

CITY OF DE PERE

City Clerk's Office

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CERTIFICATE OF CITY CLERK

ORD12019

STATE OF WISCONSIN)
COUNTY OF BROWN)
CITY OF DE PERE)

RECEIVED

December 3, 2025

Municipal Boundary Review
Wisconsin Dept. of Admin.

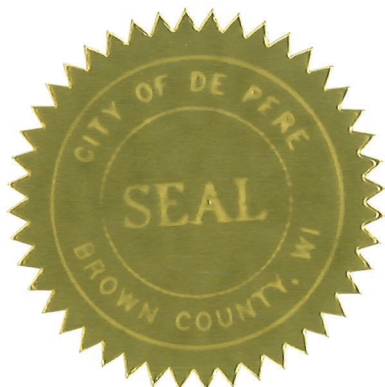
I, Carey E. Danen, hereby certify that I am the duly appointed, qualified and acting CITY CLERK of the CITY OF DE PERE, Brown County, State of Wisconsin, and as such have charge of the official records of the City.

I further certify that this is a true and correct copy of Ordinance No. 25-19 and the original is on file in the City Clerk's office. The Common Council approved the Annexation Ordinance at their meeting held on December 2, 2025.

The MBR number is 14812.

The population of the territory annexed is four (4).

IN WITNESS WHEREOF, I have hereunto set my hand and official seal of the City of De Pere, this 3rd day of December, 2025.




Carey E. Danen, City Clerk

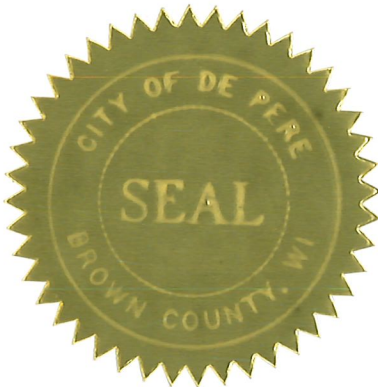
Ordinance #25-19

STATE OF WISCONSIN)
CITY OF DE PERE)

Carey E. Danen
335 S. Broadway Street
De Pere WI 54115

I, Carey E. Danen, City Clerk of the City of De Pere, do hereby certify that the attached ordinance is a true and correct copy of the original ordinance required by law to be in my custody and which was adopted by the Common Council of the City of De Pere at a meeting held on December 2, 2025.

Set my hand and official seal this 3rd day of December, 2025.



Carey E. Danen
Carey E. Danen, City Clerk

ORDINANCE #25-19

REPEALING AND REENACTING ORDINANCE #25-17
ANNEXING TERRITORY TO THE CITY OF DE PERE, WISCONSIN
(Vanpay and Radue Homes, Inc.; Parcels R-29-1; R-39; R-110 and R-114)

WHEREAS, the Common Council approved annexation of Parcels R-29-1, R-39, R-110 and R-114 on November 18, 2025, pursuant to Ordinance #25-17; and

WHEREAS, following approval, but prior to the signing or any circulation of the approved ordinance, it was determined that said annexation requires the creation of a new ward designation within the city; and

NOW THEREFORE, BASED ON THE FOREGOING, THE COMMON COUNCIL OF THE CITY OF DE PERE, WISCONSIN, DOES ORDAIN THAT ORDINANCE #25-17 IS HEREBY REPEALED AND REENACTED AS FOLLOWS:

SECTION 1. Territory Annexed. In accordance with Wis. Stats. § 66.0217(2) and the Petition for Direct Annexation by Unanimous Approval filed with the City Clerk on the 22nd day of October, 2025, signed by all the electors residing in the territory and all of the owners of the real property in the territory, the following territory described in Exhibit A, attached hereto and incorporated herein by reference, from the Town of Rockland, Brown County, Wisconsin, is annexed to the City of De Pere, Wisconsin.

A copy of a scale map showing the above-described property is attached hereto and incorporated herein by reference as Exhibit B.

SECTION 2. Effect of Annexation. From and after the date of this Ordinance the territory described in SECTION 1 shall be a part of the City of De Pere 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 City of De Pere.

SECTION 3. Temporary Zoning Classification. (a) Upon recommendation of the Plan Commission, the territory annexed to the City of De Pere by this ordinance is temporarily zoned as follows:

1. Parcel R-29-1: R1-80, Single-Dwelling Detached District (80 feet minimum frontage).
2. Parcels R-39; R-110 and R-114: AG, Agricultural District.

(b) The Plan Commission is directed to prepare an amendment to the zoning ordinance setting forth a permanent zoning classification for the annexed area and to submit its recommendations to the Common Council.

SECTION 4. Department of Administration Review of Annexation. The Department of Administration ("Department") has, pursuant to Wis. Stats. §66.0217(6), reviewed such annexation petition, referenced as **MBR Number 14812**. That statute also requires the Department to provide, within 20 days after receipt of the annexation petition, a notice to the affected municipalities that states whether, in its opinion, the annexation is in the public interest or is not in the public interest as that term is defined in Wis. Stats. § 66.0217(6)(c). The City has reviewed the reasons given by the department for its opinion that such annexation is not in the public interest, and after reviewing such determination as required under Wis. Stats. § 66.0217(8), the Council responds as follows:

1. The Department's analysis of the proposed annexation's shape and that of its homogeneity with the annexing city is erroneous as follows:
 - a. It fails to apply the controlling judicial standards in its review of the proposed annexation's shape and homogeneity. Wisconsin courts have held that boundaries which create an exceptional shape resulting in a "crazy quilt" of municipal boundaries are impermissibly arbitrary. *Town of Wilson v. City of Sheboygan*, 2020 WI 16, ¶ 28-29, 390 Wis. 2d 266, 938 N.W.2d 493. The Department does not make such findings, but instead provides that the proposed annexation somewhat protrudes and cuts down into the Town of Rockland's territory. These factors are inconsistent with

required standards as set forth under Wisconsin law and are therefore immaterial to the Department's determination of the public interest; and

- b. It does, however, recognize that the contiguity of proposed annexation appears to be adequate and in further, that it would connect an island of city-owned territory that was previously annexed by the City. These factors satisfy the statutory requirements of contiguity; and
- c. It fails to apply Wisconsin Court decisions finding that boundaries of the territory to be annexed are discretionary with the petitioners.

2. The Department's determination that the City of De Pere will not be able to provide sanitary sewer and water supply services to the territory subject to annexation is erroneous in that:

- a. Wisconsin law does not set forth a requirement that municipal services must be in place but rather that the annexing city can provide such services; and
- b. It fails to mention that the City's Annexation Review Questionnaire submitted to the Department indicates that it is capable of providing needed utility services and would be able to do so in two years or less; and
- c. Lastly, the Department provides no authority to support that a proposed annexed territory must be within Sewer Service Area Plan, when in fact the purpose of such plan is to anticipate future needs and is not intended to restrict a community's growth or affect community annexation policy.

SECTION 5. Tax Payment. Pursuant to § 66.0217(14)(a)1. Wis. Stats., the City hereby obligates itself and agrees, for a period of five (5) years, to pay annually to the Town of Rockland an amount equal to the amount of property taxes levied on the annexed territory in the Town's jurisdiction, as shown by the tax roll under § 70.65 Wis. Stats., for the year in which this annexation is final.

SECTION 6. Population. The population of the territory annexed is four (4).

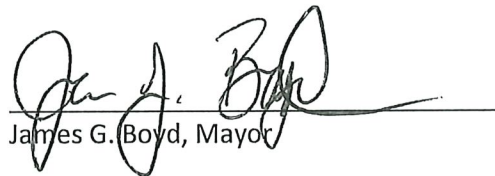
SECTION 7. Ward Designation. The territory described in SECTION 1 is hereby made part of Ward 25 of the City, and subject to all the rules and regulations governing the same.

SECTION 8. Severability. 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.

SECTION 9. Effective Date. This ordinance shall take effect upon passage as provided by law.

Adopted by the Common Council of the City of De Pere, this 2nd day of December, 2025.

APPROVED:


James G. Boyd, Mayor


Carey E. Danen, City Clerk

Ayes: 9

Nays: 0

Board/Committee Approval: 10/27/2025

Publication Date: 12/05/2025

Effective Date: 12/02/2025

Exhibit A

Boundary Description (Parcels R-29-1, R-39, R-110 & R-114)

All of Lot 1 and Outlot 1 of Volume 45, Certified Survey Maps, Page 13 (Map #6699-Document #1956414), Brown County Records; and part of the Northeast 1/4 of the Southwest 1/4; and part of the Northwest 1/4 of the Southeast 1/4; and part of the Southwest 1/4 of the Southeast 1/4 of Section 3, T22N-R20E; and part of the Northwest 1/4 of the Northeast 1/4; and part of the Northeast 1/4 of the Northwest 1/4 of Section 10, T22N-R20E, Town of Rockland, Brown County, Wisconsin, described as follows:

Beginning at the South 1/4 corner of Section. 3, T22N-R20E; thence N89°54'21"E, 309.16 feet along the South line of the Southwest 1/4 of the Southeast 1/4 of Section 3, T22N-R20E; thence N0°44'49"E, 696.07 feet along the East line of Document #2816989, Brown County Records; thence S89°54'21"W, 318.86 feet along the North line of said document; thence N0°03'06"W, 631.49 feet along the West line of the Southwest 1/4 of the Southeast 1/4 of Section 3, T22N-R20E; thence S89°58'35"W, 200.00 feet along the South line of Lot 1 of Volume 45, Certified Survey Maps, Page 13 (Map #6699, Document #1956414), Brown County Records, said line also being the South line of Northeast 1/4 of the Southwest 1/4 of said Section 3; thence N0°03'06"W, 871.03 feet along the West line of said lot to the centerline of Deer Point Lane; thence N86°31'43"E, 128.72 feet along said centerline; thence 48.42 feet along said centerline being the arc of a 100.00 foot radius curve to the right whose long chord bears S79°36'05"E, 47.95 feet; thence S65°43'53"E, 34.10 feet along said centerline; thence S0°09'28"E, 373 feet, more or less, to the centerline of the East River; thence Southeasterly, 866 feet, more or less, along said river to the North line of the Southwest 1/4 of the Southeast 1/4 of said Section 3; thence N89°52'30"E, 691 feet, more or less, along said line; thence S0°15'28"W, 1328.23 feet along the East line of said quarter-quarter; thence S89°54'21"W, 265.01 feet along the South line of said quarter-quarter; thence S0°26'33"W, 369 feet, more or less, along the West line of Volume 3, Certified Survey Maps, Page 351 (Map #860, Document #708675), Brown County Records, to the centerline of a creek; thence Southeasterly, 294 feet, more or less, along said creek; thence S00°26'33"W, 865 feet, more or less, along the East line of the Northwest 1/4 of the Northeast 1/4 of Section 10, T22N-R20E; thence S89°58'37"W, 1,329.59 feet along the South line of said quarter-quarter; thence N89°55'18"W, 1,079 feet, more or less, along the South line of the Northeast 1/4 of the Northwest 1/4 of said section to the centerline of a creek, said point being 244 feet, more or less, from the centerline of Ryan Road; thence Northerly, 690 feet, more or less, along said creek to the North line of Document #2758767, Brown County Records; thence N89°53'39"W, 199 feet, more or less, along said line to the West line of said quarter-quarter; thence N0°04'48"E, 457.58 feet along the West line of said quarter-quarter; thence S89°53'39"E, 253 feet, more or less, along the South line of Document #3076670, Brown County Records, to the centerline of said creek; thence Northeasterly 532 feet, more or less, along said creek to the North line of said Northeast 1/4 of the Northwest 1/4, Section 10; thence S89°53'39"E, 344 feet, more or less, along said line; thence S0°06'21"W, 35.00 feet; thence 18.85 feet along Volume 3, Certified Survey Maps, Page 403 (Map #884, Document #714268), Brown County Records, being the arc of a 12.00 foot radius curve to the left, whose long chord bears S45°06'16"W, 16.98 feet; thence 98.63 feet along said map, being the arc of a 200.00 foot radius foot curve to the left, whose long chord bears S14°01'19"E, 97.63 feet; thence S28°08'59"E, 338.18 feet along the West line of said map; thence N61°51'01"E, 273.69 feet along said map; thence N0°06'21"E, 310.00 feet along said map to the North line of said Northeast 1/4 of the Northwest 1/4; thence S89°53'39"E, 83.00 feet along said line to the point of beginning.

Boundary containing 4,926,714 square feet/113.1 acres, more or less.

Exhibit B

