



City of Delavan
123 S Second Street
PO Box 465
Delavan, WI 53115

ORD11415

RECEIVED

November 18, 2021

Municipal Boundary Review
Wisconsin Dept. of Admin.

CERTIFICATE OF CITY CLERK

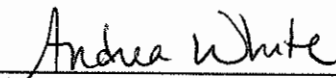
STATE OF WISCONSIN)
)
COUNTY of WALWORTH)

I, Andrea White, hereby certify that I am the duly appointed City Clerk for the City of Delavan, Walworth County, Wisconsin, and as such, have charge of the official records of the City.

I further certify that the attached is a true and correct copy of Ordinance RC-449 as adopted by the City of Delavan Common Council on November 16, 2021, and the original is on file in the City Clerk's office. Said Ordinance annexes property from the Town of Delavan into the City of Delavan upon Unanimous Petition for Direct Annexation of Lands pursuant to Wis. Stats. §66.0217(2). A Boundary Agreement pursuant to Wis. Stats. §66.0301 between the Town of Delavan and City of Delavan, dated June 27, 2016, waives certain rights for annexations from within the City Growth Area. The population of the territory being annexed is zero (0) persons. The MBR number is 14447. The 0.75-acre annexation includes all of parcel FDVA 00007 and the adjacent public right-of-way.

I further certify that, prior to the annexation, these lands were within the Delavan Darien School District, and after said annexation, remain in the same school district.

In witness whereof, I have hereunto set my hand and the seal of the City of Delavan, this 18th day of November 2021.



Andrea White, City Clerk

ORDINANCE RC-449
An amended ordinance annexing certain contiguous land located
in the Town of Delavan, Walworth County, Wisconsin.
MBR 14447

WHEREAS, Diane Michalek, Roger J. Davis, and Jennifer Michalek-Milligan have filed with the City Clerk of the City of Delavan a Unanimous Petition for Direct Annexation of lands situated in the Town of Delavan, as the sole owners of said land proposed for annexation, and said petition containing a description of the territory proposed to be annexed, sufficiently accurate to determine its location, and having attached thereto scale maps reasonably showing the boundaries of such territory and the relation of the territory to the municipalities involved, subject to approval and execution of the Annexation Agreement; and

WHEREAS, Diane Michalek, Roger J. Davis, and Jennifer Michalek-Milligan own the real property described in said petition attached hereto, all of said described land being referred to herein as the “territory proposed to be annexed”; and

WHEREAS, the parcel of land described herein, and comprising territory proposed to be annexed, is contiguous to the City; and

WHEREAS, said petition is a Unanimous Petition for Direct Annexation pursuant to Wis. Stats. 66.0217(2); and

WHEREAS, the land described lies within an area subject to a boundary agreement between the Town of Delavan and City of Delavan created pursuant to Wis. Stats. §66.0301 and dated June 27, 2016; and

WHEREAS, said petition states that there are no electors residing in said territory proposed to be annexed; and

WHEREAS, said Unanimous Petition for Direct Annexation, together with legal description and attached scale maps showing the boundaries of such territory to be annexed and the relation of the territory to the City to which annexation is requested, were filed on September 23, 2021 with the City Clerk of the City of Delavan, and said petition together with legal description and attached scale map, were also mailed to the Town Clerk of the Town of Delavan on September 23, 2021; and

WHEREAS, copy of said Petition for Direct Annexation, together with the legal description and attached scale maps were received by the Wisconsin Department of Administration on October 1, 2021; and

WHEREAS, the Wisconsin Department of Administration has responded by letter dated October 18, 2021, and stated that it has reviewed the proposed annexation and found it to be in the public interest, which letter has been duly considered and reviewed by the Council; and

WHEREAS, the proposed annexation, including the proposed temporary zoning classification of Residential Single Family Three (RS-3) for the subject territory have been referred to the Plan Commission of this City and said Commission has on October 4, 2021 recommended annexing said territory and giving the same the requested temporary zoning classification of Residential Single Family Three (RS-3); and

WHEREAS, the Common Council makes the following findings with respect to the territory proposed to be annexed, to-wit:

1. That the annexation of said property to the City of Delavan is in the public interest.
2. That said contiguous lands of the territory proposed to be annexed and the future use thereof will be important to the future quality of life of this City.

NOW, THEREFORE, The Common Council of the City of Delavan, Walworth County, Wisconsin, does ordain as follows:

1. The described lands located in the Town of Delavan, Walworth County, Wisconsin, comprising the territory to be annexed, as described as follows, be and the same is hereby annexed to the City of Delavan;

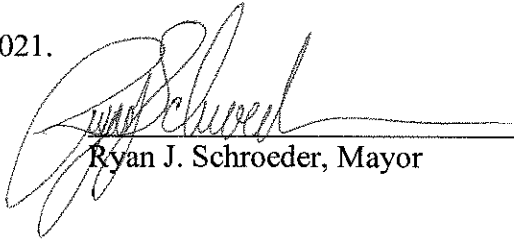
An area of lands located in the northwest one-quarter of the southeast one-quarter of Section 19, T2N, R16E of the 4th Principal Meridian, Township of Delavan, County of Walworth, State of Wisconsin; being more particularly described as:

Beginning at the northwest corner of Lot 4 of Delview Subdivision; thence S89°43'00"E along the north line of said Lot 214.00 feet to the northeast corner of said Lot 4 and the west right-of-way line of Second Street; thence continuing S89°43'00"E 50.00 feet to the centerline of Second Street; thence S00°17'34"W along said centerline 125.00 feet; thence N89°43'00"W 50.00 feet to the west right-of-way line of Second Street and the southeast corner of said Lot 4; thence continuing N89°43'00"W along the south line of said Lot 214.00 feet to the southwest corner of said Lot 4; thence N00°17'00"E along the west line of said Lot 125.00 feet to the northwest corner of said Lot 4 and the point of beginning.

2. That the land described is hereby annexed to and made part of the Tenth Ward in the Third Aldermanic District of the City of Delavan;
3. Upon recommendation of the Planning Commission, the territory annexed to the City of Delavan by this Ordinance is temporarily zoned pursuant to Section 66.0217(8)(a) of the Wisconsin Statutes as Residential Single Family Three (RS-3);

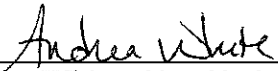
4. That the Town of Delavan and the City of Delavan have a boundary agreement pursuant to Wisconsin Statutes 66.0301 waiving certain rights for annexations from within the City Growth Area.
5. That the land described is hereby annexed to and made part of the Lake Comus Protection and Rehabilitation District.
6. The annexation hereby effected is and shall be effective upon the final enactment of this annexation ordinance.
7. If any provision of this Ordinance is 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 applications of this Ordinance which can be given effect without the invalid or unconstitutional provision or application.
8. The Clerk shall file immediately with the Secretary of Administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the Register of Dees and file a signed copy of the ordinance with the clerk of the of the Delavan-Darien School District, describing the territory which is hereby annexed and the associated population of zero (0).

Adopted this 16th day of November, 2021.



Ryan J. Schroeder, Mayor

Attest:



Andrea White, City Clerk

In the Matter of The Direct Annexation)
of Land to the City of Delavan,)
Walworth County, Wisconsin)

PETITION FOR DIRECT
ANNEXATION
BY UNANIMOUS APPROVAL

[WIS. STAT. 66.0217(2)]

**TO: City Of Delavan
Walworth County
Wisconsin**

The undersigned DIANE MICHALEK, ROGER J. DAVIS and JENNIFER MICHALEK-MILLIGAN (referred to herein as the "Property Owners") hereby petition the City of Delavan, and represent as follows:

1. DIANE MICHALEK, ROGER J. DAVIS and JENNIFER MICHALEK-MILLIGAN ("Property Owner") are the owners of the real estate located in the Township of Delavan, Walworth County, Wisconsin, more particularly described in Exhibit "A."

2. That there are zero (0) electors currently residing in the territory to be annexed. The undersigned Petitioners, DIANE MICHALEK, ROGER J. DAVIS and JENNIFER MICHALEK-MILLIGAN, support and join in this Petition for Direct Annexation.

3. That Petitioners are desirous of having said real estate detached from the Township of Delavan and annexed to the City of Delavan and the purpose of this Petition is for direct annexation of the territory comprised solely of said real estate to said City of Delavan.

4. That a scale map showing the boundaries of the above-described real estate, being the territory to be annexed, and showing the relation to the municipalities involved is attached hereto and made a part hereof as Exhibit "B".

5. That the territory, comprised solely of the above-described real estate, is contiguous to the City of Delavan.

6. That the current population of the territory, comprised solely of the said described land is zero (0).

7. That Petitioners are informed and believe that the territory, comprised of said described real estate, meets all requirements for direct annexation under §66.0217(2)Wis. Stats.

8. The Petitioners further request that the City assign temporary zoning classification to the territory to be annexed.

9. The Petitioners, DIANE MICHALEK, ROGER J. DAVIS and JENNIFER MICHALEK-MILLIGAN, request the City to assign the temporary zoning classification to the territory described in Exhibit "A" as "RS-3."

10. The Petitioners represent that they are familiar with the City's annexation procedure and ordinances, and do not anticipate any special problems associated with this annexation.

11. The proposed annexation is consistent with the Intergovernmental Agreement between the City of Delavan and the Town of Delavan for the Adoption of a Boundary Agreement under Section 66.0301 Wisconsin Statutes, which has been approved by the City and the Town of Delavan attached hereto and made a part hereof as Exhibit "C".

12. The City and Petitioners acknowledge and agree that, on or before one (1) year after annexation of the property, the Petitioners shall connect to the existing twelve (12') inch water main (the "water main"). The Petitioners shall be financially responsible for connecting to said water main. The Petitioners shall abandon the private well servicing the real estate to be annexed.

13. The City and Petitioners acknowledge and agree that, on or before one (1) year after annexation of the property, the Petitioners shall connect to the existing sanitary sewer main (the "sewer main") which is located within Swan Creek Road. The

Petitioners shall be financially responsible for connecting to said sewer main. The Petitioners shall abandon the existing septic sewer pursuant to the laws of the State of Wisconsin, and the ordinances of the County of Walworth and City of Delavan. The Petitioners hereby agree and acknowledge that they are solely responsible for any and all fees and costs of any type whatsoever imposed by the Walworth County Metropolitan District ("WalCoMet").

14. The Petitioners hereby acknowledge and agree that upon acceptance of the annexation petition by the City, the annexed land shall be part of the Lake Comus Protection and Rehabilitation District ("District") and hereby acknowledge that said District has taxing authority and that the Petitioners are responsible for any taxes and assessments made by the District who has the authority to tax under Wis. Stats. Section 33.21, and shall pay the same on a regular and timely basis.

15. The Petitioners shall pay to the Walworth County Register of Deeds, all recording fees due for the recording of this Agreement, any separate dedication instruments and/or grants for easement required hereunder.

16. Time is of the essence as to the performance of the terms and requirements of this Agreement and each and every provision thereof.

17. The Petitioners agree that any cost required of Petitioners under this Agreement that remains unpaid for a period of ten (10) days after written notice of non-payment has been delivered to the Petitioners may, at the option of the City, be assessed against the Petitioners pursuant to Section 66.0701 and Section 66.0703, Wisconsin Statutes, or charged as a Special Charge against the property pursuant to Section 66.0627, Wisconsin Statutes.

18. We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexations, incorporation or consolidation proceedings, if any.

WHEREFORE, Petitioners respectfully request direct annexation of the territory, comprised solely of the above-described real estate, to the City of Delavan

pursuant to the provisions of §66.0217(2) of the Wisconsin Statutes.

Dated this 23rd day of September, 2021.

OWNERS:

Diane Michalek
Diane Michalek

Roger J. Davis
Roger J. Davis

Jennifer Michalek-Milligan
Jennifer Michalek-Milligan

STATE OF WISCONSIN)
) ss.
COUNTY OF WALWORTH)

Personally came before me this 23rd day of September, 2021,
the above-named DIANE MICHALEK, ROGER J. DAVIS and JENNIFER
MICHALEK-MILLIGAN, to me known to be the persons who executed the foregoing
instrument and acknowledged the same.



Edward F. Thompson
Edward F. Thompson, Notary Public
Walworth County, WI
My commission is permanent.

THIS INSTRUMENT DRAFTED BY:

Attorney Edward F. Thompson
State Bar Member No. 1013187
CLAIR, THOMPSON & POLLARD, S.C.
617 E. Walworth Avenue
P.O. Box 445
Delavan, WI 53115-0445
Telephone: (262) 728-9196
Facsimile: (262) 728-1012
Email: edthompson@clairlaw.com
Website: www.clairlaw.com

EXHIBIT "A"

Legal Description

Lot No. 4 of the Plat of Delview Acres as recorded in Vol. 12 of Plats on page 109 #471555
on June 14, 1955.

EXHIBIT "B"

Scale Map

Scale Map of Lot No. 4 of the Plat of Delview Acres as recorded in Vol. 12 of Plats on page 109 #471555 on June 14, 1955, showing the boundaries of the above-described real estate, being the territory to be annexed, and showing the relation to the municipalities (City of Delavan and Town of Delavan) involved.

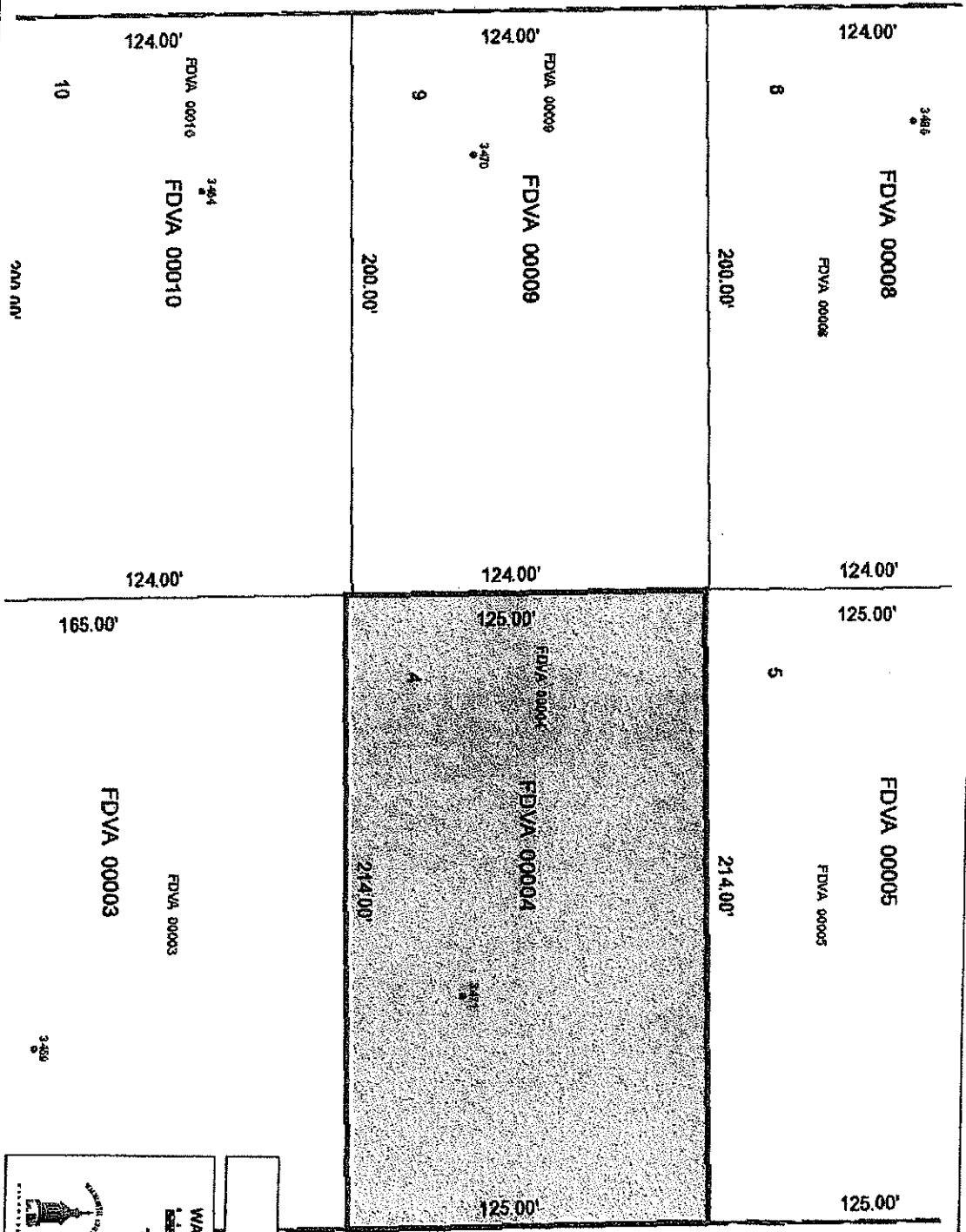


EXHIBIT B

WALWORTH COUNTY, WISCONSIN

Map Produced on: 02/23/2011
 Author: [Name]
 Wisconsin State Plane Coordinate System, South Zone
 National Datum: NAD83(2011)
 Walworth County Information Technology Department
 Land Information Division
 1000 North Main Street
 Watertown, WI 53093
 Phone: 920.863.3333
 Fax: 920.863.3334
 Email: landinfo@walworthcounty.gov

