CERTIFICATE OF CITY CLERK

RECEIVED 07/11/2024
Municipal Boundary Review

STATE IF WISCONSIN)
)
COUNTY OF DANE)

I, Candee J. Christen, hereby certify that I am the duly elected, qualified and acting CITY CLERK of the CITY OF STOUGHTON, Dane County, State of Wisconsin, and as such have charge of the official records of the City:

I further certify that this is a true and correct copy of Ordinance No. O-06-2024 and the original is on file in the City Clerk's office. The population of the territory being attached is zero (0) persons. This is a city owned property and there is not an MBR number.

I further certify that the exact legal description for the property being transferred is stated in the "PLAT OF SURVEY" document, City cited Exhibit B. The legal description in Exhibit A is not exact.

Following adoption of the ordinance, a note was added to Exhibit A explaining the legal description was not exact, and a label for Exhibit B to the ordinance was added in red text.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City of Stoughton, this 194 day of June 19, 2024.

Candee J. Christen, WCMC

City Clerk

CITY OF STOUGHTON, 207 South Forrest Street, Stoughton, WI 53589

ORDINANCE OF THE COMMON COUNCIL

Annexing Certain City Owned Land Located within the Town of Dunkirk

Committee Action: Plan Commission recommends approval -

Fiscal Impact:

None

File Number:

O-06-2024

Date Introduced:

April 9, 2024

RECITALS

- A. On December 7, 2023, the City of Stoughton acquired approximately two acres of land, located at 2464 County Highway A, Stoughton, Wisconsin, more particularly described in Exhibit A and depicted in scale map in Exhibit B ("Property") that abuts Racetrack Park, but which is located in the Town of Dunkirk.
- B. The Property is contiguous to the City.
- C. The City intends to convert the Property into parkland, and become part of Racetrack Park.
- D. The City desires to annex and attach the Property to the City.
- E. The City of Stoughton Planning Commission has recommended that the Property be annexed to the City, and be assigned a zoning classification of Institutional (I) District.

NOW, THEREFORE, the Common Council of the City of Stoughton, Dane County, Wisconsin, does ordain as follows:

ORDINANCE

- 1. <u>Recitals</u>. The above recitals are material to and are incorporated in this Ordinance.
- 2. Property Owner. The City is the sole owner of the Property.

- 3. <u>Property Annexed</u>. The Property is annexed and attached to the City of Stoughton pursuant to Wis. Stat. § 66.0223, and detached from the Town of Dunkirk.
- 4. <u>Effect of Annexation</u>. From and after the effective date of this ordinance, the Property shall be a part of the City of Stoughton 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 City of Stoughton.
- 5. Zoning Designation. The Property shall be zoned Institutional (I).
- 6. <u>Ward Designation</u>. The Property shall be added to Ward No. 4 of the City of Stoughton.
- 7. <u>Clerk Duties</u>. The City Clerk is hereby directed to publish notice of and provide copies of this Ordinance in accordance with the applicable Wisconsin Statutes.
- 8. <u>Effective Date</u>. This ordinance shall take effect upon passage and publication as provided by law.

APPROVED:

Dates

Council Adopted: 4-23-24

Mayor Approved: 4-23-24

Published: 5-2-24

Attest: 4-23-24

Tim Swadley Mayor

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Candee Christen, City Clerk

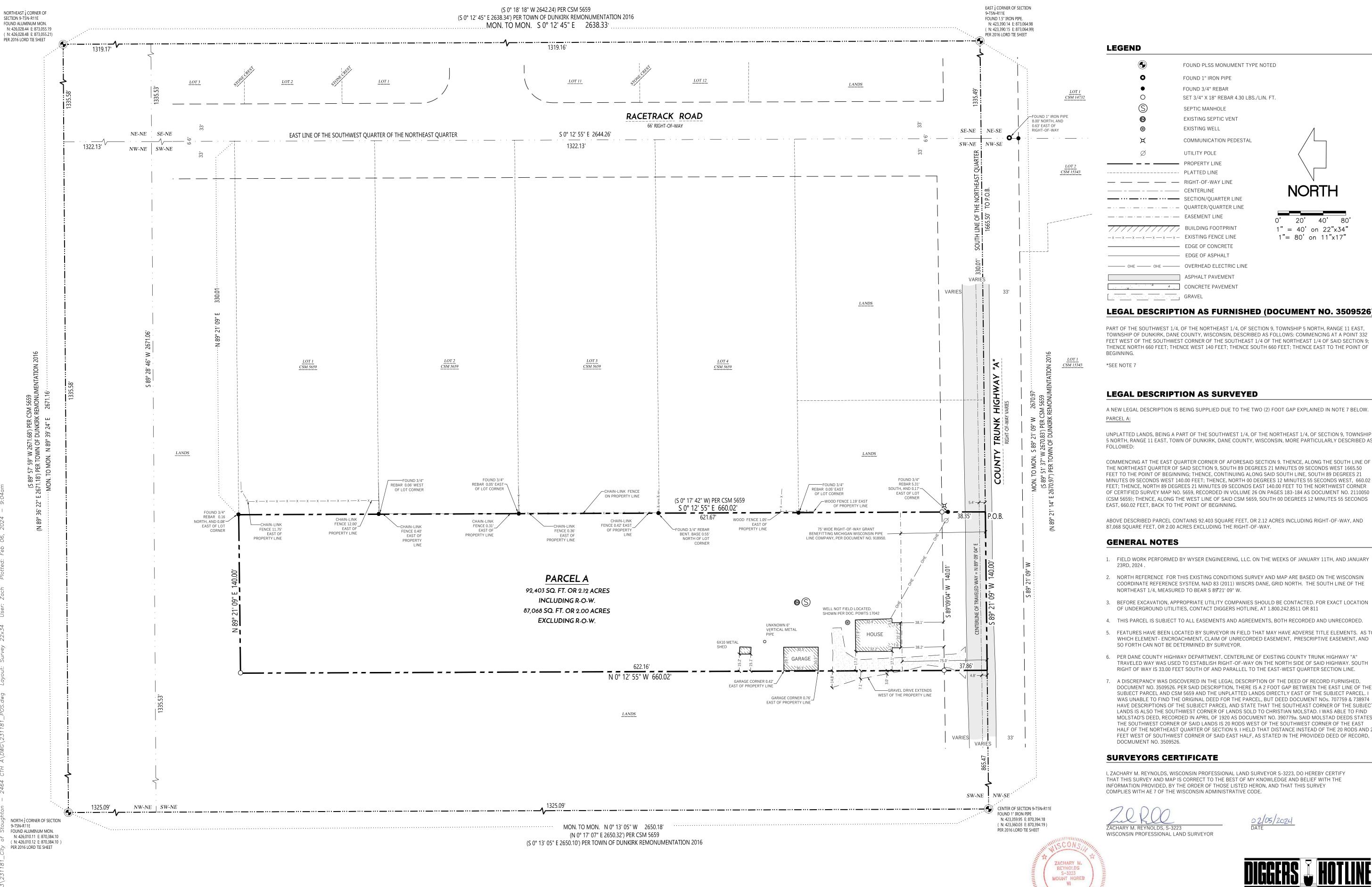
Exhibit A

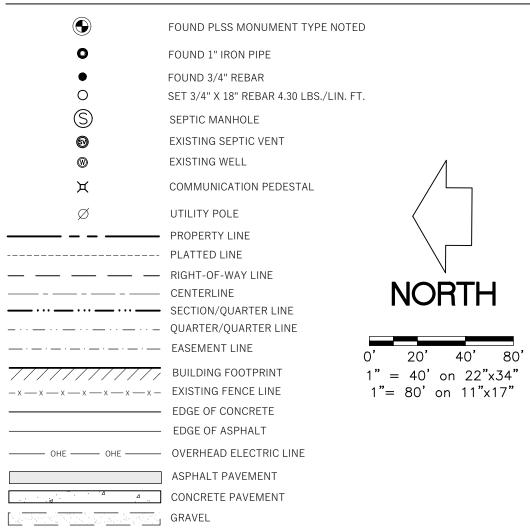
Legal Description of Annexation Area

PART OF THE SOUTHWEST 1/4, OF THE NORTHEAST 1/4, OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 11 EAST, TOWNSHIP OF DUNKIRK, DANE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 332 FEET WEST OF THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9; THENCE NORTH 660 FEET; THENCE WEST 140 FEET; THENCE SOUTH 660 FEET; THENCE EAST TO THE POINT OF BEGINNING.

The above legal description is not exact due to a scrivener's error. Please see Exhibit B for a complete and exact legal description.

EXHIBIT B Plat of Survey





LEGAL DESCRIPTION AS FURNISHED (DOCUMENT NO. 3509526)

PART OF THE SOUTHWEST 1/4, OF THE NORTHEAST 1/4, OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 11 EAST, TOWNSHIP OF DUNKIRK, DANE COUNTY, WISCONSIN, DESCRIBED AS FOLLOWS: COMMENCING AT A POINT 332 FEET WEST OF THE SOUTHWEST CORNER OF THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4 OF SAID SECTION 9; THENCE NORTH 660 FEET; THENCE WEST 140 FEET; THENCE SOUTH 660 FEET; THENCE EAST TO THE POINT OF

LEGAL DESCRIPTION AS SURVEYED

A NEW LEGAL DESCRIPTION IS BEING SUPPLIED DUE TO THE TWO (2) FOOT GAP EXPLAINED IN NOTE 7 BELOW.

UNPLATTED LANDS, BEING A PART OF THE SOUTHWEST 1/4, OF THE NORTHEAST 1/4, OF SECTION 9, TOWNSHIP 5 NORTH, RANGE 11 EAST, TOWN OF DUNKIRK, DANE COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS

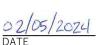
COMMENCING AT THE EAST QUARTER CORNER OF AFORESAID SECTION 9. THENCE, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 9, SOUTH 89 DEGREES 21 MINUTES 09 SECONDS WEST 1665.50 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG SAID SOUTH LINE, SOUTH 89 DEGREES 21 MINUTES 09 SECONDS WEST 140.00 FEET: THENCE, NORTH 00 DEGREES 12 MINUTES 55 SECONDS WEST, 660.02 FEET: THENCE, NORTH 89 DEGREES 21 MINUTES 09 SECONDS EAST 140.00 FEET TO THE NORTHWEST CORNER OF CERTIFIED SURVEY MAP NO. 5659, RECORDED IN VOLUME 26 ON PAGES 183-184 AS DOCUMENT NO. 2110050 (CSM 5659); THENCE, ALONG THE WEST LINE OF SAID CSM 5659, SOUTH 00 DEGREES 12 MINUTES 55 SECONDS

87,068 SQUARE FEET, OR 2.00 ACRES EXCLUDING THE RIGHT-OF-WAY.

- 1. FIELD WORK PERFORMED BY WYSER ENGINEERING, LLC. ON THE WEEKS OF JANUARY 11TH, AND JANUARY
- 2. NORTH REFERENCE FOR THIS EXISTING CONDITIONS SURVEY AND MAP ARE BASED ON THE WISCONSIN COORDINATE REFERENCE SYSTEM, NAD 83 (2011) WISCRS DANE, GRID NORTH. THE SOUTH LINE OF THE NORTHEAST 1/4, MEASURED TO BEAR S 89°21' 09" W.
- OF UNDERGROUND UTILITIES, CONTACT DIGGERS HOTLINE, AT 1.800.242.8511 OR 811
- 4. THIS PARCEL IS SUBJECT TO ALL EASEMENTS AND AGREEMENTS, BOTH RECORDED AND UNRECORDED.
- 5. FEATURES HAVE BEEN LOCATED BY SURVEYOR IN FIELD THAT MAY HAVE ADVERSE TITLE ELEMENTS. AS TO WHICH ELEMENT- ENCROACHMENT, CLAIM OF UNRECORDED EASEMENT, PRESCRIPTIVE EASEMENT, AND SO FORTH CAN NOT BE DETERMINED BY SURVEYOR.
- 6. PER DANE COUNTY HIGHWAY DEPARTMENT, CENTERLINE OF EXISTING COUNTY TRUNK HIGHWAY "A" TRAVELED WAY WAS USED TO ESTABLISH RIGHT-OF-WAY ON THE NORTH SIDE OF SAID HIGHWAY. SOUTH RIGHT OF WAY IS 33.00 FEET SOUTH OF AND PARALLEL TO THE EAST-WEST QUARTER SECTION LINE.
- 7. A DISCREPANCY WAS DISCOVERED IN THE LEGAL DESCRIPTION OF THE DEED OF RECORD FURNISHED, DOCUMENT NO. 3509526. PER SAID DESCRIPTION, THERE IS A 2 FOOT GAP BETWEEN THE EAST LINE OF THE SUBJECT PARCEL AND CSM 5659 AND THE UNPLATTED LANDS DIRECTLY EAST OF THE SUBJECT PARCEL. I WAS UNABLE TO FIND THE ORIGINAL DEED FOR THE PARCEL, BUT DEED DOCUMENT NOs. 707759 & 738974 HAVE DESCRIPTIONS OF THE SUBJECT PARCEL AND STATE THAT THE SOUTHEAST CORNER OF THE SUBJECT LANDS IS ALSO THE SOUTHWEST CORNER OF LANDS SOLD TO CHRISTIAN MOLSTAD. I WAS ABLE TO FIND MOLSTAD'S DEED, RECORDED IN APRIL OF 1920 AS DOCUMENT NO. 390779a. SAID MOLSTAD DEEDS STATES THE SOUTHWEST CORNER OF SAID LANDS IS 20 RODS WEST OF THE SOUTHWEST CORNER OF THE EAST HALF OF THE NORTHEAST QUARTER OF SECTION 9. I HELD THAT DISTANCE INSTEAD OF THE 20 RODS AND 2 FEET WEST OF SOUTHWEST CORNER OF SAID EAST HALF, AS STATED IN THE PROVIDED DEED OF RECORD,

I, ZACHARY M. REYNOLDS, WISCONSIN PROFESSIONAL LAND SURVEYOR S-3223, DO HEREBY CERTIFY THAT THIS SURVEY AND MAP IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF WITH THE INFORMATION PROVIDED, BY THE ORDER OF THOSE LISTED HERON, AND THAT THIS SURVEY COMPLIES WITH AE 7 OF THE WISCONSIN ADMINISTRATIVE CODE.







Toll Free (800) 242-8511 Hearing Impaired TDD (800) 542-2289 www.DiggersHotline.com

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Revisions: No. Date: Description:

Scale Wyser Number 23 - 1181

SURVEY 02/05/2024

Number