

14164

Zar Trust et al

14164	Date Sent	Reply	Status
Town Quest	10/5		
Muni Quest	W/ SUBMITAL		
Prop. Lister	10/5	10/8	SEE COMMENT

TOWN OF EMPIRE
CITY OF FOND DU LAC
10/25/2018

OK- COMMENTS 10/25/18

Request for Annexation Review

14 16 4

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
101 E. Wilson Street, 9th Floor
Madison WI 53703
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview/>

Petitioner Information

Name: **DAVID WASHKOVIK - REPRESENTATIVE**

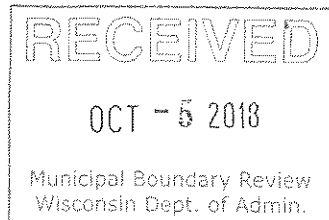
Address: **1315 S. MAIN STREET**

FOND DU LAC, WI 54935

PLEASE SEE ATTACHED FOR COMPLETE LISTING OF PETITIONERS

Email: **SELLFDL@GMAIL.COM**

Office use only:



1. Town where property is located: **TOWN OF EMPIRE**

2. Petitioned City or Village: **CITY OF FOND DU LAC**

3. County where property is located: **FOND DU LAC**

4. Population of the territory to be annexed: **0**

5. Area (in acres) of the territory to be annexed: **54.9**

6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel):

T08-15-18-07-14-001-00; T08-15-18-07-15-001-00; T08-15-18-07-12-005-00; T08-15-18-07-09-002-00;

Petitioners phone:

920-251-1986

Town clerk's phone:

(920) 948-3828

City/Village clerk's phone:

(920) 322-3433

Contact Information if different than petitioner:

Representative's Name and Address:

DYANN BENSON

CITY OF FOND DU LAC

PO BOX 150

FOND DU LAC, WI 54936-0150

Phone: **(920) 322-3440**

E-mail: **DBENSON@FDL.WI.GOV**

Surveyor or Engineering Firm's Name & Address:

EXCEL ENGINEERING

RYAN WILGREEN, PLS

100 CAMELOT DRIVE

FOND DU LAC, WI 54935

Phone: **(920) 322-1738**

E-mail: **RYAN.W@EXCELENGINEER.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]

Annexation Review Fee Schedule

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

Required Fees

There is an initial filing fee and a variable review fee

\$350 Initial Filing Fee (required with the first submittal of all petitions)
 \$200 – 2 acres or less
 \$350 – 2.01 acres or more

\$1000 Review Fee (required with all annexation submittals except those that consist ONLY of road right-of-way)
 \$200 – 2 acres or less
 \$600 – 2.01 to 10 acres
 \$800 – 10.01 to 50 acres
 \$1,000 – 50.01 to 100 acres
 \$1,400 – 100.01 to 200 acres
 \$2,000 – 200.01 to 500 acres
 \$4,000 – Over 500 acres

\$1350 TOTAL FEE DUE (Add the Filing Fee to the Review Fee)

Attach check or money order here, payable to: **Department of Administration**

**THE DEPARTMENT WILL NOT PROCESS
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.**

**THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE**

Shaded Area for Office Use Only

Date fee received: 10/5

Payee: DARRYL ZAR

Check Number: 5502

Check Date: 9/28

Amount: 1,350

ANNEXATION SUBMITTAL GUIDE

14 16 4

s. 66.0217 (5) THE PETITION

- State the purpose of the petition: -Direct annexation by unanimous approval; OR
-Direct annexation by one-half approval; OR
-Annexation by referendum.
- Petition must be signed by: -All owners and electors, if by unanimous approval.
-See 66.0217 (3) (a), if by one-half approval.
-See 66.0217 (3) (b), if by referendum.
- State the population of the land to be annexed.

[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]

s. 66.0217 (1) (c) THE DESCRIPTION

The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR

If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.

The land may NOT be described by: -Aliquot part;
-Reference to any other document (plat of survey, deed, etc.);
-Exception or Inclusion;
-Parcel ID or tax number.

s. 66.0217 (1) (g) THE MAP

The map shall be an *accurate reflection* of the legal description of the parcel being annexed. As such, it must show:
-A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
-Bearings and distances along all parcel boundaries as described.
-All adjoining as referenced in the description.

The map must include a **graphic scale**.

The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

s. 66.0217 FILING

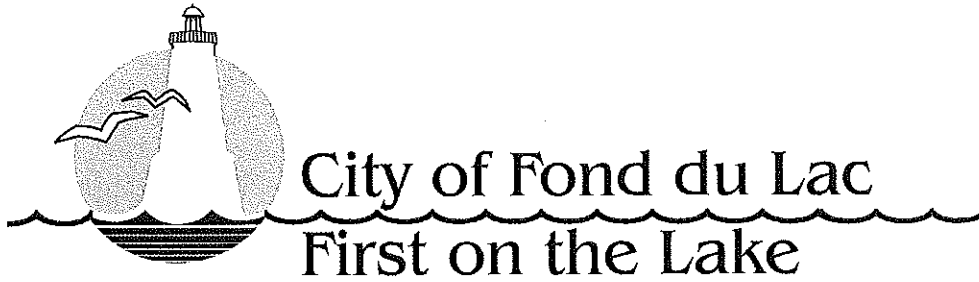
The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.

If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by s. 66.0217 (4).

If the lands being annexed are within a County of 50,000 or greater population, the petition must also be filed with the Department of Administration for review

[Note that no municipality within a County of 50,000 or greater population may enact an annexation ordinance prior to receiving a review determination from the Department of Administration.]

14 16 4



October 2, 2018

WI Dept. Of Administration
Municipal Boundary Review
101 E Wilson Street, 9th Floor
Madison, WI 53703

Patti Supple, Clerk
Town of Fond du Lac
N5256 County Road V
Fond du Lac, WI 54937

Moraine Park Technical College
Mike Miller, Secretary
235 North National Avenue
Fond du Lac, WI 54935

Fond du Lac School District
72 West 9th Street
Fond du Lac, WI 54935

Re: Direct Annexation: David Washkoviak, Representative

Dear Ladies and Gentlemen:

On behalf of and at the request of the petitioner I am forwarding herewith a copy of their petition in accordance with the provisions of s. 66.0217 (2), Wisconsin Statutes.

Should you have any questions regarding the annexation, you may call the Planning Department at 920-322-3440.

Margaret Hefter
City Clerk

Attachments

14 16 4

PETITION FOR DIRECT ANNEXATION

To: City Council
City of Fond du Lac, Wisconsin

We, the undersigned electors and/or landowners, pursuant to Chapter 66 of the Wisconsin Statutes, respectfully petition the City of Fond du Lac for direct annexation to the City of Fond du Lac of the following described territory which is presently in the Town of Fond du Lac, Fond du Lac County, Wisconsin.

Legal Description of Territory to be Annexed

See Exhibit A

A scale map of the territory to be annexed is attached hereto and marked Exhibit A.

In support of this petition, the petitioners say to the City Council:

1. The total number of residents in the territory proposed to be annexed is 0.
2. Your petitioners constitute the owners of all of the land in area within such territory, and in assessed value.
3. There is 0 dwelling unit(s) on the property being annexed.
4. The area will be located in the 17th Ward of the City upon annexation.

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

We, the petitioners herein, do affirm that we have filed a copy of this petition with the Town Clerk of the town in which this territory is located, together with a scale map of such territory and that within five (5) days of the filing of this petition we will mail a copy of said scale map and description of such territory to be annexed to the State of Wisconsin Department of Administration.

We further respectfully request that the subject property be zoned R-4.

14 16 4

SIGNATURE	DATE	OWNER (MARK WITH X)	ELECTOR
<u>Darryl R. Zar</u> Darryl R. Zar	<u>9/10/18</u>	<u>X</u>	_____

605 Stow Street
Fond du Lac, WI 54935

<u>Mary L. Zar</u> Mary L. Zar	<u>9-10-18</u>	<u>X</u>	_____
-----------------------------------	----------------	----------	-------

605 Stow Street
Fond du Lac, WI 54935

<u>Marjorie E. Bailey</u> Marjorie E. Bailey	<u>9-11-18</u>	<u>X</u>	_____
---	----------------	----------	-------

489 Gavin Parkway
Kewaskum, WI 53040

<u>William C. Bailey</u> William C. Bailey	<u>09/11/18</u>	<u>X</u>	_____
---	-----------------	----------	-------

489 Gavin Parkway
Kewaskum, WI 53040

<u>Megan E. Long</u> Megan E. Long	<u>09-13-18</u>	<u>X</u>	_____
---------------------------------------	-----------------	----------	-------

4350 Greenwood Drive
Jonesborough, TN 37659

<u>Christopher M. Roehrig</u> Christopher M. Roehrig	<u>9/23/18</u>	<u>X</u>	_____
---	----------------	----------	-------

6340 Promenade Drive North, Unit 400
Westminster, CO 80020

Petitioner(s) for Annexation

Zar Revocable Trust:
Darryl R & Mary L Zar
605 Stow Street
Fond du Lac, WI 54935

William C. Bailey Living Trust; Marjorie C. Bailey Living Trust;
Marjorie C. & William C. Bailey
489 Gavin Parkway
Kewaskum, WI 53040

Roehrig Family Trust:
Megan E. Long
4350 Greenwood Drive
Jonesborough, TN 37659

Christopher M. Roehrig
6340 Promenade Drive North, Unit 400
Westminster, CO 80020

14 16 4



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

WISCONSIN DEPARTMENT OF ADMINISTRATION

**APPROVAL of the COOPERATIVE PLAN
under Section 66.0307, Wis. Stats.**

between the

**CITY OF FOND DU LAC and TOWNS OF BYRON, EMPIRE,
FOND DU LAC, TAYCHEEDAH, and FRIENDSHIP,
FOND DU LAC COUNTY**

July 27, 2017

14 16 4

**COOPERATIVE PLAN
SECTION 66.0307**

**CITY OF FOND DU LAC AND
THE TOWNS OF BYRON, EMPIRE, FOND DU LAC, FRIENDSHIP, TAYCHEEDAH**

February 16, 2017

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- SECTION 5 BOUNDARY COOPERATIVE PLAN RULES FOR POTENTIAL ANNEXATION AND/OR ATTACHMENT OF LAND IN THE TOWNS AND THE PROVISION OF MUNICIPAL SERVICES TO SUCH LANDS
- SECTION 6 UTILITIES AND ROADS
- SECTION 7 DEVELOPMENT IN GROWTH AREAS
- SECTION 8 TOWN ISLANDS
- SECTION 9 UNDESIGNATED TERRITORY
- SECTION 10 INTERGOVERNMENTAL COOPERATIVE PLAN ADVISORY COMMITTEE
- SECTION 11 SEVERABILITY
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- SECTION 16 TERM OF COOPERATIVE PLAN
- SECTION 17 BINDING EFFECT
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- SECTION 19 COOPERATION WITH GOVERNMENTAL AGENCIES
- SECTION 20 MISCELLANEOUS PROVISIONS
- SECTION 21 EXHIBITS
- SECTION 22 ADOPTION



SCOTT WALKER
GOVERNOR
ELLEN NOWAK
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>

October 05, 2018

PETITION FILE NO. 14164

MARGARET HEFTER, CLERK
CITY OF FOND DU LAC
160 S MACY ST
FOND DU LAC, WI 54936-4241

MICHAEL D MORGAN, CLERK
TOWN OF EMPIRE
W3897 4TH ST RD
FOND DU LAC, WI 54937-7340

Subject: ZAR TRUST ET AL 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 EMPIRE to the CITY OF FOND DU LAC (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 October 25, 2018. 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

Annexation Review Questionnaire

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
101 E. Wilson Street, 9th Floor
Madison WI 53703
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview/>

14164

Petitioner: Zar Revocable Trust; Roehrig Family Trust; William C Bailey; Marjorie C Bailey; William C Bailey
Living Trust and Marjorie C Bailey Living Trust

Petition Number:

1. Territory to be annexed: From Town of: **Town of Empire** To City/Village of: **City of Fond du Lac**

2. Area (Acres): **54.9**

3. Pick one: Property Tax Payments **OR** Boundary Agreement

a. Annual town property tax on territory to be annexed: \$ _____ a. Title of boundary agreement **Please see attached**

b. Total that will be paid to Town (annual tax multiplied by 5 years): _____ b. Year adopted **2017**

c. Paid by: Petitioner City Village c. Participating jurisdictions

Other: d. Statutory authority (pick one)

s. 66.0307 s. 66.0225 s. 66.0301

4. Resident Population: Electors: **19292** Total: **43381**

5. Approximate **present land use** of territory:

Residential: _____% Recreational: _____% Commercial: _____% Industrial: _____%

Undeveloped: **100%**

6. If territory is undeveloped, what is the **anticipated use**?

Residential: **90%** Recreational: _____% Commercial: **10%** Industrial: _____%

Other:

Comments: **The proposed zoning, R4, is consistent with the land use of business park and residential use.**

7. Has a preliminary or final plat been submitted to the Plan Commission: Yes No

Plat Name: _____

8. What is the **nature of land use adjacent** to this territory in the city or village? **Office/Commercial to the West; Residential to the South and East**

In the town?: **Residential and agricultural to the North**

9. What are the **basic service needs** that precipitated the request for annexation?

Sanitary sewer Water supply Storm sewers

Police/Fire protection EMS Zoning

Other:

10. Is the city/village or town capable of providing needed utility services?
City/Village Yes No. Town Yes No

If yes, approximate time table for providing service:
City/Village Town
Sanitary Sewers immediately
or, write in number of years. _____
Water Supply immediately,
or, write in number of years. _____

Will provision of sanitary sewers and/or water supply to the territory proposed for annexation require capital expenditures (i.e. treatment plant expansion, new lift stations, interceptor sewers, wells, water storage facilities)?
Yes No.

If yes, identify the nature of the anticipated improvements and their probable costs:

11. Planning:

1. Do you have a comprehensive plan for the City/Village/Town? Yes No
Is this annexation consistent with your comprehensive plan? Yes No

Describe: The Comprehensive Plan shows the land use as Business Park and Multifamily. The proposed zoning of R-4 Multifamily is consistent with the Business Park/Office land use which supports multifamily and residential development within the landuse. The Comprehensive Plan document also references the Intergovernmental Agreement.

2. Annual appropriation for planning? \$ 444580

3. How is the annexation territory now zoned? General Ag District; Residential District & Rural Residential District

4. How will the land be zoned and used if annexed? R-4 Multifamily

12. Other relevant information and comments bearing upon the public interest in the annexation:
Please see attached.

Prepared by: Town City Village
Name: **Dyann Benson, Community Development Director**
Email: **dbenson@fdl.wi.gov**
Phone: **(920) 322-3440**
Date: **June 28, 2018**

Please **RETURN PROMPTLY** to:
wimunicipalboundaryreview@wi.gov
Municipal Boundary Review
PO Box 1645, Madison WI 53701
Fax: (608) 264-6104

(April 2013)

Real Property Lister Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
101 E. Wilson Street, 9th Floor
Madison WI 53703
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview>

Petition Number: 14164

1. Territory to be annexed:	From Town of: EMPIRE	To City/Village of: FOND DU LAC
-----------------------------	-----------------------------	--

2. Is the annexation location described by government lot, recorded private claim, ¼ section, section, township & range?
 Yes No

3. Is the annexation contiguous with the existing city/village boundaries?
 Yes No

4. Will the annexation create an island area in the town (completely surrounded by the city/village)?
 Yes No

5. Will the annexation create an island area in the city/village (completely surrounded by the town)?
 Yes No

6. Does the owner(s) of record match the owner(s) listed on the petition?
 Yes No

7. Other relevant information and comments about the annexation:

One of the tax parcel numbers listed contained an error. The parcel listed as T08-15-18-07-12-005-00 does not exist. It should be part of T08-15-18-07-15-005-00 as it appears only a portion of Outlot 3 is included in the area being annexed.

Prepared by:

Name: **Lisa Vercauteren**

Email: lisa.vercauteren@fdlco.wi.gov

Phone: 920-929-7021

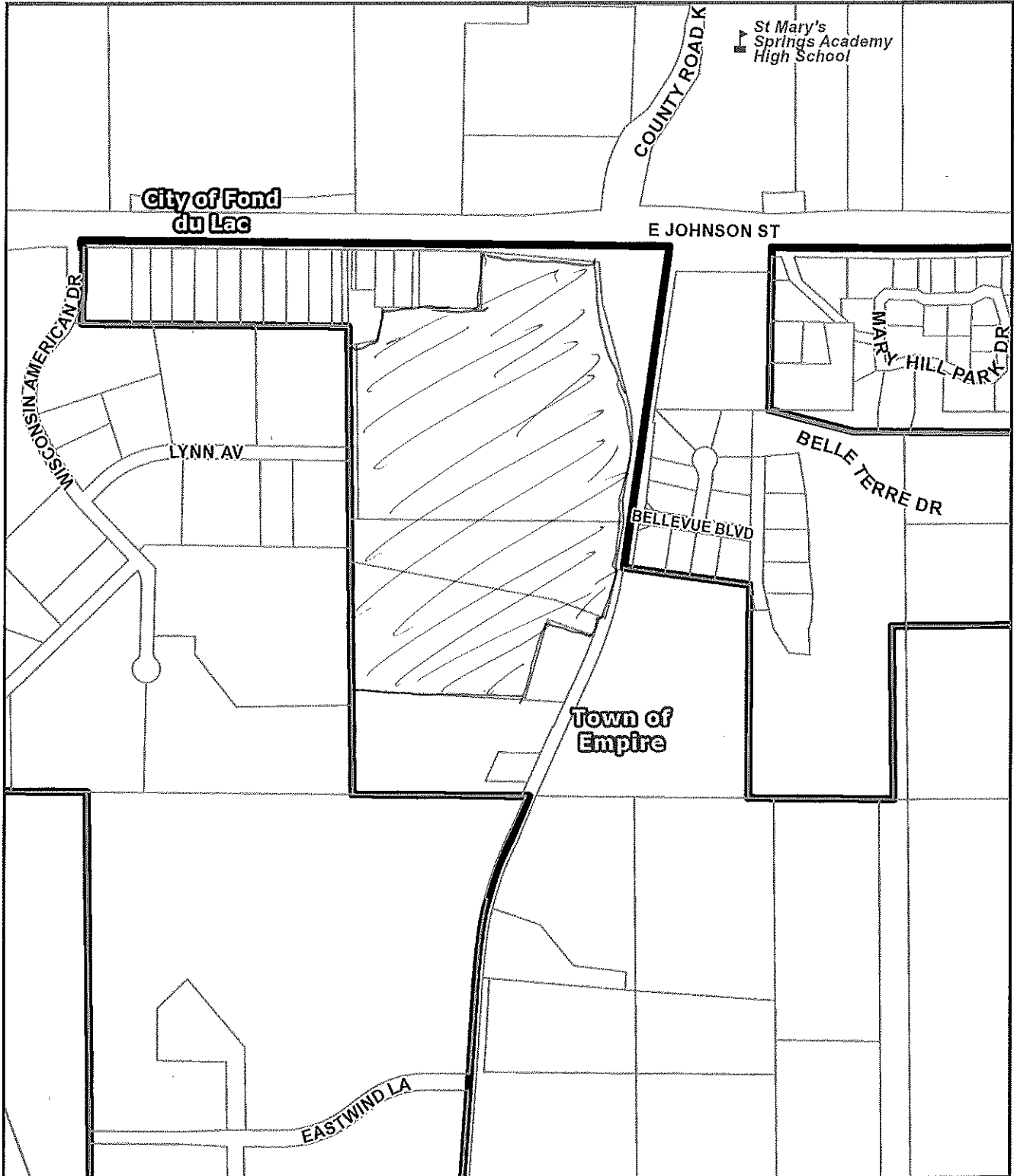
Date: 10/08/2018

Please **RETURN PROMPTLY** to:
wimunicipalboundaryreview@wi.gov

Municipal Boundary Review
PO Box 1645, Madison WI 53701

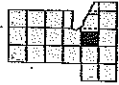
Fax: (608) 264-6104

14164

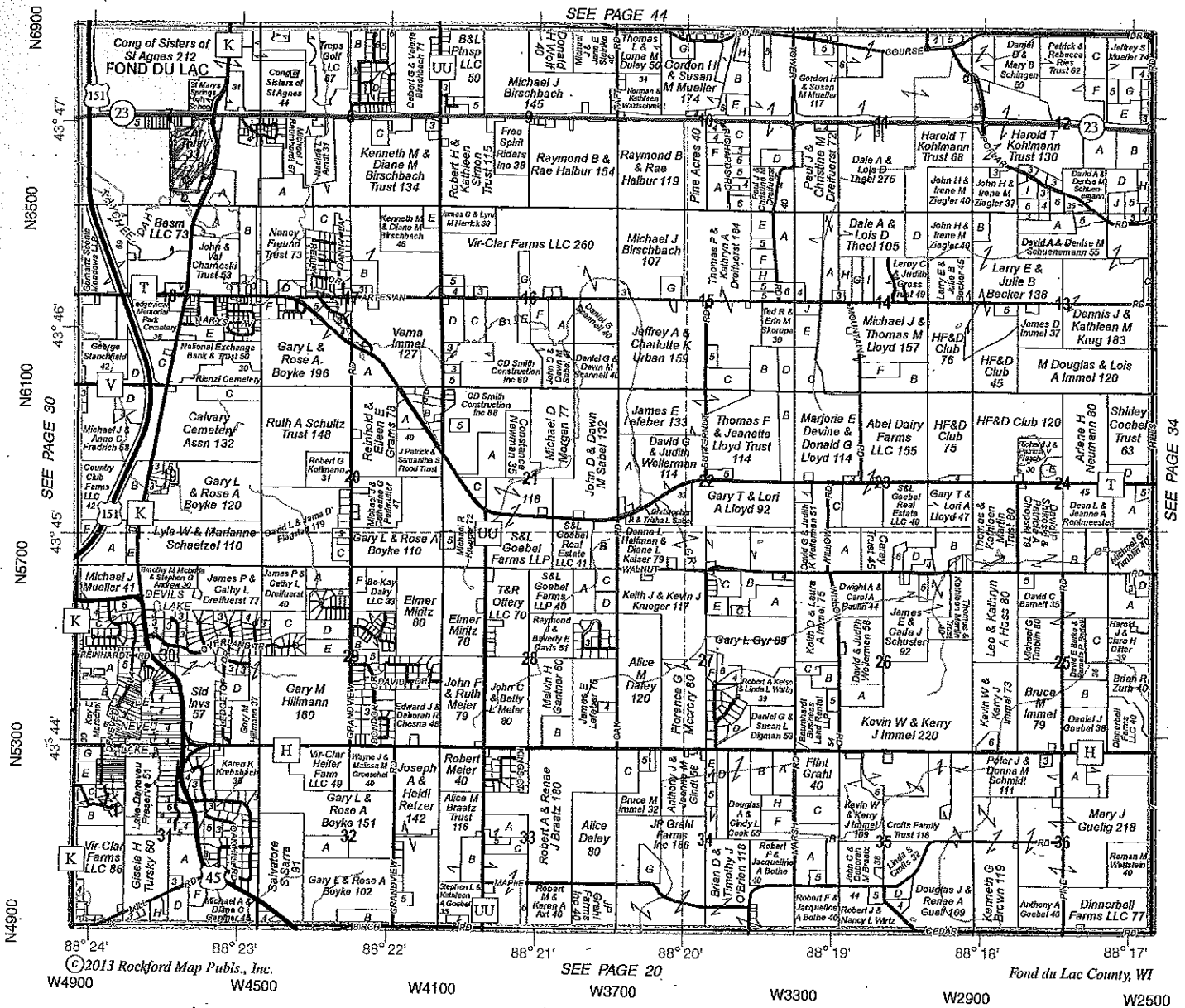


Disclaimer: Map and parcel data are believed to be accurate, but accuracy is not guaranteed. This is not a legal document and should not be substituted for a title search, appraisal, survey, or for zoning verification.

Map Scale
1 inch = 700 feet
10/25/2018



SEE PAGE 44



EDEN & FOND DU LAC VETERINARY CLINIC

Eden Clinic
318 Fond du Lac Avenue
P.O. Box 230
Eden, WI 53019
(920) 477-2911

Fond du Lac Clinic
252 South Main Street
Fond du Lac, WI 54935
(920) 923-8886 • F: (920) 923-3308
www.fdlvet.com

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DR. CHARLES A. MAYER
DR. GRETEL SCHLEGEL

DR. JOHN F. ZOOK
DR. ABIGAIL STOWELL

Engel & Associates, Inc.

Geological & Environmental Consultants

Phase I & II Property Assessments • Petro & Chemical Storage Tank Removal & Assessments
Investigate & Remediate Environmental Contamination • Stormwater & Land Use Permits
Groundwater and Mineral Exploration • Mine Permitting & Reclamation Plans

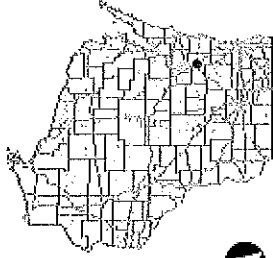
Ron Engel, Professional Geologist/Hydrogeologist

(920) 929-9279 • E-mail: ron@engelandassociates.com

N4737 Hwy 175 S., Fond du Lac, WI 54937



14164



Legend

- Township
- Section
- Quarter-Quarter
- County Boundary
- Cities, Towns & Villages**
- City
- Village
- Civil Town
- Municipality**
- State Boundaries
- County Boundaries
- Major Roads**
- Interstate Highway
- State Highway
- US Highway
- County and Local Roads**
- County HWY
- Local Road
- Railroads**
- Tribal Lands
- Rivers and Streams**
- Intermittent Streams
- Lakes and Open water**
- Index to EN_Image_Basemap_Leaf_Off

Notes

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

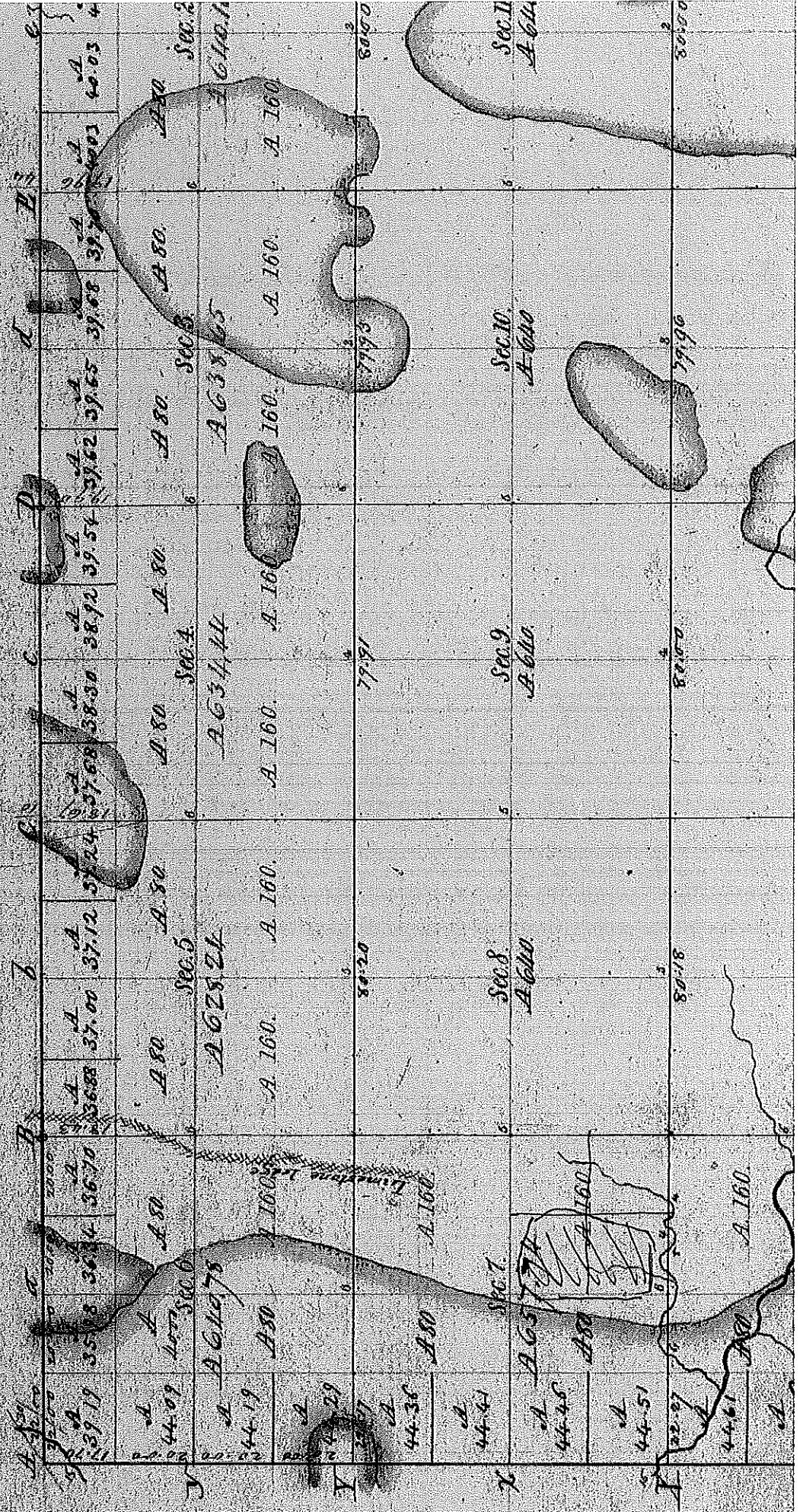
0.3 Miles



1: 7,920

NAD_1983_HARN_Wisconsin_TM

Township. V. 11. Range. V. 18. E. 4th.



Legal Description of Lands to be annexed

Outlot 3 of Certified Survey Map No. 4343, recorded in Volume 24 on Pages 116, 116A & 116B in the Fond du Lac County Register of Deeds Office as Document No. 524874, part of the Northeast 1/4 and Southeast 1/4 of the Southwest 1/4 and part of the Northeast 1/4, Northwest 1/4 and Southwest 1/4 of the Southeast 1/4 of Section 7, Township 15 North, Range 18 East, Town of Empire, Fond du Lac County, Wisconsin being more particularly described as follows:

Commencing at the Northeast corner of the Southeast 1/4 of said Section 7; thence North 89°-19'-22" West along the North line of said Southeast 1/4, a distance of 1,463.80 feet to the Northerly extension of the Westerly right-of-way line of County Trunk Highway "K"; thence South 04°-36'-06" East along said Northerly extension, a distance of 79.81 feet to intersection of the Westerly right-of-way line of County Trunk Highway "K" with the Southerly right-of-way line of State Trunk Highway "23", said point being the point of beginning; thence continuing South 04°-36'-06" East along the Westerly right-of-way line of County Trunk Highway "K" per Document No. 437774, a distance of 187.62 feet; thence South 14°-58'-27" East along said Westerly line, a distance of 493.54 feet; thence Southeasterly 244.98 feet along said Westerly line, on a curve to the right having a radius of 581.62 feet, the chord of said curve bears South 02°-54'-28" East, a chord distance of 243.17 feet; thence South 09°-09'-31" West along said Westerly line, a distance of 238.32 feet; thence South 03°-14'-56" East along said Westerly line, a distance of 102.39 feet; thence Southwesterly along the Westerly line of said County Trunk Highway "K", a distance of 466.0 feet more or less to the Northerly line of said Certified Survey Map No. 4343; thence North 70°-03'-00" West along said Northerly line, a distance of 257.0 feet more or less to a Northerly corner of said Outlot 3; thence South 19°-56'-53" West, a distance of 100.00 feet to the Northerly most corner of Lot 2 said Certified Survey Map No. 4343; thence South 15°-56'-58" West along an Easterly line of Outlot 3 of said Certified Survey Map No. 4343, a distance of 402.36 feet to the Southeast corner of said Outlot 3; thence North 86°-32'-36" West along the South line of said Outlot 3, a distance of 833.31 feet to a line lying 39.60 feet West of and parallel with the West line of the Southeast 1/4 of said Section 7, said line also being the current City of Fond du Lac corporate limit line; thence North 00°-42'-40" West along said parallel line, a distance of 1,648.60 feet to the Southerly line of lands described per Document No. 717832; thence North 77°-46'-50" East along a Southerly line of said lands, a distance of 142.62 feet; thence North 12°-19'-05" East along an Easterly line of said lands, a distance of 108.81 feet; thence North 00°-46'-49" East along an Easterly line of said lands, a distance of 50.55 feet to the South line of lands described per Document No. 1045449; thence South 89°-19'-22" East along the South line of said lands and the South line of lands described per Document No. 1048700 and per Document No. 1036446, a distance of 466.74 feet to the East line of lands described per Document No. 1036446; thence North 00°-40'-38" East along said East line, a distance of 265.12 feet to the Southerly right-of-way line of State Trunk Highway "23" per Document No. 319264; thence South 84°-51'-27" East along said Southerly line, a distance of 572.82 feet to the point of beginning and containing 54.4 acres of land more or less.

OK



SCOTT WALKER

GOVERNOR

ELLEN NOWAK

SECRETARY

Municipal Boundary Review

PO Box 1645, Madison WI 53701

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

Email: wimunicipalboundaryreview@wi.gov

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October 25, 2018

PETITION FILE NO. 14164

MARGARET HEFTER, CLERK
CITY OF FOND DU LAC
160 S MACY ST
FOND DU LAC, WI 54936-4241

MICHAEL D MORGAN, CLERK
TOWN OF EMPIRE
W3897 4TH ST RD
FOND DU LAC, WI 54937-7340

Subject: ZAR TRUST ET AL ANNEXATION

The proposed annexation submitted to our office on October 05, 2018, 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..." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the **CITY OF FOND DU LAC**, which is able to provide needed municipal services.

Note: The Cooperative Plan dated July 27, 2017 between the City of Fond du Lac and the Town of Empire et al allows for the creation of Town Islands when annexing territory subject to the agreement. This being the case, the department recommends that the City also include in the annexation ordinance the STH 23 and CTH K right-of-ways that adjoin the territory described in the petition. Inclusion of the right of ways will make for a more compact municipal boundary, and will avoid the creation of a "balloon on a string" remnant of the Town of Empire.

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 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 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 Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14164 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2237>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner