



ORD11656

RECEIVED

11/02/2023

Municipal Boundary Review  
Wisconsin Dept. of Administration

**CERTIFICATE OF VILLAGE CLERK**

Corrected

STATE OF WISCONSIN )

)

COUNTY OF DANE )

Re: Direct Annexation Petition

I, Karla Endres, Village Clerk of the Village of Waunakee, Dane County, Wisconsin, certify that the following described territory was detached from the Town of Westport, Dane County, Wisconsin, and was annexed to the Village of Waunakee, Dane County, Wisconsin, pursuant to Sec. 66.0217, Wis. Stats., by Ordinance No. 23-3 adopted by the Village of Waunakee at a meeting held on October 16, 2023. Ordinance 23-3 was made effective on 10/16/2023.

The legal description of the annexed territory is:

SEE EXHIBITS REFERRED TO AND INCORPORATED HEREIN

Dated: November 2, 2023

VILLAGE OF WAUNAKEE

By: 

Karla Endres, Village Clerk

# ANNEXATION ORDINANCE

THIS SPACE RESERVED FOR RECORDING DATA

RETURN TO:

Stafford Rosenbaum LLP  
P.O. Box 1784  
Madison, Wisconsin 53701-1784

P.I.N.

066/0809-182-9500-4

This document drafted by and  
After recording return to:

Bryan Kleinmaier  
Stafford Rosenbaum LLP  
222 West Washington Avenue, Suite 900  
P.O. Box 1784  
Madison, Wisconsin 53701-1784

**ORDINANCE NO. 23-3**  
**VILLAGE OF WAUNAKEE**

AN ORDINANCE PROVIDING FOR THE CORRECTION OF THE LEGAL  
DESCRIPTION AND MAP OF THE TERRITORY ANNEXED UNDER AN  
ORDINANCE ADOPTED ON APRIL 17, 2023 PROVIDING FOR THE DIRECT  
ANNEXATION OF A PORTION OF THE TOWN OF WESTPORT TO THE  
VILLAGE OF WAUNAKEE, DANE COUNTY, WISCONSIN

**RECITALS**

- A. On April 17, 2023, the Village Board of the Village of Waunakee adopted Ordinance No. 23-1, a copy of which is attached hereto as Exhibit A, annexing certain land from the Town of Westport, Dane County, Wisconsin, to the Village of Waunakee, Dane County, Wisconsin. Ordinance No. 23-1 was recorded in the office of the Dane County Register of Deeds on May 5, 2023, as Document No. 5899735.
- B. On August 31, 2023, the Village of Waunakee was notified that the surveyor for the petitioner with respect to the originally described territory which had been annexed under Ordinance No. 23-1 made a surveying error, which will result in 21,309 square feet of additional land being annexed, but all of the additional land being annexed under the corrected legal description and map was and still is owned by the petitioner under the Annexation Petition.
- C. A copy of the corrected legal description of the territory to be annexed and a copy of the corrected map of the land to be annexed is attached hereto as Exhibit B, which Exhibit B correctly describes and is referred to hereafter as the Property.
- D. The Town Clerk for the Town of Westport has been informed concerning the surveying error in the description of the Property.
- E. The Division of Intergovernmental Relations of the Wisconsin Department of Administration (DOA) was consulted concerning the surveying error and DOA advised that in the case of a surveying error, the adoption of a correction ordinance correcting the legal description and map, which correction ordinance refers back to the original ordinance, and which is then recorded at the office of the Register of Deeds, is an acceptable way to correct the surveying error.

NOW THEREFORE, *the Village Board of the Village of Waunakee, Dane County, Wisconsin, do ordain as follows:*

## **ORDINANCE**

1. Property Annexed; Rescission of Original Legal Description and Map. In accordance with Wis. Stat. sec. 66.0217, the Village Board approves the annexation of the Property, including the corrected legal description and the corrected map of the Property which is attached hereto as Exhibit B. The legal description and map (Exhibit A) describing the Property in Ordinance No. 23-1, adopted on April 17, 2023 and recorded in the office of the Dane County, Wisconsin Register of Deeds on May 5, 2023, shall be and is hereby rescinded.
2. Effect of Annexation. From and after the effective date of this Ordinance, the Property shall be a part of the Village of Waunakee for any and all purposes provided by law, and all persons coming or residing within such Property shall be subject to all ordinances, rules and regulations governing the Village of Waunakee.
3. Ward Designation. From and after the effective date, the Property annexed by this Ordinance shall be incorporated into Ward No. 13 of the Village.
4. Clerk Duties. From and after the effective date, the Village Clerk is hereby directed to provide notice and copies of this Ordinance pursuant to the applicable Wisconsin Statutes.
5. Zoning. From and after the effective date, the Property shall be initially and temporarily zoned in the A-1 agricultural/holding district pursuant to section 133-128 of the Village Code, subject to the later adoption of the PUD zoning for the Property by the Village Board on April 17, 2023 with conditions of approval.
6. Payment to the Town of Westport. Pursuant to Wis. Stats. Sec. 66.0217(14)(a)1., the Village agrees to pay annually to the Town of Westport, for five (5) years, an amount equal to the amount of property taxes that the Town of Westport levied on the Property as shown by the 2023 tax roll.
7. Effective Date. This Ordinance shall take effect upon passage and publication as provided by law.

*The above ordinance was duly adopted by a two thirds (2/3) majority vote of the elected members of the Village Board of the Village of Waunakee at a regular meeting held on October 2, 2023.*

APPROVED:

By:   
Kristin Runge, Village President

ATTEST:

By:   
Karla Endres, Village Clerk

Attachments:

Exhibit A – Prior Annexation Ordinance Adopted April 17, 2023 Being Corrected

Exhibit B – Corrected Legal Description and Map of the Property to Be Annexed

# Exhibit A

Prior Annexation Ordinance Adopted April 17, 2023 Being Corrected

**ORDINANCE NO. 23-1**  
**VILLAGE OF WAUNAKEE**

**AN ORDINANCE PROVIDING FOR THE DIRECT ANNEXATION  
OF A PORTION OF THE TOWN OF WESTPORT TO THE  
VILLAGE OF WAUNAKEE, DANE COUNTY, WISCONSIN**

**RECITALS**

- A. On December 14, 2022, a petition to annex (the “Annexation Petition”) the property described in and shown on Exhibit A (the “Property”) to the Village of Waunakee was filed with the Village Clerk by Dalmatian Farms, LLC (the “Owner”).
- B. On December 14, 2022, the Owner owned all of the real property within the Property, and there were zero electors residing within the Property. The current population of the Property is zero.
- C. A copy of the Annexation Petition, together with a scale map and a legal description of the Property, was filed with the Wisconsin Department of Administration and the Town Clerk of the Town of Westport.
- D. The Village has considered the recommendations, if any, that the Department of Administration has made regarding the annexation.

*NOW THEREFORE, the Village Board of the Village of Waunakee, Dane County, do ordain as follows:*

**ORDINANCE**

- 1. Property Annexed. In accordance with Wis. Stat. § 66.0217, the Village Board approves the annexation of the Property.
- 2. Effect of Annexation. From and after the effective date, the Property shall be a part of the Village of Waunakee for any and all purposes provided by law, and all persons coming or residing within such Property shall be subject to all ordinances, rules, and regulations governing the Village of Waunakee.
- 3. Ward Designation. From and after the effective date, the Property annexed by this Ordinance shall be incorporated into Ward No. 13 of the Village.

4. Clerk Duties. From and after the effective date, the Village Clerk is hereby directed to provide notice and copies of this Ordinance pursuant to the applicable Wisconsin Statutes.
5. Zoning. From and after the effective date, the Property shall be initially and temporarily zoned in the A-1 agricultural/holding district pursuant to section 133-128 of the Village Code.
6. Payment to Town of Westport. Pursuant to Wis. Stat. § 66.0217(14)(a)1., the Village agrees to pay annually to the Town of Westport, for five (5) years, an amount equal to the amount of property taxes that the Town of Westport levied on the Territory as shown by the 2023 tax roll.
7. Effective Date. This Ordinance shall take effect upon passage and publication as provided by law.

*The above ordinance was duly adopted by a two thirds (2/3) majority vote of the elected members of the Village Board of the Village of Waunakee at a regular meeting held on April 17, 2023.*

APPROVED:

By:   
Chris Zellner, Village President

ATTEST:

By:   
Karla Endres, Village Clerk

Attachment:

Exhibit A – Legal Description and Map of Property to be annexed



STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 17 day of April, 2023, the  
above named Chris Zellner and Karla Endres, to me known to be the persons who  
executed the foregoing instrument and acknowledged the same with authority  
from the Village of Waunakee.

Kylie West  
Kylie West (Print name)



Notary Public, State of Wisconsin

My commission: 3/24/24

*This instrument drafted by:*

Bryan Kleinmaier

Stafford Rosenbaum LLP

P.O. Box 1784

Madison, WI 53701-1784

## **EXHIBIT "A"**

### **ANNEXATION AREA – LEGAL DESCRIPTION**

The Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  - NW  $\frac{1}{4}$ ) of Section 18, Township 08 North, Range 09 East, Town of Westport, Dane County, Wisconsin, being more fully described as follows:

Beginning at a 1- $\frac{1}{4}$ " inside diameter iron pipe marking the Center of said Section 18; thence N89°37'19"W along the South line of the said Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  - NW  $\frac{1}{4}$ ) of Section 18, 1311.20 feet to a found 1- $\frac{1}{4}$ " diameter solid iron re-rod at the Southwest corner thereof; thence N00°46'46"E along the West line of the said Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  - NW  $\frac{1}{4}$ ) of Section 18, 1334.04 feet to a found 1- $\frac{1}{4}$ " diameter solid iron re-rod at the Northwest corner thereof; thence S89°37'37"E along the North line of the said Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  - NW  $\frac{1}{4}$ ) of Section 18, 1309.30 feet to a found cut-cross on a large boulder at the Northeast corner thereof; thence S00°41'53"W along the said Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  - NW  $\frac{1}{4}$ ) of Section 18, 1334.14 feet to the point of beginning.

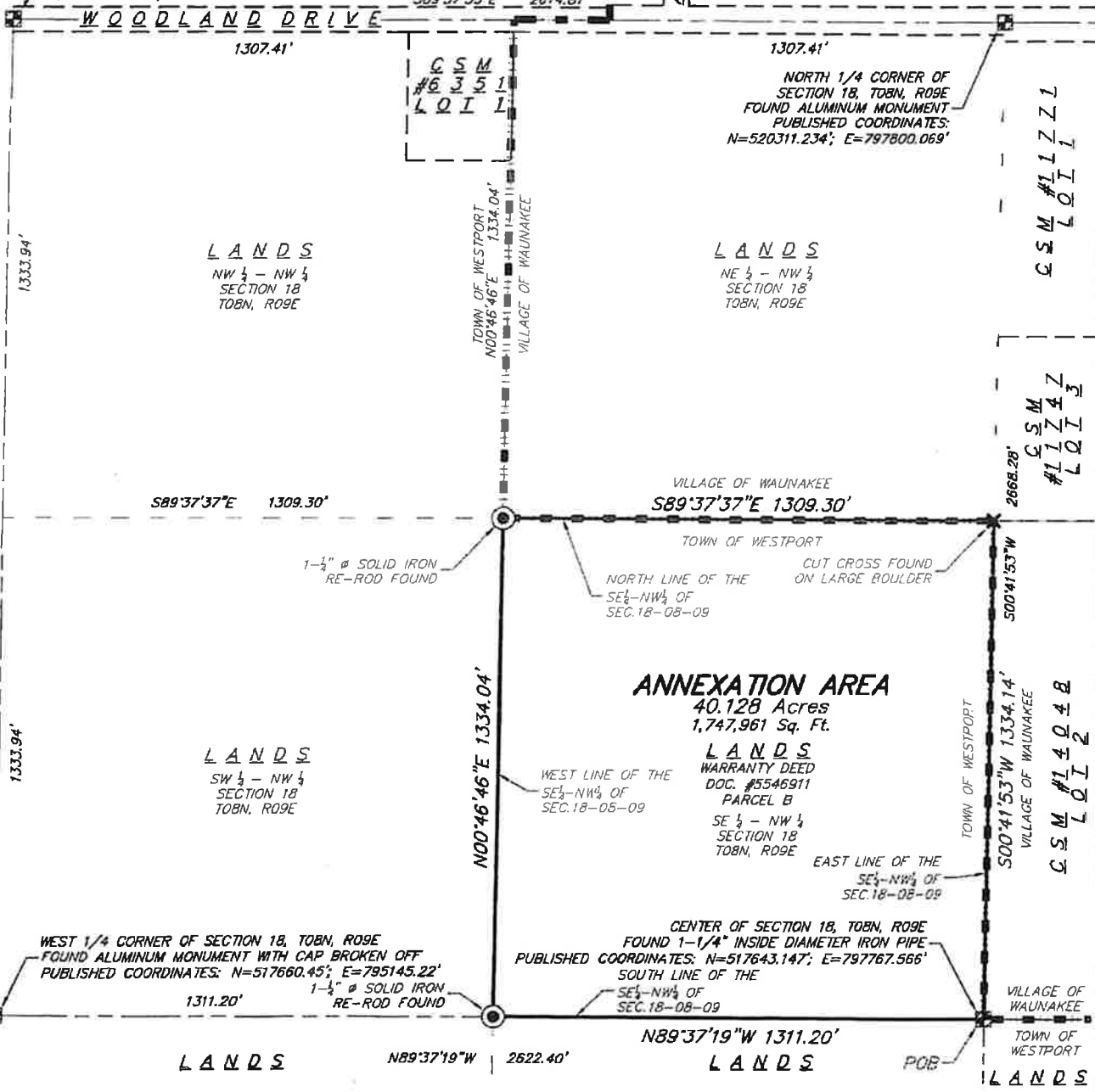
Said description contains 1,747,961 square feet or 40.128 acres more or less.



BEARINGS ARE BASED UPON THE  
WISCONSIN COUNTY COORDINATE  
SYSTEM, DANE ZONE, THE EAST  
LINE OF THE NW 1/4 MEASURED AS  
BEARING S00°41'53"W

0 200 400 800  
SCALE: 1" = 400'

NORTHWEST CORNER OF SECTION 18,  
T08N, R09E FOUND MAGNAIL  
PUBLISHED COORDINATES:  
N=520328.03'; E=795185.31'



DATE	DECEMBER 08, 2022	REV.
DRAFTER	MMAR	SHEET
CHECKED	MZIE	1 OF 1
PROJECT NO.	190219	

# Exhibit B

Corrected Legal Description and Map of the Property to Be Annexed

## **ANNEXATION AREA – LEGAL DESCRIPTION**

The Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  - NW  $\frac{1}{4}$ ) of Section 18, Township 08 North, Range 09 East, Village of Waunakee, (formerly in the Town of Westport), Dane County, Wisconsin, being more fully described as follows:

Beginning at a 1- $\frac{1}{4}$ " inside diameter iron pipe marking the Center of said Section 18; thence N89°37'19"W along the South line of the said Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  - NW  $\frac{1}{4}$ ) of Section 18, 1326.79 feet to a found  $\frac{3}{4}$ " diameter solid iron re-rod at the Southwest corner thereof; thence N00°44'47"E along the West line of the said Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  - NW  $\frac{1}{4}$ ) of Section 18, 1334.03 feet to a found  $\frac{3}{4}$ " diameter solid iron re-rod at the Northwest corner thereof; thence S89°37'37"E along the North line of the said Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  - NW  $\frac{1}{4}$ ) of Section 18, 1325.66 feet to a found cut-cross on a large boulder at the Northeast corner thereof; thence S00°41'53"W along the East line of the said Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  - NW  $\frac{1}{4}$ ) of Section 18, 1334.14 feet to the point of beginning.

Said description contains 1,769,270 square feet or 40.617 acres more or less.





ORD11656

RECEIVED

05/01/2023

Municipal Boundary Review  
Wisconsin Dept. of Administration

**CERTIFICATE OF VILLAGE CLERK**

STATE OF WISCONSIN )

)

COUNTY OF DANE )

Re: Direct Annexation Petition

I, Karla Endres, Village Clerk of the Village of Waunakee, Dane County, Wisconsin, certify that the following described territory was detached from the Town of Westport, Dane County, Wisconsin, and was annexed to the Village of Waunakee, Dane County, Wisconsin, pursuant to Sec. 66.0217, Wis. Stats., by Ordinance No. 23-1 adopted by the Village of Waunakee at a meeting held on April 17, 2023. Ordinance 23-1 was made effective on 4/17/2023.

The legal description of the annexed territory is:

SEE EXHIBITS REFERRED TO AND INCORPORATED HEREIN

Dated: April 21, 2023

VILLAGE OF WAUNAKEE

By:

Karla Endres, Village Clerk

**ORDINANCE NO. 23-1**  
**VILLAGE OF WAUNAKEE**

AN ORDINANCE PROVIDING FOR THE DIRECT ANNEXATION  
OF A PORTION OF THE TOWN OF WESTPORT TO THE  
VILLAGE OF WAUNAKEE, DANE COUNTY, WISCONSIN

**RECITALS**

- A. On December 14, 2022, a petition to annex (the “Annexation Petition”) the property described in and shown on Exhibit A (the “Property”) to the Village of Waunakee was filed with the Village Clerk by Dalmatian Farms, LLC (the “Owner”).
- B. On December 14, 2022, the Owner owned all of the real property within the Property, and there were zero electors residing within the Property. The current population of the Property is zero.
- C. A copy of the Annexation Petition, together with a scale map and a legal description of the Property, was filed with the Wisconsin Department of Administration and the Town Clerk of the Town of Westport.
- D. The Village has considered the recommendations, if any, that the Department of Administration has made regarding the annexation.

*NOW THEREFORE, the Village Board of the Village of Waunakee, Dane County, do ordain as follows:*

**ORDINANCE**

- 1. Property Annexed. In accordance with Wis. Stat. § 66.0217, the Village Board approves the annexation of the Property.
- 2. Effect of Annexation. From and after the effective date, the Property shall be a part of the Village of Waunakee for any and all purposes provided by law, and all persons coming or residing within such Property shall be subject to all ordinances, rules, and regulations governing the Village of Waunakee.
- 3. Ward Designation. From and after the effective date, the Property annexed by this Ordinance shall be incorporated into Ward No. 13 of the Village.



4. Clerk Duties. From and after the effective date, the Village Clerk is hereby directed to provide notice and copies of this Ordinance pursuant to the applicable Wisconsin Statutes.
5. Zoning. From and after the effective date, the Property shall be initially and temporarily zoned in the A-1 agricultural/holding district pursuant to section 133-128 of the Village Code.
6. Payment to Town of Westport. Pursuant to Wis. Stat. § 66.0217(14)(a)1., the Village agrees to pay annually to the Town of Westport, for five (5) years, an amount equal to the amount of property taxes that the Town of Westport levied on the Territory as shown by the 2023 tax roll.
7. Effective Date. This Ordinance shall take effect upon passage and publication as provided by law.

*The above ordinance was duly adopted by a two thirds (2/3) majority vote of the elected members of the Village Board of the Village of Waunakee at a regular meeting held on April 17, 2023.*

APPROVED:

By:   
Chris Zellner, Village President

ATTEST:

By:   
Karla Endres, Village Clerk

Attachment:

Exhibit A – Legal Description and Map of Property to be annexed

STATE OF WISCONSIN

COUNTY OF DANE

Personally came before me this 17 day of April, 2023, the  
above named Chris Zellner and Karla Endres, to me known to be the persons who  
executed the foregoing instrument and acknowledged the same with authority  
from the Village of Waunakee.

Kylie West  
Kylie West (Print name)



Notary Public, State of Wisconsin

My commission: 3/24/24

*This instrument drafted by:*

Bryan Kleinmaier

Stafford Rosenbaum LLP

P.O. Box 1784

Madison, WI 53701-1784

## **EXHIBIT "A"**

### **ANNEXATION AREA – LEGAL DESCRIPTION**

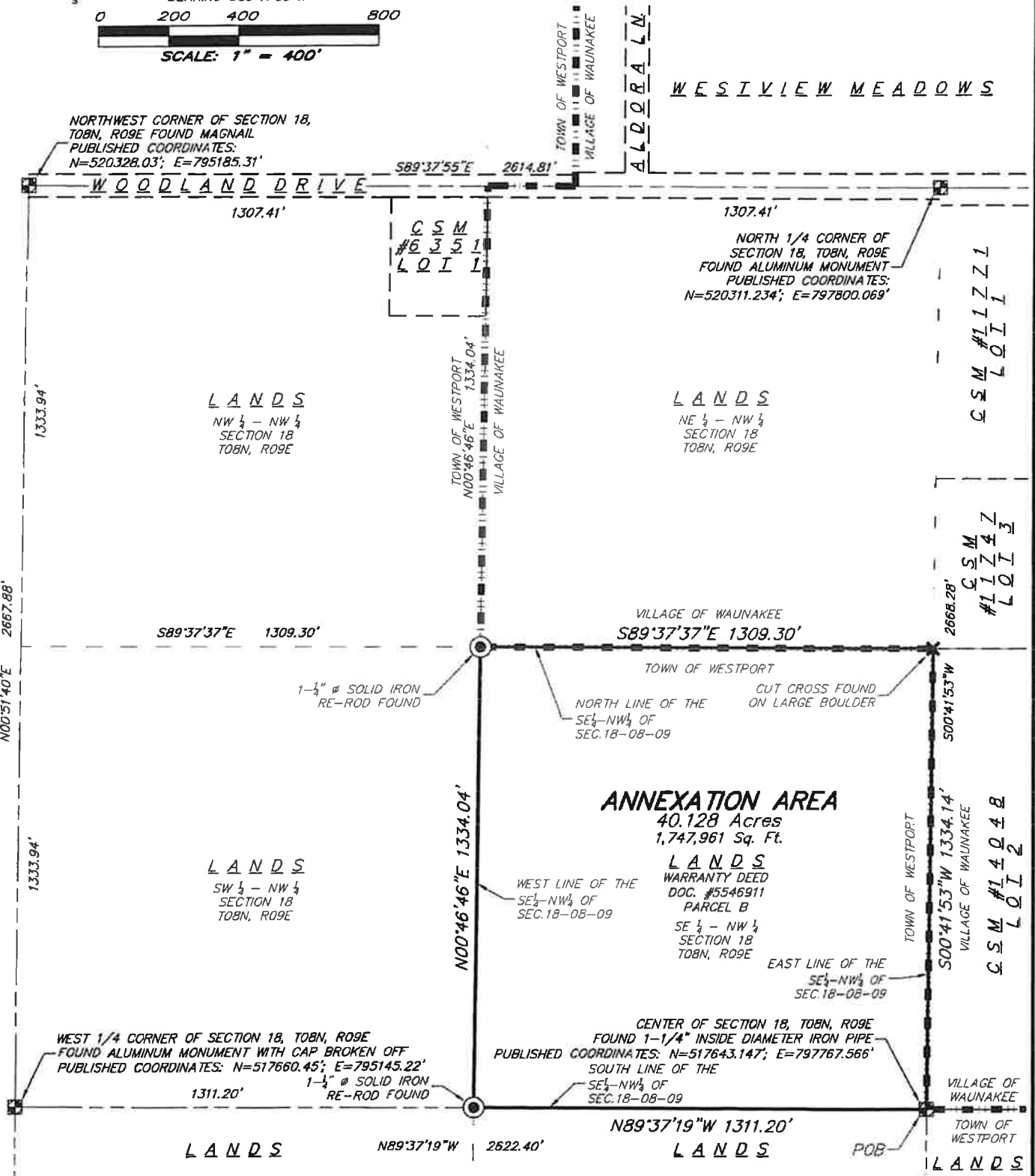
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Beginning at a 1- $\frac{1}{4}$ " inside diameter iron pipe marking the Center of said Section 18; thence N89°37'19"W along the South line of the said Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  - NW  $\frac{1}{4}$ ) of Section 18, 1311.20 feet to a found 1- $\frac{1}{4}$ " diameter solid iron re-rod at the Southwest corner thereof; thence N00°46'46"E along the West line of the said Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  - NW  $\frac{1}{4}$ ) of Section 18, 1334.04 feet to a found 1- $\frac{1}{4}$ " diameter solid iron re-rod at the Northwest corner thereof; thence S89°37'37"E along the North line of the said Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  - NW  $\frac{1}{4}$ ) of Section 18, 1309.30 feet to a found cut-cross on a large boulder at the Northeast corner thereof; thence S00°41'53"W along the said Southeast Quarter of the Northwest Quarter (SE  $\frac{1}{4}$  - NW  $\frac{1}{4}$ ) of Section 18, 1334.14 feet to the point of beginning.

Said description contains 1,747,961 square feet or 40.128 acres more or less.



BEARINGS ARE BASED UPON THE  
WISCONSIN COUNTY COORDINATE  
SYSTEM, DANE ZONE, THE EAST  
LINE OF THE NW 1/4 MEASURED AS  
BEARING S00°41'53"W



**ANNEXATION MAP - EXHIBIT "B"**

THE SE 1/4-NW 1/4 OF SECTION 18, T08N, R09E  
TOWN OF WESTPORT, DANE COUNTY, WISCONSIN

DATE	DECEMBER 08, 2022	REV.	
DRAFTER	MMAR	SHEET	
CHECKED	MZIE		
PROJECT NO.	190219		
		1	OF 1