

13674

Hi-Crush Augusta LLC

13674	Date Sent	Reply	Status
Town Quest	5/2		
Muni Quest	5/2		
Prop. Lister			

Town of BRIDGE CREEK
City of AUGUSTA
05/20/2013

OK 5/20/13

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review **13674**
101 E. Wilson Street, 9th Floor
Madison WI 53703
608-264-6102 Fax: 608-267-6917
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview/>

Petitioner Information

Name: Hi-Crush Augusta LLC

Address: Three Riverway, Suite 1550

Houston, TX 77056

Email: _____

Office use only:

1. Town where property is located: Bridge Creek

2. Petitioned City or Village: Augusta

3. County where property is located: Eau Claire

4. Population of the territory to be annexed: 0

5. Area (in acres) of the territory to be annexed: 11.51 acres

6. Tax parcel number(s) of territory to be annexed Part of 002-1180-02
(if the territory is part or all of an existing parcel): & 002-1180-03

Petitioners phone:

(715) 963-0099

Town clerk's phone:

(715) 286-2744

City/Village clerk's phone:

(715) 286-2555

Contact Information if different than petitioner:

Representative's Name and Address:

Dustin F. Von Ruden

Weld, Riley, Prens & Ricci, S.C.

3624 Oakwood Hills Parkway

Eau Claire, WI 54701

Phone: (715) 839-7786

E-mail: dvonruden@wrpr.com

Surveyor or Engineering Firm's Name & Address:

Jason Cance

SEH, Inc.

421 Frenette Drive

Chippewa Falls, WI 54729

Phone: (715) 720-6308

E-mail: jcance@sehinc.com

Required Items to be provided with submission (to be completed by petitioner):

- Legal Description meeting the requirements of s.66.0217 (1) (c) [see attached annexation guide]
- Map meeting the requirements of s. 66.0217 (1) (g) [see attached annexation guide]
- Signed Petition or Notice of Intent to Circulate is included
- Indicate Statutory annexation method used:
 - Unanimous per s. 66.0217 (2), or,
 - OR
 - Direct by one-half approval per s. 66.0217 (3)
- Check or money order covering review fee [see next page for fee calculation]



13674

March 26, 2013

Attorneys At Law

- Joel L. Aberg*
- John Robert Behling
- Mindy K. Dale
- Richard D. Duplessie
- Christine A. Gimber
- Thomas J. Graham, Jr.
- Cindy L. Hangartner
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- Emily M. Long
- Paul B. Millis
- William S. Milne
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- Fred L. Morris^
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- Thomas B. Rusboldt
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- William G. Thiel
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- G. Scott Nicastro
- Michael F. O'Brien
- Kathryn J. Prenn
- Thomas J. Szama

- Emeritus:
- Geo. Michael Carroll

- Richard J. Ricci, 1942-2011
- Stevens L. Riley, 1932-2000

Weld, Riley, Prenn & Ricci, S.C.

A Wisconsin Limited Liability Entity

3624 Oakwood Hills Pkwy.
P.O. Box 1030
Eau Claire, WI 54702-1030
715-839-7786
FAX 715-839-8609

Offices in:
Black River Falls: 715-284-9421
Menomonie: 715-235-4216

www.wrpr.com

*Also licensed to practice in Minnesota
^Also licensed to practice in Iowa

City Clerk
City of Augusta
145 West Lincoln Street
PO Box 475
Augusta, Wisconsin 54722

RE: **Direct Petition for Annexation - Wis. Stat. §66.0217(2)**

Dear City Clerk:

This firm represents Hi-Crush Augusta LLC (hereinafter, "Hi-Crush"). Enclosed please find a Direct Petition for Annexation of Territory to the City of Augusta (the "Petition") being filed by Hi-Crush under Wisconsin Statute §66.0217(2). Hi-Crush is hereby petitioning the City of Augusta to annex the parcel of land described and depicted in the enclosed Petition (the "Annexation Parcel") to the City of Augusta. The Annexation Parcel lies in the Town of Bridge Creek and is contiguous to the City of Augusta.

Copies of the Petition are simultaneously being filed with the Town Clerk of the Town of Bridge Creek and the State of Wisconsin Department of Administration. Please feel free to contact me if you have any questions or comments regarding this matter.

Sincerely,

WELD, RILEY, PRENN & RICCI, S.C.

Dustin F. Von Ruden

Enclosure

cc: Town Clerk of Town of Bridge Creek
State of Wisconsin Department of Administration
Augusta Area School District
Hi-Crush Augusta LLC

13674

**DIRECT PETITION FOR ANNEXATION OF
TERRITORY TO CITY OF AUGUSTA
§66.0217(2), WIS. STATS.**

To: City Council
City of Augusta
Eau Claire County, Wisconsin

1. Petitioner, Hi-Crush Augusta LLC, a Delaware limited liability company, represents that Hi-Crush Augusta LLC constitutes the sole owner of the following-described land:

The South 200 feet of the South One-Half (S ½) of the Southwest Quarter (SW ¼) of Section 3, Township 25 North, Range 6 West, Town of Bridge Creek, Eau Claire County, Wisconsin; lying East of County Highway M.

2. The above-described territory is located in the Town of Bridge Creek, Eau Claire County, Wisconsin, and is contiguous to the City of Augusta.

3. The population of the territory subject to this Petition is zero (0).

4. A scale map of the territory showing the borderlines of the territory and the relation of the territory to the City of Augusta is attached hereto as Exhibit A.

5. Petitioner requests that the City of Augusta annex the above-described property to the City of Augusta in accordance with §66.0217(2), Wis. Stats.

6. Coincident to the filing of this Petition, your Petitioner has filed a copy of the scale map and description of the territory to be annexed with the Town Clerk of the Town of Bridge Creek and the State of Wisconsin Department of Administration.

WHEREFORE, Petitioner asks the City Council to enact an ordinance pursuant to §66.0217(2), Wis. Stats., annexing the above-described property to the City of Augusta.

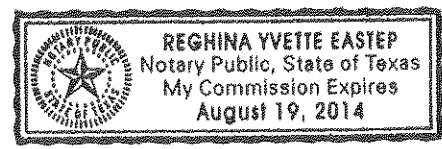
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PETITIONER:

HI-CRUSH AUGUSTA LLC,
a Delaware limited liability company

By: Robert E. Rasmus
Robert E. Rasmus, Chief Executive Officer

STATE OF Texas)
COUNTY OF HARRIS)ss.



Subscribed and sworn to before me this 19 day of March, 2013.

Regina Eastep
Regina Eastep (Print Name of Notary)
Notary Public, State of Texas
My Commission expires: 8/19/2014

13674

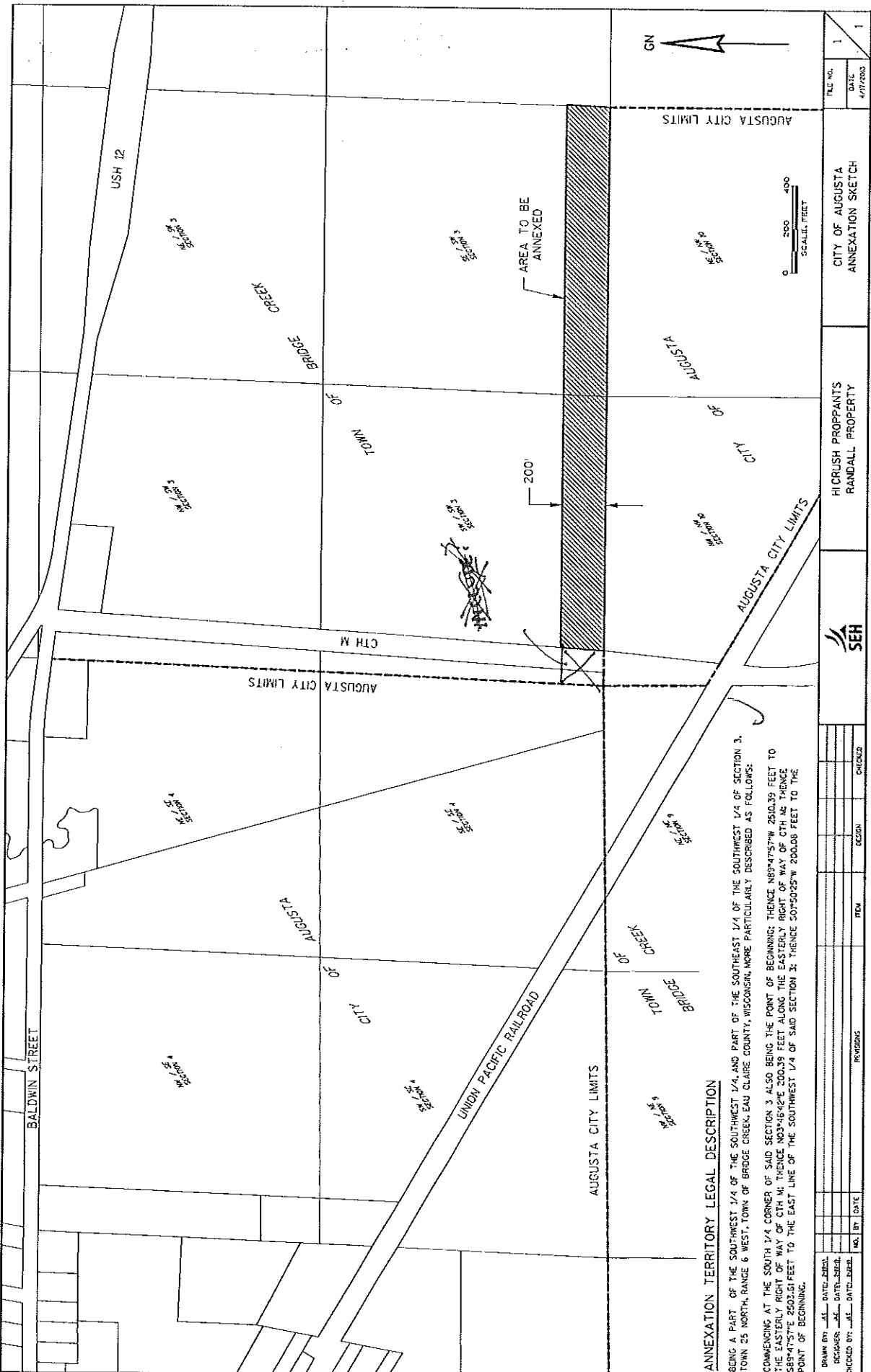
**Metes and Bounds Legal Description of
Hi-Crush Augusta LLC Territory to be
Annexed to the City of Augusta**

Being a part of the Southwest 1/4 of the Southwest 1/4, and part of the Southeast 1/4 of the Southwest 1/4 of Section 3, Township 25 North, Range 6 West, Town of Bridge Creek, Eau Claire County, Wisconsin, more particularly described as follows:

Commencing at the South 1/4 corner of said Section 3, also being the Point of Beginning;
Thence N89°47'57"W 2510.39 feet to the Easterly right-of-way of County Highway M;
Thence N03°46'42"E 200.39 feet along the Easterly right-of-way of County Highway M;
Thence S89°47'57"E 2503.61 feet to the East line of the Southwest 1/4 of said Section 3;
Thence S01°50'25"W 200.08 feet to the Point of Beginning.

Said parcel contains 501,399 square feet (11.51 acres), more or less.

13674



ANNEXATION TERRITORY LEGAL DESCRIPTION

BEGINNING AT THE SOUTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 3, TOWN 25 NORTH, RANGE 6 WEST, TOWN OF BRIDGE CREEK, EAU CLAIRE COUNTY, WISCONSIN, MORE PARTICULARLY DESCRIBED AS FOLLOWS:
 COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 3, ALSO BEING THE POINT OF BEGINNING, THENCE N89°47'57" W 2500.39 FEET TO THE EASTERLY RIGHT OF WAY OF CTH M; THENCE N03°46'42" E 200.38 FEET ALONG THE EASTERLY RIGHT OF WAY OF CTH M; THENCE S89°47'57" E 2502.51 FEET TO THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 3; THENCE S07°50'25" W 2000.00 FEET TO THE POINT OF BEGINNING.

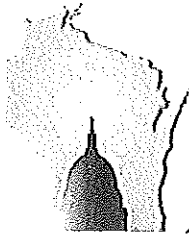
DRAWN BY	DATE	CHECKED BY	DATE



HICRUSH PROPPANTS
 RANDALL PROPERTY

CITY OF AUGUSTA
 ANNEXATION SKETCH

FILE NO.	DATE	SCALE
1	4/17/2005	1



WISCONSIN DEPARTMENT OF
ADMINISTRATION

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

13674

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview/>

April 11, 2013

DUSTIN VON RUDEN
WELD, RILEY, PRENN & RICCI, SC
3624 OAKWOOD HILLS PARKWAY
P. O. BOX 1030
EAU CLAIRE WI 54702-1030

Subject: Hi-Crush annexation to the City of Augusta

The annexation petition received for review by our office on 04/03/2013 did not include fees as required by s.16.53 (4) & 66.0217, Wis. Stats. I have included the current fee schedule, showing the required fee of \$950 (based on approx. 5 acre parcel size: \$350 file fee plus \$600 review fee). Please forward a check payable to the Department of Administration for the amount due.

The legal description of the property to be annexed furnished with the petition does not meet the requirements of s. 66.0217 (1) (c), Wis. Stats., as highlighted on the attached Annexation Submittal Guide. A metes and bounds description of the property to be annexed must be provided to the department. Description by aliquot part is not provided for by statute.

We will retain the petition and commence our review upon receipt of the fee balance and legal description that meets the requirements of s. 66.0217 (1) (c), Wis. Stats.

Note that s. 66.0217 (2), Wis. Stats. prohibits the municipality from enacting an annexation ordinance prior to receiving our determination.

Please call me at (608) 264-6102, should you have any questions concerning our review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: City of Augusta

April 17, 2013

Attorneys At Law

Joel L. Aberg*
John Robert Behling
Mindy K. Dale
Richard D. Duplessie
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*Also licensed to practice
in Minnesota

^Also licensed to practice
in Iowa

Erich Schmidtke
Municipal Boundary Review
Wisconsin Dept. of Administration
P.O. Box 1645
Madison, WI 53701

RE: Hi-Crush Annexation to City of Augusta

Dear Mr. Schmidtke:

I am writing in response to your letter dated April 11, 2013, in which you requested additional information in relation to the annexation petition filed by Hi-Crush Augusta LLC under Wis. Stat. §66.0217(2) to annex a parcel of land into the City of Augusta. As requested, I am enclosing the metes and bounds legal description of the territory to be annexed, along with a check for the applicable review fee of \$1,150.00. Also enclosed for your reference you will find a scale map depicting the proposed annexation territory and the completed Request for Annexation Review worksheet that was enclosed in your correspondence referenced above.

Copies of this letter and the enclosures are simultaneously being sent to the parties having an interest in the proposed annexation. Please contact me if you should have any questions, or need any further information regarding this matter.

Sincerely,

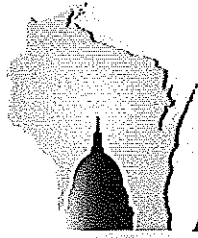
WELD, RILEY, PRENN & RICCI, S.C.



