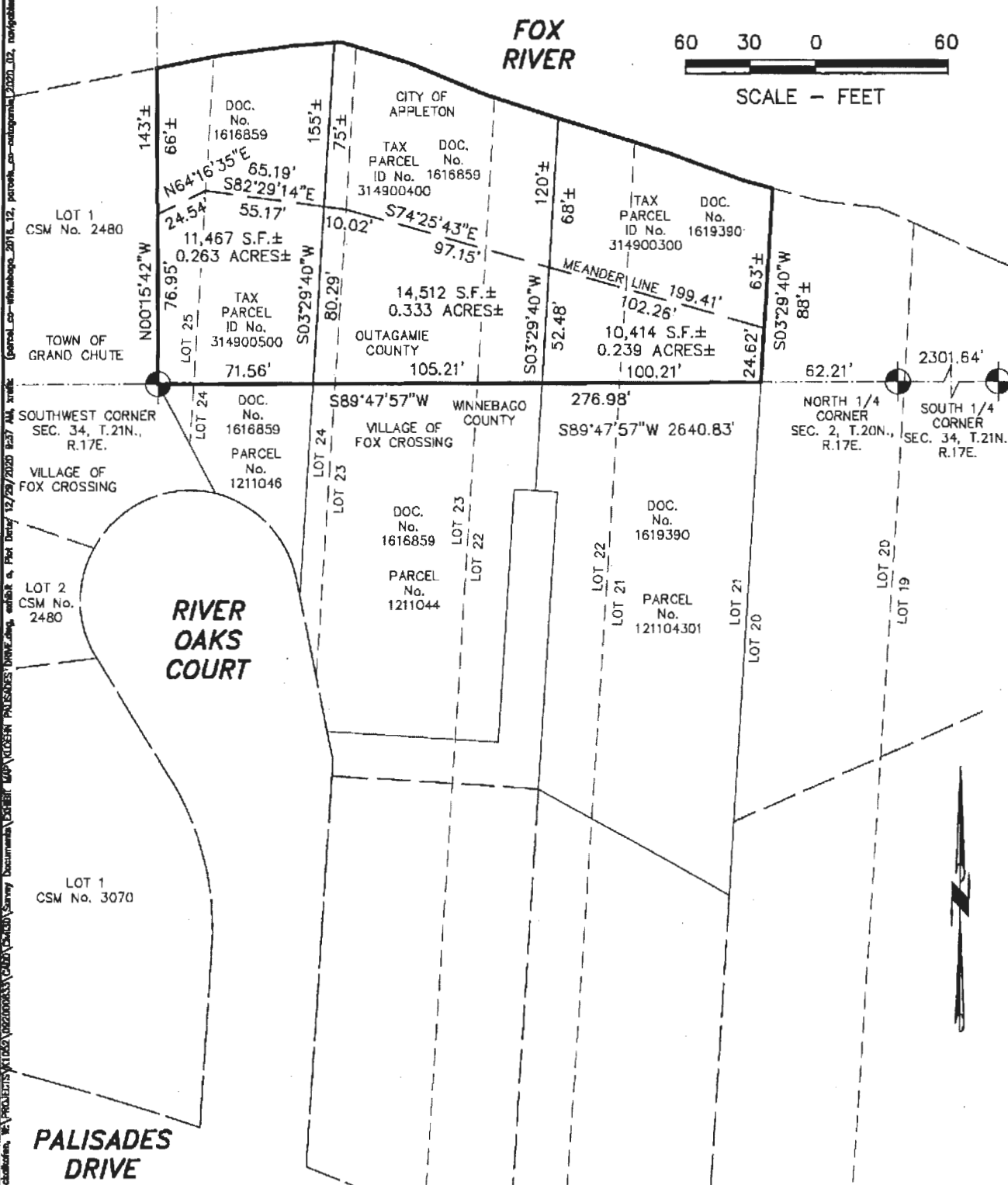


Attest: Darla M. Fink, Village Clerk

EXHIBIT A

FOX
RIVER

60 30 0 60
SCALE - FEET



McMAHON
ENGINEERS ARCHITECTS

Project No. K1052 092000833.00 Date DEC. 2020 Scale 1"=60'
Drawn By CWK Field Book Page
1445 McMAHON DRIVE NEENAH, WI 54956
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
Tel: (920) 751-4200 Fax: (920) 751-4284

File No.

EXHIBIT B-1

DESCRIPTION-TAX PARCEL ID No. 314900300

A part of Lots 21 & 22, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 10,414 square feet (0.239 acres) of land more or less and more particularly described as follows:

Commencing at the Southwest corner of said Section 34; thence N89°47'57"E, 176.77 feet along the South line of Outagamie County to the Point of Beginning; thence N03°29'40"E, 52.48 feet to the start of a meander line, being S03°29'40"W, 68 feet more or less from the approximate ordinary high water mark of the Fox River; thence S74°25'43"E, 102.26 feet along said meander line to the terminus of said meander line on the East line of said Lot 21, being S03°29'40"W, 63 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 24.62 feet along said East line to the South line of Outagamie County; thence S89°47'57"W, 100.21 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

DESCRIPTION-TAX PARCEL ID No. 314900400

A part of Lots 22, 23 & 24, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 14,512 square feet (0.333 acres) of land more or less and more particularly described as follows:

Commencing at the Southwest corner of said Section 34; thence N89°47'57"E, 71.56 feet along the South line of Outagamie County to the Point of Beginning; thence N03°29'40"E, 80.29 feet to the start of a meander line, being S03°29'40"W, 75 feet more or less from the approximate ordinary high water mark of the Fox River; thence S82°29'14"E, 10.02 feet along said meander line; thence S74°25'43"E, 97.15 feet along said meander line to the terminus of said meander line, being S03°29'40"W, 68 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 52.48 feet to the South line of Outagamie County; thence S89°47'57"W, 105.21 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

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File No.

EXHIBIT B-2

DESCRIPTION—TAX PARCEL ID No. 314900500

A part of Lots 24 & 25, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 11,467 square feet (0.263 acres) of land more or less and more particularly described as follows:

Beginning at the Southwest corner of said Section 34; thence N00°15'42"W, 76.95 feet along the East line of Lot 1 of Certified Survey Map No. 2480 as recorded in Volume 1 of CSM's on Page 2480 as Document No. 788841 in the Winnebago County Register of Deeds Office to the start of a meander line, being S00°15'42"E, 66 feet more or less from the approximate ordinary high water mark of the Fox River; thence N64°16'35"E, 24.54 feet along said meander line; thence S82°29'14"E, 55.17 feet along said meander line to the terminus of said meander line, being S03°29'40"W, 75 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 80.29 feet to the South line of Outagamie County; thence S89°47'57"W, 71.56 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

DESCRIPTION—TAX PARCEL ID No. 314900300, 314900400 & 314900500

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McMAHON
ENGINEERS / ARCHITECTS

Project No. K1052 092000833.00 Date DEC. 2020 Scale 1"=60'

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File No.

ADOPTED: April 7, 2021
PUBLISHED: April 12, 2021
Office of the City Clerk

8-21

AN ORDINANCE DETACHING TERRITORY
FROM THE CITY OF APPLETON, WISCONSIN.
(Kloehn Detachment)

The Common Council of the City of Appleton does ordain as follows:

Section 1: Territory Detached. In accordance with Section 66.027(2) of the Wisconsin Statutes for 2019 – 2020, the following described territory in the City of Appleton, Outagamie County, Wisconsin, lying contiguous to the City of Appleton, is hereby detached to the Village of Fox Crossing, Wisconsin.

A part of Lots 21, 22, 23, 24 & 25, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 36,393 square feet (0.835 acres) of land more or less and more particularly described as follows: Beginning at the Southwest corner of said Section 34; thence N00°15'42"W, 76.95 feet along the East line of Lot 1 of Certified Survey Map No. 2480 as recorded in Volume 1 of CSM's on Page 2480 as Document No. 788841 in the Winnebago County Register of Deeds Office to the start of a meander line, being S00°15'42"E, 66 feet more or less from the approximate ordinary highwater mark of the Fox River; thence N64°16'35"E, 24.54 feet along said meander line; thence S82°29'14"E, 65.19 feet along said meander line; thence S74°25'43"E, 199.41 feet along said meander line to the terminus of said meander line on the East line of said Lot 21, being S03°29'40"W, 63 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 24.62 feet along said East line to the South line of Outagamie County; thence S89°47'57"W, 276.98 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

Area of Property to be detached contains 0.835 acres m/l.

City Parcel Id Numbers: 31-4-9003-00, 31-4-9004-00 & 31-4-9005-00.

The population of such territory is 0.


This territory lies within the City of Appleton, Outagamie County, Wisconsin.

Section 2: Effect of Detachment. From and after the date of this ordinance the territory described in Section 1 shall be a part of the Village of Fox Crossing for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the Village of Fox Crossing.

Section 3: Severability. If any provisions of this ordinance are invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or application of this ordinance which can be given without the invalid or unconstitutional provision or application.

Section 4: Effective Date. This ordinance shall take effect upon passage and publication.

Dated: April 7, 2021



Jacob A. Woodford, Mayor
CityLaw 21-0028 | 19-1041



Kami Lynch, City Clerk

PETITION FOR DETACHMENT OF LAND FROM THE CITY OF APPLETON TO THE VILLAGE OF FOX CROSSING

The undersigned, representing all owners of the land lying within the area described below and shown on the attached scale map, in accordance with s. 66.0227 Wis. Stats., petition to detach said land from the City of Appleton, Outagamie County, Wisconsin to the Village of Fox Crossing, Outagamie County, Wisconsin, to-wit:

LEGAL DESCRIPTION

A part of Lots 21, 22, 23, 24 & 25, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 36,393 square feet (0.835 acres) of land more or less and more particularly described as follows: Beginning at the Southwest corner of said Section 34; thence N00°15'42"W, 76.95 feet along the East line of Lot 1 of Certified Survey Map No. 2480 as recorded in Volume 1 of CSM's on Page 2480 as Document No. 788841 in the Winnebago County Register of Deeds Office to the start of a meander line, being S00°15'42"E, 66 feet more or less from the approximate ordinary highwater mark of the Fox River; thence N64°16'35"E, 24.54 feet along said meander line; thence S82°29'14"E, 65.19 feet along said meander line; thence S74°25'43"E, 199.41 feet along said meander line to the terminus of said meander line on the East line of said Lot 21, being S03°29'40"W, 63 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 24.62 feet along said East line to the South line of Outagamie County; thence S89°47'57"W, 276.98 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

Area of Property to be detached contains 0.835 acres m/l.

The current population of such territory is zero.

City Parcel Id. Number(s): 314900300, 314900400 & 314900500.

Dated the 25th day of February, 2021.

By: *Ann Kloehn* dotloop verified
02/25/21 2:01 PM EST
459P-GY6D-VXX0-F8FG
Trustee Ann P. Kloehn

By: *William Kloehn* dotloop verified
02/25/21 1:59 PM EST
WGGR-K1FG-CBVO-6LTW
William J. Kloehn

By: *Julie Lapkoff* dotloop verified
02/25/21 3:18 PM EST
SAVR-XVRE-KU05-2F6D
Julie A. Lapkoff

OFFICE OF CITY CLERK
FILED

MAR 01 2021

APPLETON, WISCONSIN

*Mrs. Ann Kloehn
1834 Palisades Drive
Appleton, WI 54915*

January 15, 2021

Don Harp, Principal Planner
Community and Economic Development Department
City of Appleton
100 N. Appleton Street
Appleton, WI 54911-4799
don.harp@appleton.org

RE: Kloehn Application for Detachment of Land
City Parcel Id. Number(s): 314900300, 314900400 & 314900500

Dear Mr. Harp:

We understand that the City of Appleton ("City") desires that we provide a written explanation of the reasons for our detachment application. The specific reasons that we are requesting this detachment to the Village of Fox Crossing ("Village") are as follows:

1. When Dr. and Mrs. Kloehn originally purchased their property in 1959, it was purchased with the understanding that the property was located in the Town of Menasha (now the Village of Fox Crossing) with the municipal boundary line with the City in the middle of the Fox River.
2. On the basis of the understanding in paragraph (1) above, Dr. and Mrs. Kloehn paid out-of-town tuition for both of their children to attend elementary, middle, and high school in the City, in reliance upon the jurisdictional boundaries that had been represented to them.
3. The first time that any jurisdictional issues arose was in the 1990s. At that time, Dr. and Mrs. Kloehn met with the then City Mayor Dorothy Johnson and it was agreed that these properties would never be considered as part of the City and that Dr. and Mrs. Kloehn would accordingly not be taxed by the City. It is our understanding that there is a letter memorializing this issue but, unfortunately, no such letter has been obtained despite our public records requests to obtain a copy.
4. In May 2014, we received a letter stating that the jurisdictional boundary was being recognized differently, and, as a result each of the three lots that are the subject of this detachment request became for the first time split in half with half being located in the City and half in what is now the Village. We were never consulted on this new recognition of the jurisdictional boundary and the action that resulted was contrary to the

understanding previously reached between Dr. and Mrs. Kloehn and Mayor Johnson.

5. We have now been paying taxes to the City with absolutely no services of any kind being provided to us by the City.
6. We are not allowed to register to vote in the City as we are registered to vote in the Village. This violates a fundamental American principal that there should be no taxation without representation. We have nobody representing us in the City government.
7. Less than a year ago, my son was concerned about my health and called the police for a wellness check. In making that call, there was confusion about which jurisdiction should be covering the call. Initially, the call was given to the City and there was an investigation with the call ultimately being shifted to the Village of Fox Crossing before action was taken. If this were an emergency where time is of the essence, time and resources should not be wasted in determining who is going to cover the call to an elderly resident living alone.
8. We have had other incidences where both local and out-of-state police have indicated concern about the fact that this property is divided between two municipalities. These concerns continue to cause stress for Ms. Kloehn.
9. Within the three properties, two contain the house and the third is a vacant lot. If there is any construction done in relation to either the existing house or the vacant lot, there is no agreement of which municipal codes need to be adhered to. This lack of agreement is material as there are significant differences between the various codes (e.g., set-back requirements from the Fox River). While we have been told that the City will not enforce its codes in relation to the modifications of the existing house, our most recent discussions with the City indicate that there is no agreement on what codes need to be adhered to for any new construction or any future construction on the vacant property. Finally, no resident would consider it reasonable to rely on a verbal discussion as it relates to modifications to the existing house, particularly after history surrounding this property indicated above.
10. We have been advised that the current situation (i.e., the splitting of the properties to the City) will cause a significant devaluation of the property when it is ultimately sold for all the reasons stated above. There is no reason why the City should cause our property to be devalued, while providing no services, particularly as Ms. Kloehn has devoted 40 years of significant time and resources to the City on a charitable basis.
11. The Village has provided all services as it relates to these properties and there is complete agreement between the Village and the owners of these properties in attaching these properties to the Village.
12. The Town of Grand Chute has been consulted and they have no issue with the detachment from the City and attachment to the Village.

13. We are only looking to effectively restore the agreed arrangement between the owners and the City of Appleton that had been in place from 1959 to 2014.

Based upon the foregoing, we submit this letter to the City in support of our application for detachment to the Village. We hope that you will approve our detachment and thank you for your consideration. Please let us know if there are any questions or concerns.

Sincerely,

By: *Ann Kloehn* dotloop verified
01/16/21 10:13 AM EST
A7Y1-VCWR-0ZTQ-SGEU
Trustee Ann P. Kloehn

By: *William Kloehn* dotloop verified
01/15/21 5:16 PM EST
SM1U-PDBG-0SAO-MUIS
William I. Kloehn

By: *Julie Lapkoff* dotloop verified
01/15/21 5:00 PM EST
J2B3-LGHS-JUSH-IQGG
Julie A. Lapkoff

**PETITION FOR DETACHMENT OF LAND FROM THE CITY OF APPLETON
TO THE VILLAGE OF FOX CROSSING**

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The current population of such territory is zero.

City Parcel Id. Number(s): 314900300, 314900400 & 314900500.

Dated the 25th day of February, 2021.

By: *Ann Kloehn* dotloop verified
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Trustee Ann P. Kloehn

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By: *Julie Lapkoff* dotloop verified
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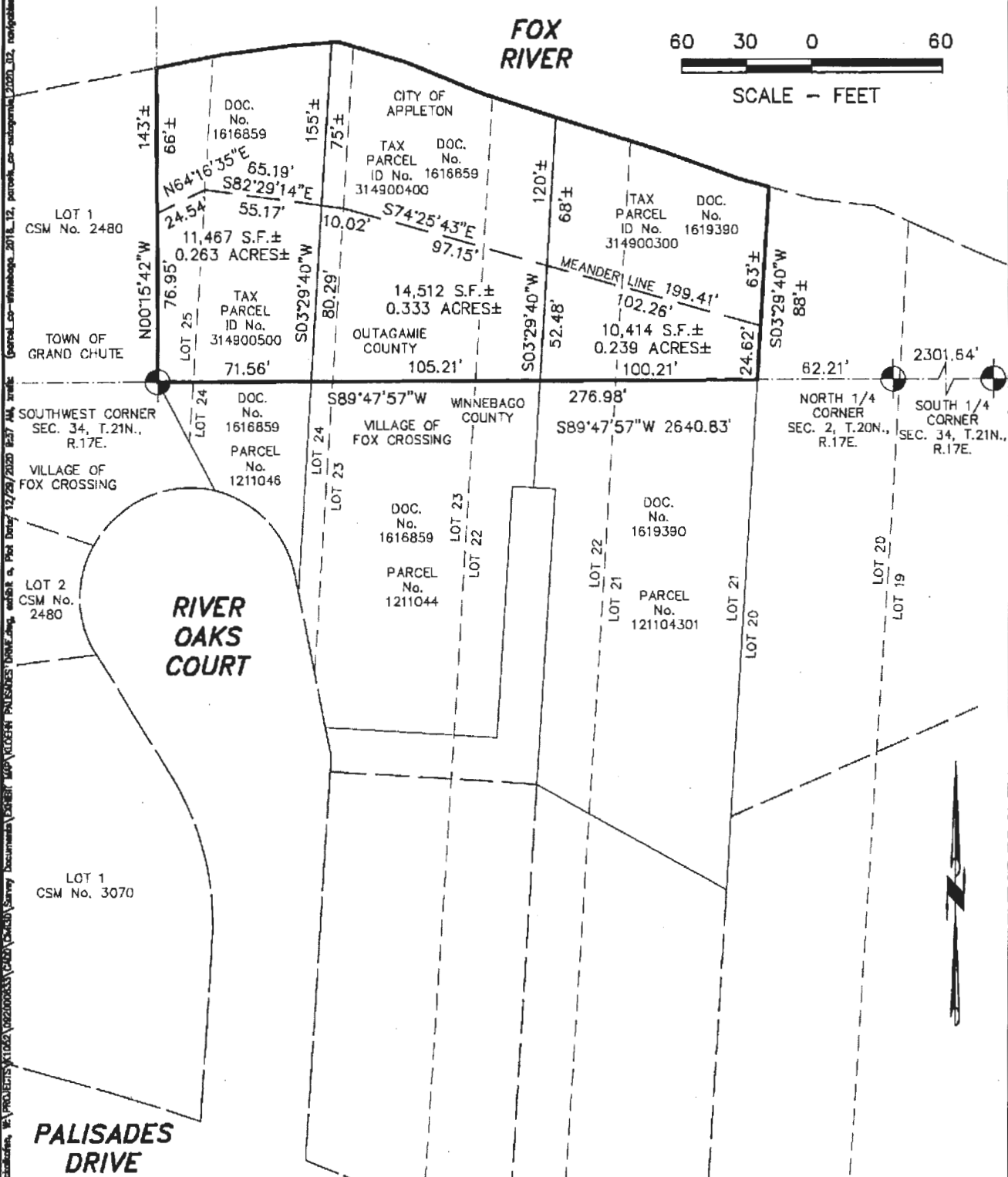
Julie A. Lapkoff

EXHIBIT A

FOX
RIVER

60 30 0 60

SCALE - FEET



McMAHON
ENGINEERS ARCHITECTS

Project No. K1052 092000833.00 Date DEC. 2020 Scale 1"=60'

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DESCRIPTION—TAX PARCEL ID No. 314900500

A part of Lots 24 & 25, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 11,467 square feet (0.263 acres) of land more or less and more particularly described as follows:

Beginning at the Southwest corner of said Section 34; thence N00°15'42"W, 76.95 feet along the East line of Lot 1 of Certified Survey Map No. 2480 as recorded in Volume 1 of CSM's on Page 2480 as Document No. 788841 in the Winnebago County Register of Deeds Office to the start of a meander line, being S00°15'42"E, 66 feet more or less from the approximate ordinary high water mark of the Fox River; thence N64°16'35"E, 24.54 feet along said meander line; thence S82°29'14"E, 55.17 feet along said meander line to the terminus of said meander line, being S03°29'40"W, 75 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 80.29 feet to the South line of Outagamie County; thence S89°47'57"W, 71.56 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

DESCRIPTION—TAX PARCEL ID No. 314900300, 314900400 & 314900500

A part of Lots 21, 22, 23, 24 & 25, Block 3 in The Palisades, located in the Southwest 1/4 of the Southwest 1/4 of Section 34, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 36,393 square feet (0.835 acres) of land more or less and more particularly described as follows:

Beginning at the Southwest corner of said Section 34; thence N00°15'42"W, 76.95 feet along the East line of Lot 1 of Certified Survey Map No. 2480 as recorded in Volume 1 of CSM's on Page 2480 as Document No. 788841 in the Winnebago County Register of Deeds Office to the start of a meander line, being S00°15'42"E, 66 feet more or less from the approximate ordinary high water mark of the Fox River; thence N64°16'35"E, 24.54 feet along said meander line; thence S82°29'14"E, 65.19 feet along said meander line; thence S74°25'43"E, 199.41 feet along said meander line to the terminus of said meander line on the East line of said Lot 21, being S03°29'40"W, 63 feet more or less from the approximate ordinary high water mark of the Fox River; thence S03°29'40"W, 24.62 feet along said East line to the South line of Outagamie County; thence S89°47'57"W, 276.98 feet along said South line to the Point of Beginning; Including all those lands lying between the above described meander line and the approximate ordinary high water mark of the Fox River bounded by the respective lines extended.

McMAHON
ENGINEERS ARCHITECTS

Project No. K1052 092000833.00 Date DEC. 2020 Scale 1"=60'

Drawn By CWK Field Book Page

1445 McMAHON DRIVE NEENAH, WI 54956
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
Tel: (920) 751-4200 Fax: (920) 751-4284

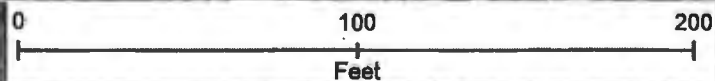
File No.

Detachment of Territory
Ann Kloehn, William Kloehn and Julie Lapkoff
City of Appleton Parcel Id. Numbers 31-4-9003-00,
31-4-9004-00 and 31-4-9005-00 to Village of Fox Crossing
Aerial Map

City Limits

Subject Area

City Limits



Detachment of Territory

Ann Kloehn, William Kloehn and Julie Lapkoff

City of Appleton Parcel Id. Numbers 31-4-9003-00,
31-4-9004-00 and 31-4-9005-00 to Village of Fox Crossing

Zoning Map