Dustin F. Von Ruden

Enclosures

cc: City Clerk of City of Augusta
Town Clerk of Town of Bridge Creek
Augusta Area School District
Hi-Crush Augusta LLC



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview/>

May 2, 2013

PETITION FILE NO. 13674

CYNTHIA ANDEREGG, CLERK
CITY OF AUGUSTA
PO BOX 475
AUGUSTA, WI 54722

PATTI WARNER, CLERK
TOWN OF BRIDGE CREEK
PO BOX 464
AUGUSTA, WI 54722

Subject: HI-CRUSH AUGUSTA LLC ANNEXATION

Section 66.0217 (6), Wis. Stats., provides that the annexation of lands to cities and villages within a county having a population of 50,000 or more shall be reviewed by the Department of Administration in order to determine if the proposed annexation is in the public interest or against the public interest. The proposed annexation from the Town of BRIDGE CREEK to the City of AUGUSTA (see attached description) must be reviewed pursuant to the statute.

To assist us in making this determination, we urge that you promptly supply the data requested on the enclosed questionnaire (where possible) and return the questionnaire to the department.

The purpose of this questionnaire is to assist the department in determining "Whether the governmental services, including zoning, to be supplied to the territory could clearly be better supplied by the town...." The statute further stipulates that the department shall study the "shape of the proposed annexation and the homogeneity of the territory with the annexing municipality." In addition, we would appreciate receiving from you any comments or information bearing on governmental services or shape and homogeneity that would indicate whether the annexation is in or against the public interest.

Please return the questionnaire as soon as possible so that the information can be reviewed prior to the department's statutory deadline of May 20, 2013. Direct any questions and comments to Erich Schmidtke at (608) 264-6102. Thank you for your cooperation.

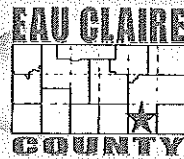
For additional information on annexation or other land use issues, visit our web site at <http://doa.wi.gov/municipalboundaryreview/>.

Sincerely,

Erich Schmidtke

Enclosures

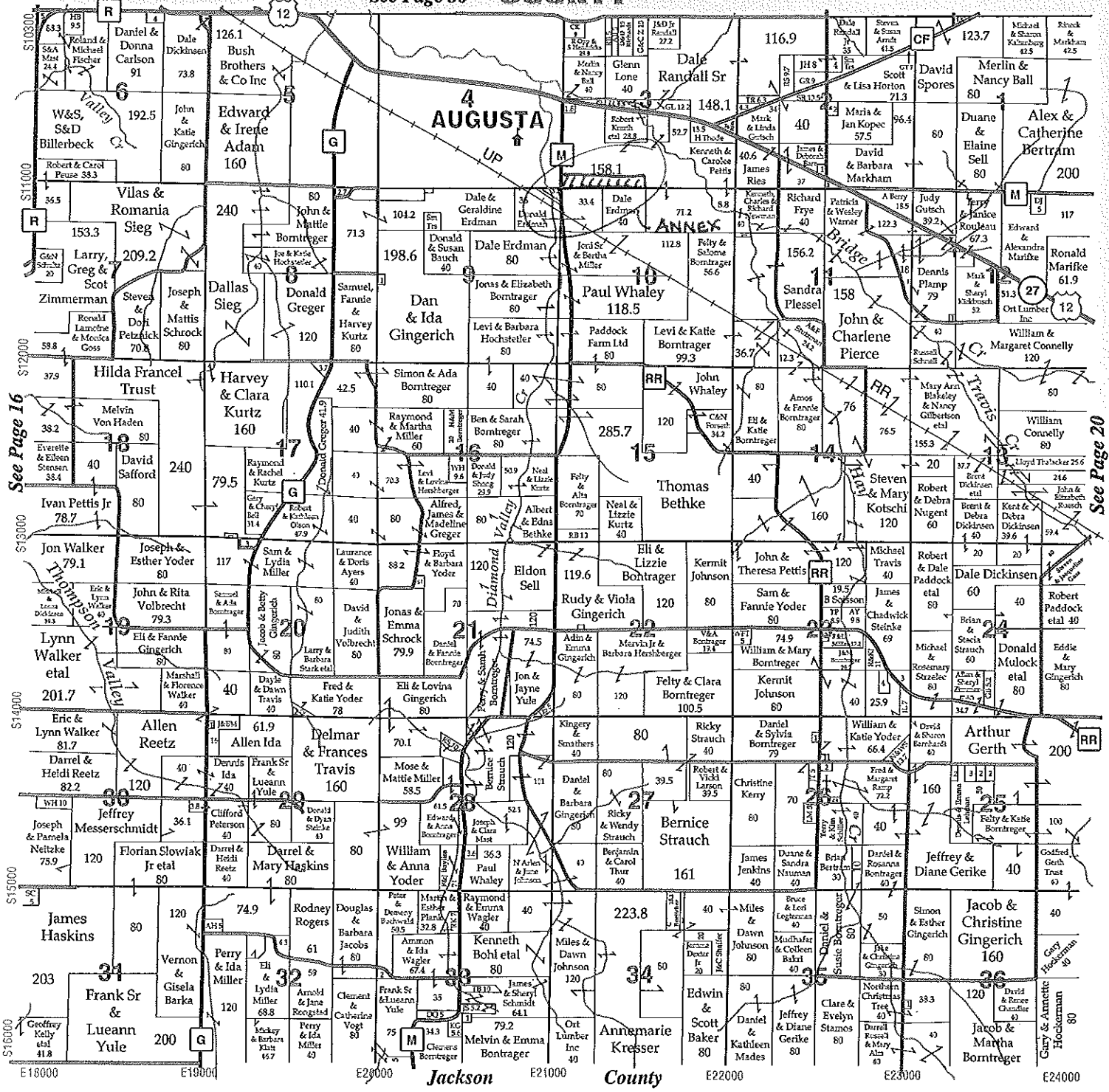
Bridge Creek (SW)



See Page 30

T.25N. - R.6W.

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Peoples State Bank

207 W. Lincoln Street
 Augusta, Wisconsin 54722-0461
 (715) 268-2223 or 1-877-440-2223

Internet Banking
WWW.PSBAUGUSTA.COM

Member FDIC



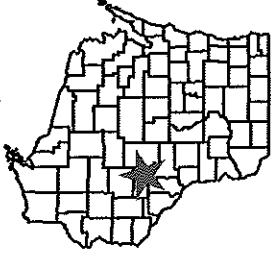
YOUR HOMETOWN BANK

annex 13674



0 1100 2200 3300 ft.

This map is a user generated static output from an Internet mapping site and is for general reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable. THIS MAP IS NOT TO BE USED FOR NAVIGATION.



Legend

- County Boundaries
- PLSS Q-Q Sections
- Local Roads
- Civil Towns
- Civil Town
- 24K Open Water
- Cities and Villages
- Village
- City
- DNR Managed Lands
- Fee



Scale: 1:11,434



WISCONSIN DEPARTMENT OF
ADMINISTRATION

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: wimunicipalboundaryreview@wi.gov

Web: <http://doa.wi.gov/municipalboundaryreview/>

May 20, 2013

PETITION FILE NO. 13674

CYNTHIA ANDEREGG, CLERK
CITY OF AUGUSTA
PO BOX 475
AUGUSTA, WI 54722

PATTI WARNER, CLERK
TOWN OF BRIDGE CREEK
PO BOX 464
AUGUSTA, WI 54722

Subject: HI-CRUSH AUGUSTA LLC ANNEXATION

The proposed annexation submitted to our office on April 30, 2013, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city and any other contiguous village or city..." so as unincorporated land transitions to city or village status, the resulting boundaries are rational and easy for jurisdictions and residents to follow. The subject petition is for territory that is reasonably shaped and contiguous to the **CITY OF AUGUSTA**.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state 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 deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13674**

The address of the Office of the Secretary of State is:

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
PO Box 7848
Madison WI 53707-7848

Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner