

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102
wimunicipalboundaryreview@wi.gov
<https://doa.wi.gov/municipalboundaryreview>

Petitioner Information

Name: **Mr. LaVerne L. Stewart & Mr. Todd A. Hauge & CDPG Developers, LLC c/o: Craig Wurzer**

Phone: **715-559-3661 & 410-263-8356 & 715-271-4828**

Email: **stewartll1@yahoo.com & tahauge@verizon.net & craig@cewurzer.com**

Contact Information if different than petitioner:

Representative's Name: **Mark A. Erickson, P.E. at Everyday Surveying and Engineering, LLC.**

Phone: **715-831-0654**

E-mail: **MARK@ESELLC.CO**

RECEIVED

March 1, 2023

**Municipal Boundary Review
Wisconsin Dept. of Admin.**

1. Town where property is located: **Town of Washington**

2. Petitioned City or Village: **City of Eau Claire**

3. County where property is located: **Eau Claire**

4. Population of the territory to be annexed: **2**

5. Area (in acres) of the territory to be annexed: **438.34**

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

Include these required items with this form:

- 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 [see attached annexation guide]
- 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

\$2,000 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

\$2,350 TOTAL FEE DUE (Add the Filing Fee to the Review Fee)

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

DON'T attach the check with staples, tape, ...

**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 & form received: 2-28-2023

Payer: BAKKE NORMAN SC

Check Number: 118943

Check Date: 2-21-23

Amount: \$2,350⁰⁰

ANNEXATION SUBMITTAL GUIDE

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 only 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).

WILLIAM E. WALLO

ATTORNEY

Direct: (715) 231-4730
Facsimile: (815) 927-0411
wwallo@bakkenorman.com

Bakke Norman, S.C.
7 South Dewey Street
Suite 220
Eau Claire, WI 54701

February 21, 2023

Wisconsin Department of Administration
Municipal Boundary Review
P.O. Box 1645
Madison, WI 53701

VIA U.S. MAIL

Re: Proposed Annexation to the City of Eau Claire

To whom it may concern:

Pursuant to Wis. Stat. § 66.0217(6), enclosed please find (i) the notice of intent to circulate a petition for annexation of certain property from the Town of Washington into the City of Eau Claire, together with a scale map and (ii) the documentation relating to the fees for Department review. The notice was published as a Class 1 notice in the Eau Claire Leader Telegram on Friday, February 17, 2023, and the mailing of a copy of the notice is therefore timely as it was mailed to the Department, together with the fee, within five (5) days of the publication. Also enclosed is a check for \$2,350.00, which represents the fee for the Department's review of this proposed annexation.

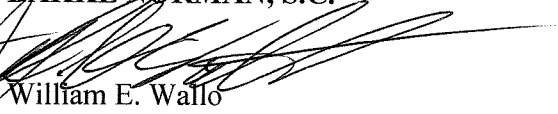
Our firm represents CDPG Developers LLC, the owner of a portion of the property located within the proposed annexation. As you are aware, the Department is to review the proposed annexation and provide an opinion as to whether the annexation is in the public interest as defined in § 66.027(6)(c).

That statute provides that the "public interest" is determined after consideration of (i) whether governmental services, including zoning, to be supplied to the territory could clearly be better supplied by the town or the city, and (ii) the shape of the proposed annexation and the homogeneity of the territory with the annexing city. Under separate cover, we anticipate additional information will be provided regarding these topics to assist with the Department's review.

If you have any questions, please contact the undersigned.

Sincerely,

BAKKE NORMAN, S.C.



William E. Wallo

Enclosure

cc: Janelle Henning (Town Clerk, Town of Washington) – w/ enclosure – via regular mail
Sue McDonald (County Clerk, Eau Claire County) – w/ enclosure – via regular mail
Nicholas Koener (City Clerk, City of Eau Claire) – w/ enclosure – via regular mail

ANNEXATION BOUNDARY

LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 4, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 9, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 10, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 8, TOWNSHIP 26 NORTH, RANGE 9 WEST, ALL IN THE TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN. INCLUDING PART OF CERTIFIED SURVEY MAP NUMBER 3570, RECORDED IN VOLUME 20 OF CERTIFIED SURVEY MAPS ON PAGE 141-145 AS DOCUMENT NUMBER 1191808, PART OF OAK RIDGE RECORDED IN VOLUME 9 OF PLATS ON PAGE 18 AS DOCUMENT NUMBER 352050, ALL OF CERTIFIED SURVEY MAP NUMBER 780, RECORDED IN VOLUME 4 OF CERTIFIED SURVEY MAPS, ON PAGE 122-123, AS DOCUMENT NUMBER 610963. THE PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the East Quarter Corner of said Section 4;

Thence S88°42'51"W, 1294.31 feet along the East-West Quarter line of said Section 4 to the Point of Beginning;

Thence continuing along said East-West Quarter line S88°42'51"W, 1945.62 feet to the Northeast Corner of Certified Survey Map Number 1960, recorded in Volume 10 of Certified Survey Maps, on Pages 343-344, Document Number 837346;

Thence S01°14'06"W, 954.15 feet along the West line of said Certified Survey Map Number 1960 and a southerly extension thereof, to the North Corner of Lot 2, Certified Survey Map Number 1037, recorded in Volume 5 of Certified Survey Maps on Pages 274-275, as Document Number 665917, and the southwesterly right-of-way line of South Lowes Creek Road;

Thence S48°24'26"E, 306.50 feet along said right-of-way line;

Thence 394.93 feet along said right-of-way line and the arc of a curve, concave northeasterly, with a chord bearing of S63°15'10"E, a chord length of 390.53 feet, and a radius of 762.10 feet;

Thence S78°05'55"E, 96.46 feet along said right-of-way line;

Thence N88°41'18"E, 1204.62 feet along the southerly right-of-way line of South Lowes Creek Road;

Thence S52°50'23"E, 78.29 feet to the westerly right-of-way line of South Lowes Creek Road;

Thence S14°22'38"E, 657.70 feet along said westerly right-of-way line;

Thence S11°02'38"E, 602.62 feet along said westerly right-of-way line;

Thence S11°00'08"E, 469.77 feet along said westerly right-of-way line;

Thence N78°30'43"E, 392.91 feet;

Thence S11°00'17"E, 402.60 feet;

Thence S78°30'43"W, 392.93 feet to the westerly right-of-way line of South Lowes Creek Road;

Thence S11°00'08"E, 370.61 feet along said right-of-way line, to the northerly right-of-way line of Evergreen Terrace;

Thence S87°08'22"W, 1322.41 feet along said northerly right-of-way line;
Thence S57°32'56"W, 181.55 feet along the northwesterly right-of-way line of Evergreen Terrace;
Thence 143.78 feet along said right-of-way line and the arc of a curve, concave northwesterly, with a chord bearing of S62°13'08"W, a chord length of 143.62 feet, and a radius of 882.00 feet;
Thence S66°53'20"W, 182.49 feet along said right-of-way;
Thence 88.98 feet along said right-of-way and the arc of a curve, concave southeasterly, with a chord bearing of S52°09'14"W, a chord length of 88.01 feet, and a radius of 173.00 feet to a point on the East line of said Southeast Quarter of the Northwest Quarter;
Thence S00°18'57"E, 550.20 feet along said East line, to a point on the easterly extension of the southerly right-of-way line of Rainetta Drive;
Thence S88°24'33"W, 307.21 feet along the southerly right-of-way line of Rainetta drive to the northeast corner of Certified Survey Map 2245, recorded in Volume 12 of Certified Survey Maps, on Page 143 as Document Number 919517;
Thence S01°34'32"E, 249.88 feet to the southeast corner of said Certified Survey Map Number 2245;
Thence S83°52'51"W, 252.46 feet along the southerly line of said Certified Survey Map Number 2245;
Thence S88°25'21"W, 726.08 feet to the southwest corner of said Certified Survey Map Number 2245 and the southeast corner of Certified Survey Map Number 999, recorded in Volume 5 of Certified Survey Maps, on Page 204-205 as Document Number 657951;
Thence S88°23'51"W, 683.18 feet to the Southwest corner of Certified Survey Map recorded in Volume 1, on Page 174 and the southeast corner of Wood Crest Highlands 2nd Addition recorded in Volume 11 of Plats, on Page 27 as Document Number 421167;
Thence S88°33'52"W, 633.86 feet to the Southwest Corner of said Wood Crest Highlands 2nd Addition and the West line of the Northwest Quarter of said Section 9;
Thence S00°06'08"W, 290.50 feet to the West Quarter Corner of Section 9;
Thence S00°37'33"W, 1322.67 feet to the southwest corner of said Northwest Quarter of the Southwest Quarter;
Thence S89°29'28"W, 1969.50 feet;
Thence S89°23'23"W, 665.26 feet to the West line of the Southeast Quarter of said Section 8;
Thence S00°56'51"W, 66.08 feet along said West line;
Thence N89°26'19"E, 495.22 feet;
Thence S00°58'53"W, 444.46 feet;
Thence N89°57'54"E, 212.07 feet;
Thence S01°07'29"E, 762.12 feet to the South line of the Southeast Quarter of said Section 8;
Thence S89°04'56"E, 1906.92 feet to the Southwest Corner of said Section 9;
Thence N88°02'22"E, 2642.12 feet to the South Quarter Corner of said Section 9;
Thence N00°18'57"W, 2647.28 feet along the East line of the Southwest Quarter of said Section 9;
Thence N87°57'41"E, 1894.05 feet along the South line of the Northeast Quarter of said Section 9;
Thence N00°53'58"E, 208.00 feet;
Thence N87°57'41"E, 194.52 feet to the westerly right-of-way line of South Lowes Creek Road;
Thence S16°43'11"E, 214.74 feet along said right-of-way line to the South line of said Northeast Quarter;
Thence N87°57'41"E, 379.00 feet to the East Quarter Corner of said Section 9;
Thence S87°23'19"E, 338.60 feet along the South line of the Northwest Quarter of said Section 10 to the easterly right-of-way line of South Lowes Creek; **south lowes creek road**
Thence N53°07'37"W, 64.19 feet along said right-of-way;
Thence 213.17 feet along said right-of-way and the arc of a curve, concave southwesterly, with a chord bearing of N63°53'45"W, a chord length of 212.29 feet, and a radius of 676.62 feet;
Thence N72°55'17"W, 189.80 feet along said right-of-way;
Thence 564.42 feet along said right-of-way and the arc of a curve, concave northeasterly, with a chord bearing of N45°49'10"W, a chord length of 543.61 feet, and a radius of 596.62 feet;
Thence N23°20'44"W, 86.76 feet along said right-of-way;
Thence N16°28'50"W, 47.93 feet along said right-of-way;

Thence N01°34'15"E, 106.62 feet along said right-of-way to a point lying 25 feet, more or less, northeasterly of the thread of an unnamed tributary to Lowes Creek and the beginning of a meander line;
Thence N45°31'11"E, 757.83 feet along said meander line, to a point lying N87°39'09"W, 95 feet, more or less, along the North line of the Southwest Quarter of the Northwest Quarter, said Section 10, from the thread of an unnamed tributary to Lowes Creek and the end of said meander line;
Thence N00°53'58"E, 1314.44 feet along the East line of the Northeast Quarter of said Section 9 to the Northeast Corner of said Section 9;
Thence N01°24'55"E, 1590.65 feet along the East line of the Southeast Quarter of said Section 4 to a point lying 59 feet, more or less, southerly of the northerly ordinary high water mark of Lowes Creek and the beginning of a meander line;
Thence N87°40'04"W, 1004.80 feet along said meander line;
Thence N41°30'35"W, 422.90 feet along said meander line to the West line of the Northeast Quarter of the Southeast Quarter of said Section 4, and a point lying 60 feet, more or less, southerly of the said ordinary high water mark;
Thence N01°23'53"E, 643.35 feet to the Point of Beginning.

Said parcel contains 19,094,359 square feet or 438.34 total acres, more or less, including those lands lying between the property line and meander line.

Orchard Hills Annexation

Tax Parcel Legend for Exhibit Maps

Number Identified on ESE Maps	Owner	Parcel ID Number	Lot Address	Mailing Address	GIS Acres
1	LaVerne Stewart	18221-2-260908-430-0001	N / A	5902 Mischler Road, Eau Claire, WI 54701	21.50
2	LaVerne Stewart	18221-2-260908-440-0001	N / A	5902 Mischler Road, Eau Claire, WI 54701	39.31
3	LaVerne Stewart	18221-2-260909-330-0001	N / A	5902 Mischler Road, Eau Claire, WI 54701	40.00
4	LaVerne Stewart	18221-2-260909-340-0001	N / A	5902 Mischler Road, Eau Claire, WI 54701	40.00
5	LaVerne Stewart	18221-2-260909-320-0001	N / A	5902 Mischler Road, Eau Claire, WI 54701	40.00
6	CDPG Developers, LLC.	18221-2-260909-310-0001	5902 Mischler Road, Eau Claire, WI 54701	1750 Hallie Road, Suite 1, Chippewa Falls, WI 54729	40.00
7	LaVerne Stewart	18221-2-260909-230-0001	N / A	5902 Mischler Road, Eau Claire, WI 54701	8.79
8	LaVerne Stewart	18221-2-260909-240-0001	N / A	5902 Mischler Road, Eau Claire, WI 54701	9.48
9	Todd Hauge	18221-2-260909-130-0001	N / A	5551 S. Lowes Creek Road, Eau Claire, WI 54701	38.80
10	Todd Hauge	18221-2-260909-140-0002	N / A	5551 S. Lowes Creek Road, Eau Claire, WI 54701	19.61
11	Todd Hauge	18221-2-260909-140-0001	N / A	5551 S. Lowes Creek Road, Eau Claire, WI 54701	3.72
12	Todd Hauge	18221-2-260909-140-9000	5551 S. Lowes Creek Road, Eau Claire, WI 54701	5551 S. Lowes Creek Road, Eau Claire, WI 54701	1.52
13	Todd Hauge	18221-2-260909-110-0002	N / A	5551 S. Lowes Creek Road, Eau Claire, WI 54701	0.20
14	Eau Claire County	18221-2-260909-110-0001	N / A	721 Oxford Avenue, Eau Claire, WI 54703	23.33
15	Eau Claire County	18221-2-260904-440-0002	5301 S. Lowes Creek Road, Eau Claire, WI 54701	721 Oxford Avenue, Eau Claire, WI 54703	31.30
16	Eau Claire County	18221-2-260904-410-0001	N / A	721 Oxford Avenue, Eau Claire, WI 54703	9.80
17	Eau Claire County	18221-2-260904-420-0001	N / A	721 Oxford Avenue, Eau Claire, WI 54703	40.00
18	Eau Claire County	18221-2-260904-310-0001	N / A	721 Oxford Avenue, Eau Claire, WI 54703	18.25

NOTICE OF INTENTION TO CIRCULATE AN ANNEXATION PETITION

NOTICE IS HEREBY GIVEN that, pursuant to Wis. Stat. §§ 66.0217(3)(a) and 66.0217(4), the undersigned intends to circulate a petition for direct annexation by one-half approval of the territory described below to the City of Eau Claire, Eau Claire County, Wisconsin, from the Town of Washington, Eau Claire County, Wisconsin. Circulation of the petition for direct annexation shall commence not less than 10 days nor more than 20 days after the date of publication of this notice.

A scale map depicting the territory proposed to be annexed is attached to this notice. A copy of the scale map may be inspected at the office of the Town Clerk of the Town of Washington, located at 5750 Old Town Hall Road, Eau Claire, Wisconsin 54701, or the office of the City Clerk for the City of Eau Claire, located at 203 S. Farwell Street, Eau Claire, Wisconsin 54701, during regular business hours.

The territory proposed to be annexed is legally described as follows:

LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 4, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 9, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 10, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 8, TOWNSHIP 26 NORTH, RANGE 9 WEST, ALL IN THE TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN. INCLUDING PART OF CERTIFIED SURVEY MAP NUMBER 3570, RECORDED IN VOLUME 20 OF CERTIFIED SURVEY MAPS ON PAGE 141-145 AS DOCUMENT NUMBER 1191808, PART OF OAK RIDGE RECORDED IN VOLUME 9 OF PLATS ON PAGE 18 AS DOCUMENT NUMBER 352050, ALL OF CERTIFIED SURVEY MAP NUMBER 780, RECORDED IN VOLUME 4 OF CERTIFIED SURVEY MAPS, ON PAGE 122-123, AS DOCUMENT NUMBER 610963. THE PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the East Quarter Corner of said Section 4;
Thence S88°42'51"W, 1294.31 feet along the East-West Quarter line of said Section 4 to the Point of Beginning;
Thence continuing along said East-West Quarter line S88°42'51"W, 1945.62 feet to the Northeast Corner of Certified Survey Map Number 1960, recorded in Volume 10 of Certified Survey Maps, on Pages 343-344, Document Number 837346;
Thence S01°14'06"W, 954.15 feet along the West line of said Certified Survey Map Number 1960 and a southerly extension thereof, to the North Corner of Lot 2, Certified Survey Map Number 1037, recorded in Volume 5 of Certified Survey Maps on Pages 274-275, as Document Number 665917, and the southwesterly right-of-way line of South Lowes Creek Road;
Thence S48°24'26"E, 306.50 feet along said right-of-way line;
Thence 394.93 feet along said right-of-way line and the arc of a curve, concave northeasterly, with a chord bearing of S63°15'10"E, a chord length of 390.53 feet, and a radius of 762.10 feet;
Thence S78°05'55"E, 96.46 feet along said right-of-way line;
Thence N88°41'18"E, 1204.62 feet along the southerly right-of-way line of South Lowes Creek Road;
Thence S52°50'23"E, 78.29 feet to the westerly right-of-way line of South Lowes Creek Road;
Thence S14°22'38"E, 657.70 feet along said westerly right-of-way line;
Thence S11°02'38"E, 602.62 feet along said westerly right-of-way line;
Thence S11°00'08"E, 469.77 feet along said westerly right-of-way line;
Thence N78°30'43"E, 392.91 feet;
Thence S11°00'17"E, 402.60 feet;
Thence S78°30'43"W, 392.93 feet to the westerly right-of-way line of South Lowes Creek Road;
Thence S11°00'08"E, 370.61 feet along said right-of-way line, to the northerly right-of-way line of Evergreen Terrace;
Thence S87°08'22"W, 1322.41 feet along said northerly right-of-way line;
Thence S57°32'56"W, 181.55 feet along the northwesterly right-of-way line of Evergreen Terrace;
Thence 143.78 feet along said right-of-way line and the arc of a curve, concave northwesterly, with a chord bearing of S62°13'08"W, a chord length of 143.62 feet, and a radius of 882.00 feet;
Thence S66°53'20"W, 182.49 feet along said right-of-way;
Thence 88.98 feet along said right-of-way and the arc of a curve, concave southeasterly, with a chord bearing of S52°09'14"W, a chord length of 88.01 feet, and a radius of 173.00 feet to a point on the East line of said Southeast Quarter of the Northwest Quarter;
Thence S00°18'57"E, 550.20 feet along said East line, to a point on the easterly extension of the southerly right-of-way line of Rainetta Drive;
Thence S88°24'33"W, 307.21 feet along the southerly right-of-way line of Rainetta drive to the northeast corner of Certified Survey Map 2245, recorded in Volume 12 of Certified Survey Maps, on Page 143 as Document Number 919517;

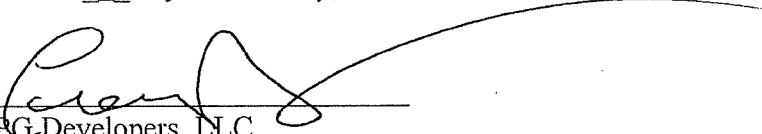
Thence S01°34'32"E, 249.88 feet to the southeast corner of said Certified Survey Map Number 2245;
Thence S83°52'51"W, 252.46 feet along the southerly line of said Certified Survey Map Number 2245;
Thence S88°25'21"W, 726.08 feet to the southwest corner of said Certified Survey Map Number 2245 and the southeast corner of Certified Survey Map Number 999, recorded in Volume 5 of Certified Survey Maps, on Page 204-205 as Document Number 657951;
Thence S88°23'51"W, 683.18 feet to the Southwest corner of Certified Survey Map recorded in Volume 1, on Page 174 and the southeast corner of Wood Crest Highlands 2nd Addition recorded in Volume 11 of Plats, on Page 27 as Document Number 421167;
Thence S88°33'52"W, 633.86 feet to the Southwest Corner of said Wood Crest Highlands 2nd Addition and the West line of the Northwest Quarter of said Section 9;
Thence S00°06'08"W, 290.50 feet to the West Quarter Corner of Section 9;
Thence S00°37'33"W, 1322.67 feet to the southwest corner of said Northwest Quarter of the Southwest Quarter;
Thence S89°29'28"W, 1969.50 feet;
Thence S89°23'23"W, 665.26 feet to the West line of the Southeast Quarter of said Section 8;
Thence S00°56'51"W, 66.08 feet along said West line;
Thence N89°26'19"E, 495.22 feet;
Thence S00°58'53"W, 444.46 feet;
Thence N89°57'54"E, 212.07 feet;
Thence S01°07'29"E, 762.12 feet to the South line of the Southeast Quarter of said Section 8;
Thence S89°04'56"E, 1906.92 feet to the Southwest Corner of said Section 9;
Thence N88°02'22"E, 2642.12 feet to the South Quarter Corner of said Section 9;
Thence N00°18'57"W, 2647.28 feet along the East line of the Southwest Quarter of said Section 9;
Thence N87°57'41"E, 1894.05 feet along the South line of the Northeast Quarter of said Section 9;
Thence N00°53'58"E, 208.00 feet;
Thence N87°57'41"E, 194.52 feet to the westerly right-of-way line of South Lowes Creek Road;
Thence S16°43'11"E, 214.74 feet along said right-of-way line to the South line of said Northeast Quarter;
Thence N87°57'41"E, 379.00 feet to the East Quarter Corner of said Section 9;
Thence S87°23'19"E, 338.60 feet along the South line of the Northwest Quarter of said Section 10 to the easterly right-of-way line of South Lowes Creek;
Thence N53°07'37"W, 64.19 feet along said right-of-way;
Thence 213.17 feet along said right-of-way and the arc of a curve, concave southwesterly, with a chord bearing of N63°53'45"W, a chord length of 212.29 feet, and a radius of 676.62 feet;
Thence N72°55'17"W, 189.80 feet along said right-of-way;
Thence 564.42 feet along said right-of-way and the arc of a curve, concave northeasterly, with a chord bearing of N45°49'10"W, a chord length of 543.61 feet, and a radius of 596.62 feet;

Thence N23°20'44"W, 86.76 feet along said right-of-way;
Thence N16°28'50"W, 47.93 feet along said right-of-way;
Thence N01°34'15"E, 106.62 feet along said right-of-way to a point lying 25 feet, more or less, northeasterly of the thread of an unnamed tributary to Lowes Creek and the beginning of a meander line;
Thence N45°31'11"E, 757.83 feet along said meander line, to a point lying N87°39'09"W, 95 feet, more or less, along the North line of the Southwest Quarter of the Northwest Quarter, said Section 10, from the thread of an unnamed tributary to Lowes Creek and the end of said meander line;
Thence N00°53'58"E, 1314.44 feet along the East line of the Northeast Quarter of said Section 9 to the Northeast Corner of said Section 9;
Thence N01°24'55"E, 1590.65 feet along the East line of the Southeast Quarter of said Section 4 to a point lying 59 feet, more or less, southerly of the northerly ordinary high water mark of Lowes Creek and the beginning of a meander line;
Thence N87°40'04"W, 1004.80 feet along said meander line;
Thence N41°30'35"W, 422.90 feet along said meander line to the West line of the Northeast Quarter of the Southeast Quarter of said Section 4, and a point lying 60 feet, more or less, southerly of the said ordinary high water mark;
Thence N01°23'53"E, 643.35 feet to the Point of Beginning.

Said parcel contains 19,094,359 square feet or 438.34 total acres, more or less, including those lands lying between the property line and meander line.

Current population of such territory is one (1).

Dated this 3 day of February, 2023.



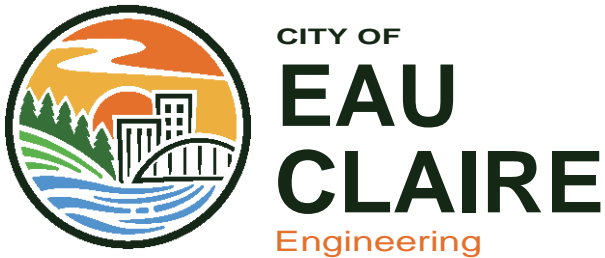
CDPG Developers, LLC

Owner

By: Craig Wurzer, Managing Member

1750 Hallie Road, Suite 1

Chippewa Falls, WI 54729



Phone: (715) 839-4934
Fax: (715) 552-7288
engineering@eauclairewi.gov

March 8, 2023

Municipal Boundary Review
PO Box 1645
Madison, WI 53701

To Whom It May Concern:

Under Wis. Stat. § 66.0217 the Wisconsin Department of Administration is required to conduct an advisory public interest review of the above proposed annexation referenced above within 20 days of receiving the Notice of Intent to Circulate Petition for Annexation. The City of Eau Claire writes to provide additional information to assist the Department of Administration in developing its advisory finding. The proposed annexation is in the public interest, and is consistent with sound regional growth.

The City of Eau Claire and Eau Claire County are growing, and the proposed annexation is needed to support this growth. The Wisconsin Department of Administration reports that Eau Claire County was one of just 7 counties in Wisconsin that grew by over 2,000 residents between the 2020 and 2022 census.¹ This same report found that the City of Eau Claire was the second fastest growing city in Wisconsin among cities with a population over 40,000.² ESRI, a respected private demographics tracking company often used by community planners and economic development site selectors also projects Eau Claire's growth to include 5,000 more residents in 2027 compared to 2010.³

The proposed territory's shape, contiguity, and homogeneity are all consistent with legal standards and other approved annexations. As the Department of Administration pointed out in its May 23, 2022 letter regarding an earlier proposed annexation of this territory, the shape of the proposed annexation is similar to an annexation to the City of Sheboygan that was upheld in *Town of Wilson v. City of Sheboygan*, 2020 WI 16. The proposed annexation territory is also contiguous and homogeneous to the City of Eau Claire.

The City of Eau Claire is well positioned to provide municipal services necessary to support the type of expected growth and development in the annexation territory, and all lands within the annexation are well within the 3-mile Extra-Territorial Jurisdiction of the City of Eau Claire. It is in the public interest for

¹ Eau Claire population growth of 2,309 residents by the DOA Demographic Services Center's 2022 Population Estimates, Exhibit 1.

² Reporting a 1.68% growth rate and an estimated 2022 population of 70,587. Id.

³ 66,638 population reported in 2010 and expected at 70,996 with .41% annual rate of growth between 2010 and 2020. ESRI Executive Summary attached as Exhibit 2.



CITY OF
**EAU
CLAIRE**
Engineering

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the City of Eau Claire to provide water service and sanitary sewer service to the Orchard Hills Annexation area. The City of Eau Claire has a recently upgraded, state of the art, highly rated wastewater treatment plant that has adequate capacity to serve this area as well as projected population growth well into the future and is prepared to extend this service to the expanded service area. The City's wastewater service better supports water quality than either individual or community septic systems. Eau Claire County soil data indicates the subsurface soils in this area are not suitable for septic systems due to both the depth and type of soil. If septic systems are installed, they must be mound sites as the bedrock in this area is very shallow. If the subdivision were to share a community septic system, the collective waste from all the houses would still be entering the substrata only at a larger point source that would be up gradient from Lowes Creek. The composition of the subsoils suggests a large point source could pose a risk of migrating down gradient to Lowes Creek. Containing all wastewater within a municipal system supports more dense development and eliminates the potential for waste water to enter either the ground water or Lowes Creek.

The routes where the City would extend utility trunk lines to the proposed annexation territory are all within the existing Sewer Service Area, there is a pending Sewer Service Amendment application that includes the portions of the proposed annexation territory not already included in the Sewer Service Area, and the construction of utility extensions are well within the length and complexity of standard City utility placement projects.⁴ In recent years they city has had numerous single projects on Short Street, Jeffers Road, Melby Street, and State Street with similar utility construction quantities and the City's entire average utility construction program is much larger than this utility extension.

The City of Eau Claire Fire Department currently provides EMS services to the entire Town of Washington under an agreement between the City and the Town, and is well equipped to provide fire protection services to the proposed annexation territory. The Town of Washington does not provide EMS services.⁵ The travel time for the Eau Claire Fire Department to respond to the proposed annexation area is 5 minutes, compared to 8 minutes for the Town of Washington Fire Department.⁶ The City of Eau Claire recently conducted a successful public safety referendum that will result in 6 additional firefighters being hired to staff the Golf Road fire station (which will serve the proposed annexation territory).

⁴ Sewer Service Area borders in urban planning areas are not static, but subject to both amendment and mandatory periodic review not more than 5 years Wis. Adm. Code NR 121.07(2)(a) ("The department shall reevaluate the approval status of each areawide water quality management plan for designated areas at least every 5 years.") (emphasis added). Eau Claire's Sewer Service Area was last amended in 2007. If statutorily mandated amendments had taken place it is likely the entire proposed annexation territory would already be part of Eau Claire's Sewer Service Area.

⁵ In its May 23, 2022 letter the Department of Administration indicated that "the Town can better provide fire and EMS services because it is currently providing these services...". This comment inaccurately credits the Town of Washington with providing EMS services which it does not provide, and fails to consider actual Fire Department travel times.

⁶ Times based on Mapquest estimates.



CITY OF
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The Eau Claire Police Department is also well equipped to provide services to the proposed annexation territory. The Eau Claire Police Department has approximately 100 sworn police officers, and provides law enforcement coverage 24/7. The Town of Washington does not have a police department, and instead relies on the Eau Claire County Sheriff's Department, which has approximately 44 sworn officers which cover the entire county as well as covering court related responsibilities, and mutual aid for law enforcement services. The proposed annexation area is within a reasonable response area for the Eau Claire Police Department which is housed in the same law enforcement center as the Sheriff's Department.

The Eau Claire Area School District is well positioned to provide services to the proposed annexation territory. In November, ECASD residents approved a [\\$98.6 million referendum](#) for school building and facility improvements. Several schools in the expanded service area are slated for significant improvements and expansions. In particular, a significant expansion is underway for Putnam Heights Elementary for the 2024-25 school year, along with internal expansions and updating at South Middle School. The expanded service area is within both the Putnam Heights and Meadowview elementary boundaries and primarily within the South Middle School boundaries. As shown on [ECASD's School Enrollment Projection report](#) by Applied Population Laboratory (APL) from 2021 and updated ECASD enrollment numbers (see attached), both Meadowview and the expanded Putnam Heights expect to absorb substantial residential growth within their boundaries and maintain capacity in the 85% range now and steadily through the next 5 school years. The expanded service area is capably served by these schools, at every level from K-12, at least as far into the future data projections allow. Additionally, residential growth in the City will be more compact, higher density, and include recommended safe routes to school infrastructure of sidewalks, crosswalks, and bike and pedestrian trails for children and their parents to access school and bus pick up locations and more efficient student transit for the school district.

For all the foregoing reasons the proposed annexation is in the public interest. Please let us know if there is any other information we can provide to assist you in your advisory finding.

Sincerely,

David A. Solberg, PE
Deputy City Manager
Engineering Director & City Engineer

Enclosures



STATE OF WISCONSIN
DEPARTMENT OF ADMINISTRATION

Tony Evers, Governor
Kathy Blumenfeld, Secretary-designee
Dawn Vick, Division Administrator

Demographic Services Center's 2022 Population Estimates:
Wisconsin's Moderate Population Growth Continues

State Population Estimate, 1/1/2022: 5,949,155
Change from Census 2020: 55,437 or 0.94%

The Demographic Services Center develops annual population estimates for each Wisconsin municipality and county. Wisconsin's population estimate continued to grow in calendar year 2021, reaching a total population of 5,949,155 by January 1, 2022.

- In calendar year 2021, Wisconsin added roughly 26,773 housing units, reflecting a healthy rate of housing unit increase (+1.0%).

Table with 1 column: Net Change in Housing Units. Rows: CY 2021: 26,773 or 1.0%; CY 2020: 22,059 or 0.8%

- The estimated average household size continues to ebb slightly, in keeping with a long-term trend, although this decrease may seem modest compared to prior decades' decreases in household sizes. This decrease slightly dampens the estimated population increase.

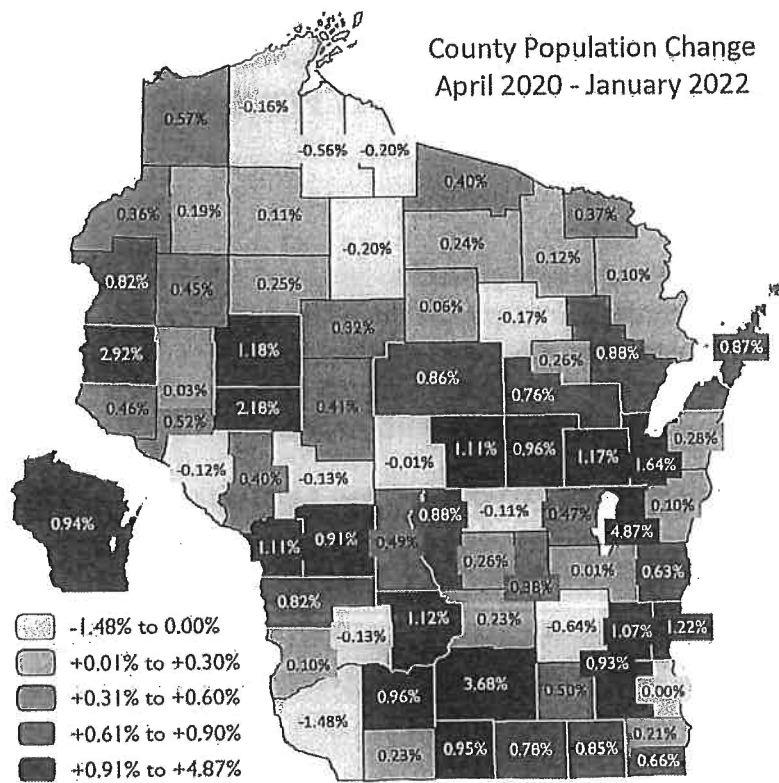
Table with 2 columns: Household Size, Value. Rows: January 2022 Est. (2.353), April 2020 Census (2.365), April 2010 Census (2.429), April 2000 Census (2.498), April 1990 Census (2.611), April 1980 Census (2.770), April 1970 Census (3.224)

County Estimates

- From April 2020 (the reference census) to January 2022, it is estimated that 59 of Wisconsin's 72 counties gained population. Only three counties experienced population loss faster than -0.5% over that period. Losses in two counties were estimated to be so minor - less than one tenth of one percent - that, in estimation terms, their population change was nearly neutral.
Counties estimated to have gained more than 2,000 residents since the 2020 Census are Brown (+ 4,420), Calumet (+ 2,555), Dane (+ 20,661), Eau Claire (+2,309), Outagamie (+2,233), St. Croix (+2,733) and Waukesha (+3,791).
Change rates of 1.5% or more were estimated in the counties of Brown (+1.64%), Calumet (+4.87%), Dane (3.68%), Eau Claire (+2.18%) and St. Croix (+2.92%).

- Counties with estimated population decrease exceeding one-half of one percent are Ashland (-0.56%), Dodge (-0.64%) and Grant (-1.48%). Decreases in Dodge and Grant counties were driven by group quarters population change (not household population change). Ashland County's decrease was fewer than 100 residents.
- Eight of Wisconsin's nine most populous counties gained population since April 2020. In Milwaukee, Racine, and Rock counties, population change was modest.

Most Populous Counties (more than 150,000 residents)				
County Name	Final Estimate Jan 2022	Census Apr 2020	Numeric Change	Percent Change
Brown	273,160	268,740	4,420	1.64%
Dane	582,165	561,504	20,661	3.68%
Kenosha	170,272	169,151	1,121	0.66%
Milwaukee	939,487	939,489	- 2	0.00%
Outagamie	192,938	190,705	2,233	1.17%
Racine	198,138	197,727	411	0.21%
Rock	164,959	163,687	1,272	0.78%
Waukesha	410,769	406,978	3,791	0.93%
Winnebago	172,542	171,730	812	0.47%



Municipal Estimates

- Roughly sixty-five percent of the state's 1,851 municipalities are estimated to have added population from April 1, 2020 to January 1, 2022. Of the 509 municipalities that are estimated to have lost population, 424 have decreased by less than one percent.

Municipalities that	Census 2010 to 1/1/2021
gained population	1,205
had no change	137
lost population	509

- Among municipalities with over 40,000 residents, population change after the 2020 Census was generally modest to moderate. A city could have relatively few sites for cost-effective housing starts, while supporting development in nearby suburban or exurban areas.

Wisconsin's Most Populous Cities (over 40,000 residents)					
Municipality Name	County	Final Est. 2022	Census 2020	Numeric Change	Percent Change
Appleton	Multiple Counties	75,605	75,644	- 39	- 0.05%
Brookfield	Waukesha	41,430	41,464	- 34	- 0.08%
Eau Claire	Multiple Counties	70,587	69,421	1,166	1.68%
Fond du Lac	Fond du Lac	44,470	44,678	- 208	- 0.47%
Green Bay	Brown	107,369	107,395	- 26	- 0.02%
Janesville	Rock	66,206	65,615	591	0.90%
Kenosha	Kenosha	100,051	99,986	65	0.07%
La Crosse	La Crosse	52,160	52,680	- 520	- 0.99%
Madison	Dane	279,012	269,840	9,172	3.40%
Milwaukee ⁵	Multiple Counties	577,309	577,922	- 613	- 0.11%
New Berlin	Waukesha	40,426	40,451	- 25	- 0.06%
Oshkosh	Winnebago	66,929	66,816	113	0.17%
Racine	Racine	77,240	77,816	- 576	- 0.74%
Sheboygan	Sheboygan	50,139	49,929	210	0.42%
Waukesha	Waukesha	71,146	71,158	- 12	- 0.02%
Wausau	Marathon	40,199	39,994	205	0.51%
Wauwatosa	Milwaukee	48,638	48,387	251	0.52%
West Allis	Milwaukee	60,068	60,325	- 257	- 0.43%

Among the state's most populous cities, the City of Madison was estimated to have the fastest proportional change (+3.40%) and the largest numeric change (+9,172).



Executive Summary

Eau Claire City, WI
Eau Claire City, WI (5522300)
Geography: Place

Prepared by Esri

	Eau Claire cl...
Population	
2010 Population	66,638
2020 Population	69,421
2022 Population	70,047
2027 Population	70,996
2010-2020 Annual Rate	0.41%
2020-2022 Annual Rate	0.40%
2022-2027 Annual Rate	0.27%
2022 Male Population	49.1%
2022 Female Population	50.9%
2022 Median Age	33.8

In the identified area, the current year population is 70,047. In 2020, the Census count in the area was 69,421. The rate of change since 2020 was 0.40% annually. The five-year projection for the population in the area is 70,996 representing a change of 0.27% annually from 2022 to 2027. Currently, the population is 49.1% male and 50.9% female.

Median Age

The median age in this area is 33.8, compared to U.S. median age of 38.9.

Race and Ethnicity

2022 White Alone	85.9%
2022 Black Alone	1.5%
2022 American Indian/Alaska Native Alone	0.6%
2022 Asian Alone	5.5%
2022 Pacific Islander Alone	0.1%
2022 Other Race	1.1%
2022 Two or More Races	5.3%
2022 Hispanic Origin (Any Race)	3.3%

Persons of Hispanic origin represent 3.3% of the population in the identified area compared to 19.0% of the U.S. population. Persons of Hispanic Origin may be of any race. The Diversity Index, which measures the probability that two people from the same area will be from different race/ethnic groups, is 30.3 in the identified area, compared to 71.6 for the U.S. as a whole.

Households

2022 Wealth Index	65
2010 Households	27,084
2020 Households	28,864
2022 Households	29,170
2027 Households	29,641
2010-2020 Annual Rate	0.64%
2020-2022 Annual Rate	0.47%
2022-2027 Annual Rate	0.32%
2022 Average Household Size	2.25

The household count in this area has changed from 28,864 in 2020 to 29,170 in the current year, a change of 0.47% annually. The five-year projection of households is 29,641, a change of 0.32% annually from the current year total. Average household size is currently 2.25, compared to 2.25 in the year 2020. The number of families in the current year is 15,041 in the specified area.

Data Note: Income is expressed in current dollars. Housing Affordability Index and Percent of Income for Mortgage calculations are only available for areas with 50 or more owner-occupied housing units.

Source: U.S. Census Bureau. Esri forecasts for 2022 and 2027. Esri converted Census 2010 data into 2020 geography.

October 14, 2022



Executive Summary

Eau Claire City, WI
Eau Claire City, WI (5522300)
Geography: Place

Prepared by Esri

Eau Claire ci...

Mortgage Income

2022 Percent of Income for Mortgage 16.9%

Median Household Income

2022 Median Household Income \$64,160

2027 Median Household Income \$75,283

2022-2027 Annual Rate 3.25%

Average Household Income

2022 Average Household Income \$83,623

2027 Average Household Income \$97,067

2022-2027 Annual Rate 3.03%

Per Capita Income

2022 Per Capita Income \$34,843

2027 Per Capita Income \$40,501

2022-2027 Annual Rate 3.06%

Households by Income

Current median household income is \$64,160 in the area, compared to \$72,414 for all U.S. households. Median household income is projected to be \$75,283 in five years, compared to \$84,445 for all U.S. households

Current average household income is \$83,623 in this area, compared to \$105,029 for all U.S. households. Average household income is projected to be \$97,067 in five years, compared to \$122,155 for all U.S. households

Current per capita income is \$34,843 in the area, compared to the U.S. per capita income of \$40,363. The per capita income is projected to be \$40,501 in five years, compared to \$47,064 for all U.S. households

Housing

2022 Housing Affordability Index 130

2010 Total Housing Units 28,377

2010 Owner Occupied Housing Units 15,323

2010 Renter Occupied Housing Units 11,761

2010 Vacant Housing Units 1,293

2020 Total Housing Units 29,987

2020 Vacant Housing Units 1,123

2022 Total Housing Units 30,468

2022 Owner Occupied Housing Units 17,557

2022 Renter Occupied Housing Units 11,613

2022 Vacant Housing Units 1,298

2027 Total Housing Units 31,082

2027 Owner Occupied Housing Units 18,136

2027 Renter Occupied Housing Units 11,505

2027 Vacant Housing Units 1,441

Currently, 57.6% of the 30,468 housing units in the area are owner occupied; 38.1% renter occupied; and 4.3% are vacant. Currently, in the U.S., 58.2% of the housing units in the area are owner occupied; 31.8% are renter occupied; and 10.0% are vacant. In 2020, there were 29,987 housing units in the area and 3.7% vacant housing units. The annual rate of change in housing units since 2020 is 0.71%. Median home value in the area is \$205,174, compared to a median home value of \$283,272 for the U.S. In five years, median value is projected to change by 4.96% annually to \$261,397.

Data Note: Income is expressed in current dollars. Housing Affordability Index and Percent of Income for Mortgage calculations are only available for areas with 50 or more owner-occupied housing units.
Source: U.S. Census Bureau. Esri forecasts for 2022 and 2027. Esri converted Census 2010 data into 2020 geography.



Executive Summary

Eau Claire County, WI
Eau Claire County, WI (55035)
Geography: County

Prepared by Esri

Eau Claire Co...

Population

2010 Population	98,736
2020 Population	105,710
2022 Population	107,199
2027 Population	109,124
2010-2020 Annual Rate	0.68%
2020-2022 Annual Rate	0.62%
2022-2027 Annual Rate	0.36%
2022 Male Population	49.3%
2022 Female Population	50.7%
2022 Median Age	36.5

In the identified area, the current year population is 107,199. In 2020, the Census count in the area was 105,710. The rate of change since 2020 was 0.62% annually. The five-year projection for the population in the area is 109,124 representing a change of 0.36% annually from 2022 to 2027. Currently, the population is 49.3% male and 50.7% female.

Median Age

The median age in this area is 36.5, compared to U.S. median age of 38.9.

Race and Ethnicity

2022 White Alone	87.9%
2022 Black Alone	1.2%
2022 American Indian/Alaska Native Alone	0.5%
2022 Asian Alone	4.2%
2022 Pacific Islander Alone	0.1%
2022 Other Race	1.1%
2022 Two or More Races	5.0%
2022 Hispanic Origin (Any Race)	3.0%

Persons of Hispanic origin represent 3.0% of the population in the identified area compared to 19.0% of the U.S. population. Persons of Hispanic Origin may be of any race. The Diversity Index, which measures the probability that two people from the same area will be from different race/ethnic groups, is 26.8 in the identified area, compared to 71.6 for the U.S. as a whole.

Households

2022 Wealth Index	77
2010 Households	39,493
2020 Households	42,880
2022 Households	43,546
2027 Households	44,417
2010-2020 Annual Rate	0.83%
2020-2022 Annual Rate	0.69%
2022-2027 Annual Rate	0.40%
2022 Average Household Size	2.35

The household count in this area has changed from 42,880 in 2020 to 43,546 in the current year, a change of 0.69% annually. The five-year projection of households is 44,417, a change of 0.40% annually from the current year total. Average household size is currently 2.35, compared to 2.35 in the year 2020. The number of families in the current year is 25,005 in the specified area.

Data Note: Income is expressed in current dollars. Housing Affordability Index and Percent of Income for Mortgage calculations are only available for areas with 50 or more owner-occupied housing units.
Source: U.S. Census Bureau. Esri forecasts for 2022 and 2027. Esri converted Census 2010 data into 2020 geography.



Executive Summary

Eau Claire County, WI
 Eau Claire County, WI (55035)
 Geography: County

Prepared by Esri

	Eau Claire Co...
Mortgage Income	
2022 Percent of Income for Mortgage	17.4%
Median Household Income	
2022 Median Household Income	\$69,641
2027 Median Household Income	\$81,647
2022-2027 Annual Rate	3.23%
Average Household Income	
2022 Average Household Income	\$89,937
2027 Average Household Income	\$104,537
2022-2027 Annual Rate	3.05%
Per Capita Income	
2022 Per Capita Income	\$36,657
2027 Per Capita Income	\$42,671
2022-2027 Annual Rate	3.08%

Households by Income

Current median household income is \$69,641 in the area, compared to \$72,414 for all U.S. households. Median household income is projected to be \$81,647 in five years, compared to \$84,445 for all U.S. households

Current average household income is \$89,937 in this area, compared to \$105,029 for all U.S. households. Average household income is projected to be \$104,537 in five years, compared to \$122,155 for all U.S. households

Current per capita income is \$36,657 in the area, compared to the U.S. per capita income of \$40,363. The per capita income is projected to be \$42,671 in five years, compared to \$47,064 for all U.S. households

Housing

2022 Housing Affordability Index	121
2010 Total Housing Units	42,151
2010 Owner Occupied Housing Units	25,087
2010 Renter Occupied Housing Units	14,406
2010 Vacant Housing Units	2,658
2020 Total Housing Units	44,966
2020 Vacant Housing Units	2,086
2022 Total Housing Units	45,872
2022 Owner Occupied Housing Units	28,760
2022 Renter Occupied Housing Units	14,786
2022 Vacant Housing Units	2,326
2027 Total Housing Units	46,948
2027 Owner Occupied Housing Units	29,770
2027 Renter Occupied Housing Units	14,647
2027 Vacant Housing Units	2,531

Currently, 62.7% of the 45,872 housing units in the area are owner occupied; 32.2% are renter occupied; and 5.1% are vacant. Currently, in the U.S., 58.2% of the housing units in the area are owner occupied; 31.8% are renter occupied; and 10.0% are vacant. In 2020, there were 44,966 housing units in the area and 4.6% vacant housing units. The annual rate of change in housing units since 2020 is 0.89%. Median home value in the area is \$229,596, compared to a median home value of \$283,272 for the U.S. In five years, median value is projected to change by 5.20% annually to \$295,865.

Data Note: Income is expressed in current dollars. Housing Affordability Index and Percent of Income for Mortgage calculations are only available for areas with 50 or more owner-occupied housing units.
Source: U.S. Census Bureau. Esri forecasts for 2022 and 2027. Esri converted Census 2010 data into 2020 geography.

October 14, 2022

WILLIAM E. WALLO

ATTORNEY

Direct: (715) 231-8024
Facsimile: (815) 927-0411
wwallo@bakkenorman.com

Bakke Norman, S.C.
7 South Dewey Street
Suite 220
Eau Claire, WI 54701

March 9, 2023

VIA EMAIL – wimunicipalboundaryreview@wi.gov

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

**Re: Proposed Annexation to City of Eau Claire
Petition of CDPG Developers LLC, Lavern Stewart, and Todd Hauge**

Dear Mr. Schmidtke:

Please accept this letter on behalf of our client, CDPG Developers LLC (“**CDPG**”) in support of the application for Department of Administration review of the proposed annexation of property from the Town of Washington into the City of Eau Claire that was submitted for review by letter dated February 21, 2023 (the “**Proposed Annexation**”). The original submission included the notice of intent to circulate a petition by one-half that was properly published in the Eau Claire Leader-Telegram on February 17, 2023.¹ Service of the notice was subsequently accomplished upon all affected parties in accordance with Wis. Stat. § 66.2017, and my client forwarded the notice of intent to the Department, along with the required fee, within five (5) days of publication as required by the statute.

Subsequent to that submission, and again in accordance with Wisconsin law, my client circulated the annexation petition to the other owners of property located within the Proposed Annexation on February 28, 2023 (i.e., “not less than ten days” after publication of the notice). The three private owners of property located in the Proposed Annexation all signed the annexation petition, which was thereafter filed with the City of Eau Claire on March 3, 2023.²

These three parties own more than 70% of the land located in the Proposed Annexation. Their land also represents *all* of the assessed value of the real property located in the Proposed Annexation. The remaining land is a park owned by Eau Claire County which has no assessed value and whose operation will be unaffected by the annexation.

¹ A copy of the affidavit of publication is included with this submission.

² Notice of the filing of the petition was provided to the Town of Washington in accordance with state law. A copy of the petition is included with this submission.

This submission is intended to provide additional background and my client's perspective on the propriety of the Proposed Annexation, which should be found to be in the public interest.

Factual Background

For several years, CDPG has worked to create the Orchard Hills development (the "***Orchard Hills Development***") on the south side of Eau Claire. Lavern Stewart is the long-time owner of the property (the "***Stewart Property***") which will serve as the site of the Orchard Hills Development. Prior to 2022, CDPG and Mr. Stewart presented several development proposals to the Town of Washington. While the Town responded favorably, Eau Claire County rejected requests to rezone the property for development purposes even though the area had long been envisioned as part of the probable expansion of the Eau Claire metropolitan area.

In 2022, Mr. Stewart and another neighboring landowner, Todd Hauge, filed a unanimous petition for annexation into the City of Eau Claire (the "***Prior Annexation Petition***"). The Eau Claire City Council approved the Prior Annexation Petition on June 14, 2022. A corresponding annexation ordinance was subsequently adopted and effective June 21, 2022. The Town of Washington filed a lawsuit arguing that the Prior Annexation Petition was invalid because it lacked the signature of Eau Claire County (and was therefore not unanimous). An order invalidating the annexation ordinance (for this reason *only*) was entered by the Eau Claire circuit court on February 14, 2023.³

In the fall of 2022, CDPG exercised its option to purchase the Stewart Property, and closed on Phase I (the first forty acres) on October 21, 2022. CDPG will acquire the balance of the Stewart Property in two additional phases, and will own all of the Stewart Property by 2024. As a result, the petition for the Proposed Annexation now has *three* private owners rather than the original two owners. CDPG submits that the Proposed Annexation and the subsequent development of the Stewart Property within the confines of the City of Eau Claire is (i) consistent with the wishes of *all* private owners within the affected area and (ii) furthers principles of "smart" urban planning. Accordingly, the Department should determine the Proposed Annexation is in the "public interest" within the meaning of § 66.0217.

About the Development Group and Orchard Hills

CDPG consists of four principal members, each of whom has a longstanding connection to Eau Claire and real estate development in some capacity. **Holzinger Homes** is located in Altoona, Wisconsin, and constructs custom homes and related activities such as cabinetry and flooring installation. The owner, Paul Holzinger, was the 2020 president of the Chippewa Valley Home Builders Association. **Chippewa Valley Excavating** is a family-owned business located in Bloomer, Wisconsin, and has been in business for almost twenty years performing excavation, grading, septic installation and maintenance, and trucking services throughout the Chippewa

³ Action on a *new* petition is appropriate *after* a prior annexation ordinance is "declared invalid by a court." *Town of Windsor v. Village of DeForest*, 2003 WI App 114, 265 Wis.2d 591, 666 N.W.2d 31. In that case, the Court of Appeals held that an effort to "repeal" and "correct" a defect in a prior annexation petition while a prior ordinance approving that petition remained in place was "in conflict" with Wisconsin law. *Id.* at ¶ 19. Here, action on the new petition was commenced only *after* the 2022 ordinance was declared invalid by a court, and consideration of the Proposed Annexation therefore *complies* with Wisconsin law.

Valley. **Trend Stone Surfaces** is located in Eau Claire, Wisconsin, and provides high-quality stone products for construction purposes. **C&E Wurzer Builders** is located in Eau Claire, Wisconsin, and has been designing and developing new homes throughout the Chippewa Valley for many years.

Collectively, CDPG is a local group of builders who remain committed to working with the City of Eau Claire and other stakeholders to assure that the Stewart Property is developed in an environmentally-conscious, sustainable manner that furthers the City's vision of "smart" growth and meets a variety of socio-economic and demographic goals. While development plans and platting of the proposed project remain in the early stages, the expectation is that it will feature an overall moderate population density and a mixture of single family, twin home, and multifamily units. The development will incorporate bike trails, walking trails, and appropriate green space. It will also address any traffic safety issues and other related concerns in due course, and will be constructed in a manner that takes advantage of existing topography and avoids impacting any environmentally sensitive areas of the property. The project will be similar to many other existing developments on Eau Claire's south side.

Admittedly, CDPG's development efforts *originally* envisioned keeping the Stewart Property in the Town of Washington. Over the course of two years, strong opposition to the project crystalized around two issues: water quality concerns and traffic safety. After substantial assessment and discussion, the CDPG team realized that annexation of the Stewart Property into the City of Eau Claire would resolve many of these issues while simultaneously advancing the "smart growth" of the Chippewa Valley.

The Proposed Annexation and the Public Interest

Wisconsin courts have long acknowledged that landowner wishes are an important consideration when reviewing annexations, insofar as the right to live in a particular municipal unit is an important right. *Town of Blooming Grove v. City of Madison*, 4 Wis. 2d 447, 453, 90 N.W. 573 (Wis. 1958); *see also Town of Waukesha v. City of Waukesha*, 58 Wis. 2d 525, 533, 206 N.W.2d 585 (Wis. 1973).

The purpose to develop one's land is legitimate, and property owners may seek annexation in pursuit of their own perceived best interests. *See Town of Pleasant Prairie v. City of Kenosha*, 75 Wis. 2d 322, 329, 249 N.W.2d 581 (Wis. 1977) (court found no basis to invalidate annexation where landowners wished to develop their land in ways which "required zoning and municipal services not available in the Town"); *see also Town of Waukesha*, 58 Wis.2d at 530 (petitioners "acted in light of their desires and their best interests as they saw them and their right to do so, statutorily provided, is not to be disregarded").

In this case, *all* of the private landowners within the affected territory, who collectively own more than *seventy percent* of the affected property, believe their property is best developed within the

confines of the City of Eau Claire. The only remaining property is a public park owned by Eau Claire County. Annexation will have no effect on the park or its operations.⁴

Since the proposed annexation is located within a county having a population of 50,000 or more, the annexation statute contemplates the Department will review and determine whether “in its opinion the annexation is in the public interest or against the public interest.” The Department is to advise the clerks of the reasons behind its determination. For purposes of this review, the “public interest” is determined after consideration of the following:

1. Whether the governmental services, including zoning, to be supplied to the territory could clearly be better supplied by the town or by some other village or city whose boundaries are contiguous to the territory proposed for annexation; and
2. The shape of the proposed annexation and the homogeneity of the territory with the annexing village or city and any other contiguous village or city.

See Wis. Stat. § 66.0127(6)(c).

As you are likely aware, the Department previously issued a letter, dated May 23, 2022, in which it expressed the opinion that the Prior Annexation was “against” the public interest. According to the letter, the Department opined that “the shape of the proposed annexation is somewhat irregular.” At the same time, however, the Department acknowledged the shape was “similar” to the annexation recently upheld by the Wisconsin Supreme Court in *Town of Wilson v. City of Sheboygan*, 2020 WI 16, 390 Wis. 2d 266, 938 N.W.2d 493.

As to the provision of governmental services, the letter reflected the Department’s concern that the Town of Washington “appears better able to continue providing services to the annexation territory because the City appears to be in the early planning stages with services to this area.” The specific items noted by the Department were (i) the need for an amendment to the City’s Sewer Service Area (SSA) to fully incorporate the Proposed Annexation and (ii) a concern that the City “may be in the very early stages” of planning for fire protection and EMS services.

The Shape of the Proposed Annexation is Consistent with Wisconsin Law

As to the first concern originally noted by the Department, the Wisconsin Supreme Court has routinely concluded that “[w]here *property owners* initiate direct annexation, we do not think the municipality may be charged with arbitrary action in the drawing of the boundary lines.” *Town of Wilson*, 2020 WI 16 at ¶ 26 (citing *Town of Lyons v. City of Lake Geneva*, 56 Wis.2d 331, 202 N.W.2d 228 (Wis. 1972)) [Emphasis added].

Wisconsin courts do acknowledge there may be *some* circumstances in which the shape of annexed parcel is so *exceptionally irregular* as to create an impermissible “crazy quilt” of municipal boundaries. *Id.* at ¶ 28 [internal citations omitted]. However, this exception “*is limited to the most*

⁴ The only potential change is arguably beneficial – the availability of city services, specifically water and sewer services, may permit the County to connect the park to those services and offer public restroom facilities which are presently not available.

egregious situations, not mere irregularities in shape, or arm-like extensions.” *Id.* at ¶ 29. A simple review of the map of the Proposed Annexation illustrates that it is an “arm-like extension” which was proposed by private landowners who have determined that development of their property is best handled under the auspices of the City of Eau Claire. As such, the Proposed Annexation is *clearly consistent* with the principles laid out in *Town of Wilson* and there is no basis to suggest that the shape of the Proposed Annexation might violate the “rule of reason.”

The City of Eau Claire Remains Best Situated to Provide *Future* Governmental Services

Since the date of the Department’s review of the Prior Annexation Petition, the City has separately submitted an application for a SSA amendment that incorporates all of the territory contained within the Proposed Annexation. The SSA amendment is presently pending before the Wisconsin Department of Natural Resources for review.

The “public interest” review anticipates the Department will assess the respective ability of area municipalities to provide governmental services. The question is whether those services “could *clearly* be better supplied” by the town. *See* Wis. Stat. § 66.0217(6)(c) [Emphasis added]. My client acknowledges that it may be appropriate to consider both the time it may take the City to construct the necessary extensions to provide water and sewer services, as well as the fact those services are not *immediately* available.

However, those facts are *far less relevant* than this essential point: the City remains *best suited* to provide governmental services *over the long term* (i.e., the realistic timeline for development and use of the property by residents). In other words, there is no basis to conclude that the Town is “better supplied” to provide necessary governmental services to future users of the property *as it is developed*. This is especially true when one considers the development from the perspective of “smart growth” and the impact the community’s *overall* growth has on water quality considerations.

The SSA amendment application was initially submitted to the West Central Wisconsin Regional Planning Commission (“*WCWRPC*”) for review. The City’s application to amend the SSA reflects that given the steady growth in the Eau Claire area, modifications to the SSA are both necessary and inevitable. The WCWRPC staff report recommended *approval* of the proposed SSA Amendment.⁵

It should be noted the essential function of urban sewer service areas is to protect and improve regional water quality.⁶ The Federal Clean Water Act contemplates the treatment of sewage through a sanitary wastewater treatment plan in urban or transitional areas. The private land in the Proposed Annexation has long been projected for potential development. CDPG anticipates the DNR’s ultimate determination will focus on the fact that the extension of city services to the

⁵ The regional Metropolitan Policy Council (“*MPO*”), at its meeting on September 28, 2022, essentially ignored the staff report (and its assessment of water quality issues in the area) and instead issued an advisory recommendation *against* the SSA Amendment. The MPO’s *advisory* recommendation was largely based on ancillary concerns that have nothing to do with the nature of SSAs generally or the justifications for this specific amendment. As noted, DNR review of the proposed SSA amendment remains pending.

⁶ *See* 33 U.S.C. § 1251 (identifying national policy for the development of “areawide waste treatment management planning processes”).

Proposed Annexation is the best way to *properly protect* ground and surface waters in the Eau Claire community in conformity with the purposes of the Clean Water Act.

Under Wis. Adm. Code NR 121.07(2)(a), SSAs are subject to mandatory review and potential revision every five years. The purpose of such reviews is to identify areas of new growth, or other new “transitional” areas in a community, and to properly *protect* ground and surface waters. Unfortunately, no DNR review or revision of *this* SSA has occurred for more than *fifteen* years. Both City staff and WCWRPC staff have indicated to the DNR that *had* such a review occurred, they believe the territory in the Proposed Annexation would likely *already be* in a revised SSA.⁷

Instead, the stagnancy of the SSA means it is no longer as responsive to, or reflective of, the evolving demographics and development of the Eau Claire metropolitan area as it needs to be. Eau Claire remains one of the fastest growing areas in Wisconsin. Indeed, the Department of Administration’s own reports reflect that Eau Claire County was one of only seven counties (out of seventy-seven) that grew by more than 2,000 residents in the past *two years* alone. The City of Eau Claire is growing faster than virtually *any other city in the state* except for Madison. That growth requires development, and “smart” urban planning contemplates less sprawl and more concise use of available land.

“Smart growth” covers a range of development and conservation strategies designed to protect health and natural environment and make communities more attractive, economically stronger, and more socially diverse. Strategies for accomplishing this goal include mixed land uses, compact building design, a range of housing opportunities and choices, and walkable neighborhoods.⁸

Eau Claire County zoning requires a *minimum* of two-acre lots with single-family homes and limits the development possibilities for the property located in the Proposed Annexation. In contrast, City zoning would allow the Orchard Hills Development to include a mixture of small single-family homes, two-family homes, townhomes, garden apartments, and small apartment buildings, all designed to encourage “moderately dense development.” See Eau Claire City Code of Ordinances § 18.04.020.

The reality is that *only* annexation permits the Orchard Hills Development to meet the goals of “smart growth” along the southwestern edge of the City of Eau Claire. By pursuit of the SSA amendment, the City has taken steps to assure that appropriate water and sewer services will be available as the property is actually developed. The City has recently upgraded its wastewater treatment plant and is prepared to extend service into this area. Development of the property is inevitable; annexation assures that it will occur in a way that features a concise, “moderately dense” development in close proximity to the rest of the City.

⁷ The proposed amendment area is already bordered by the current SSA on two sides, and a portion of the Orchard Hills Development is already within the current SSA. In addition, the area which is expected to include the entire trunk line or interceptor of the planned sanitary extension is already within the SSA. The practical effect of approval would therefore be to ensure the extension of sewer services for residential lots in the western portion of the proposed subdivision. That area would be slated for development much later in the overall process.

⁸ See “About Smart Growth,” <https://www.epa.gov/smartgrowth/about-smart-growth> (last accessed March 3, 2023).

The other issue raised in the Department's original letter was the provision of fire and EMS services to the Proposed Annexation. It must be noted, however, that the City *currently* provides EMS services to the *entire* Town of Washington under an agreement with the Town. The Town does not provide *any* EMS services. In addition, the City estimates that response times for the Eau Claire Fire Department to the affected territory in the Proposed Annexation are comparable, if not *faster*, than the response times for the Town of Washington Fire Department.⁹ The City also recently conducted a large public safety referendum that will provide additional staffing for this area.

Finally, some objections to the annexation and the Orchard Hills Development have focused on traffic safety concerns. Others have commented on the potential effect a large-scale development might have on area schools. These issues are most appropriately addressed in due course during the development process (as they would in the context of *any* development project). CDPG certainly anticipates working with the City as part of a development agreement to consider the concerns of the Town of Washington or town residents about traffic flow patterns connected with the development.

CDPG also anticipates that to the extent this development, over the course of the years it will take to fully construct, has an impact on the student population of the Eau Claire school system, the school system will respond as it has to past demographic shifts and either change boundary lines or consider additional construction. Those are nothing more than the practical realities facing *all* growing communities. Indeed, this past November the Eau Claire Area School System approved a \$98.6 million referendum for school buildings and facility improvements, and the schools that are most likely to serve the affected area are slated for improvements and expansions in the near future.

Conclusion

The shape of the Proposed Annexation is consistent with existing Wisconsin law. There is no basis to suggest, let alone conclude, that it is anything other than an "arm-like" extension proposed by all of the private landowners in the affected territory. The petitioners have each determined that they would prefer to develop their property under the auspices of the City of Eau Claire to further the "smart" growth of the City's south side. The City is committed to providing governmental services, and is best positioned to do so over the long term. The Proposed Annexation is therefore in the public interest.

⁹ The City projects that its fire department will be able to respond to the affected area in approximately five (5) minutes, as compared to eight (8) minutes for the Town of Washington's fire department.

Wisconsin Department of Administration

March 9, 2023

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Sincerely,

BAKKE NORMAN, S.C.

A handwritten signature in blue ink, appearing to read "W. Wallo", with a stylized flourish extending to the right.

William E. Wallo

WEW

cc: Eau Claire City Attorney
CDPG Developers LLC

AFFIDAVIT NOTICE

Enclosed is the affidavit for a legal advertisement that ended recently. If you have questions, please contact us at legal@ecpc.com

AD DESCRIPTION: notice of Intention to Circulate a Petition

AD #: 105020 CHARGES (including Affidavit): \$ 916.98

THIS IS NOT AN INVOICE: Charges appearing here will be on your end-of-the-month statement. This copy is for your records.

Printers Affidavit of Publication

(State of Wisconsin)

ss.

(County of Eau Claire)

Andrew McCue

, being duly sworn, on oath, says that they are the Legal Notice Representative of the daily newspaper known as **The Leader Telegram** and published at Eau Claire, WI in Eau Claire County and the State of Wisconsin, says that the annexed printed copy of:

Notice of Intent to Circulate Annexation Petition

Which forms part of this affidavit, was published in the said newspaper on the following dates:

February 17, 2023

And further, that the said printed notice so annexed was taken from the said The Leader Telegram, the newspaper in which the same was published.

By: *Andrew McCue*

Title: Legal Notice Representative

Subscribed and sworn to before me on this 17th of February 2023 AD

Notary Public *Patricia J. Jurek*
My term expires on July 7, 2023

FEES:

Total =

NOTICE OF INTENTION TO CIRCULATE AN ANNEXATION PETITION

NOTICE IS HEREBY GIVEN that, pursuant to Wis. Stat. §§ 66.0217(3)(a) and 66.0217(4), the undersigned intends to circulate a petition for direct annexation by one half approval of the territory described below to the City of Eau Claire, Eau Claire County, Wisconsin, from the Town of Washington, Eau Claire County, Wisconsin. Circulation of the petition for direct annexation shall commence not less than 10 days nor more than 20 days after the date of publication of this notice.

A scale map depicting the territory proposed to be annexed is attached to this notice. A copy of the scale map may be inspected at the office of the Town Clerk of the Town of Washington, located at 5750 Old Town Hall Road, Eau Claire, Wisconsin 54701, or the office of the City Clerk for the City of Eau Claire, located at 203 S. Farwell Street, Eau Claire, Wisconsin 54701, during regular business hours.

The territory proposed to be annexed is legally described as follows:

LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 4, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 9, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 10, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 8, TOWNSHIP 26 NORTH, RANGE 9 WEST, ALL IN THE TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN, INCLUDING PART OF CERTIFIED SURVEY MAP NUMBER 3570, RECORDED IN VOLUME 20 OF CERTIFIED SURVEY MAPS ON PAGE 141-145 AS DOCUMENT NUMBER 1919808, PART OF OAK RIDGE RECORDED IN VOLUME 9 OF PLATS ON PAGE 18 AS DOCUMENT NUMBER 352050, ALL OF CERTIFIED SURVEY MAP NUMBER 780, RECORDED IN VOLUME 4 OF CERTIFIED SURVEY MAPS, ON PAGE 122-123 AS DOCUMENT NUMBER 610963. THE PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the East Quarter Corner of said Section 4;
Thence S88°42'51"W, 1294.31 feet along the East-West Quarter line of said Section 4 to the Point of Beginning; Thence continuing along said East-West Quarter line S88°42'51"W, 1945.62 feet to the Northeast Corner of Certified Survey Map Number 1960, recorded in Volume 10 of Certified Survey Maps, on Pages 343-344, Document Number 837346; Thence S0°14'06"W, 994.15

(LdI-Tele, February 17, 2023)

feet along the West line of said Certified Survey Map Number 1960 and a southerly extension thereof, to the North Corner of Lot 2, Certified Survey Map Number 1037, recorded in Volume 5 of Certified Survey Maps on Pages 274-275, as Document Number 665917, and the southwesterly right-of-way line of South Lowes Creek Road; Thence S48°24'26"E, 306.50 feet along said right-of-way line; Thence 394.93 feet along said right-of-way line and the arc of a curve, concave northeasterly, with a chord bearing of S63°15'10"E, a chord length of 390.53 feet, and a radius of 762.10 feet; Thence S78°05'55"E, 96.46 feet along said right-of-way line; Thence N88°41'18"E, 1204.62 feet along the southerly right-of-way line of South Lowes Creek Road; Thence S52°50'23"E, 78.29 feet to the westerly right-of-way line of South Lowes Creek Road; Thence S14°22'38"E, 657.70 feet along said westerly right-of-way line; Thence S11°02'38"E, 602.62 feet along said westerly right-of-way line; Thence S11°00'08"E, 469.77 feet along said westerly right-of-way line; Thence N78°30'43"E, 392.91 feet; Thence S11°00'47"E, 402.60 feet; Thence S78°30'43"W, 392.93 feet to the westerly right-of-way line of South Lowes Creek Road; Thence S11°00'08"E, 370.61 feet along said right-of-way line, to the northerly right-of-way line of Evergreen Terrace; Thence S87°08'22"W, 1322.41 feet along said northerly right-of-way line; Thence S57°32'56"W, 181.55 feet along the northwesterly right-of-way line of Evergreen Terrace; Thence 143.78 feet along said right-of-way line and the arc of a curve, concave northwesterly, with a chord bearing of S82°13'08"W, a chord length of 143.62 feet, and a radius of 882.00 feet; Thence S66°53'20"W, 182.49 feet along said right-of-way; Thence 88.99 feet along said right-of-way and the arc of a curve, concave southeasterly, with a chord bearing of S52°09'14"W, a chord length of 88.01 feet, and a radius of 173.00 feet to a point on the East line of said Southeast Quarter of the Northwest Quarter; Thence S00°18'57"E, 550.20 feet along said East line, to a point on the easterly extension of the southerly right-of-way line of Rainetta Drive; Thence S88°24'33"W, 307.21 feet along the southerly right-of-way line of Rainetta drive to the northeast corner of Certified Survey Map 2245, recorded in Volume 12 of Certified Survey Maps, on Page 143 as Document Number 919517; Thence S0°34'32"E, 249.88 feet to the southeast corner of said Certified Survey Map Number 2245; Thence S83°52'51"W, 252.46 feet along the southerly line of said Certified Survey Map Number 2245; Thence S88°25'21"W, 726.08 feet to the southwest corner of said Certified Survey Map Number 2245 and the southeast corner of Certified Survey Map Number 999, recorded in Volume 5 of Certified Survey Maps, on Page 204-205 as Document Number 657951; Thence S88°23'51"W, 693.18 feet to the Southwest corner of Certified Survey Map recorded in Volume 1, on Page 174 and the southeast corner of Wood Crest Highlands 2nd Addition recorded in Volume 11 of Plats, on Page 27 as Document Number 421467; Thence S88°33'52"W, 633.86 feet to the Southwest Corner of said Wood Crest Highlands 2nd Addition and the West line of the Northwest Quarter of said Section 9; Thence S00°06'08"W, 290.50 feet to the West Quarter Corner of said Northwest Quarter of the Southwest Quarter; Thence S89°29'28"W, 1969.50 feet; Thence S89°23'23"W, 665.26 feet to the West line of the Southeast Quarter of said Section 8; Thence S00°56'51"W, 66.08 feet along said West line; Thence N89°26'19"E, 495.22 feet; Thence S00°58'53"W, 444.46 feet; Thence N89°57'54"E, 212.07 feet; Thence S01°07'29"E, 762.12 feet to the South line of the Southeast Quarter of said Section 8; Thence S89°04'56"E, 1906.92 feet to the Southwest Corner of said Section 9; Thence N88°02'22"E, 2642.12 feet to the South Quarter Corner of said Section 9; Thence N00°18'57"W, 2647.28 feet along the East line of the Southwest Quarter of said Section

9; Thence N87°57'41"E, 1894.05 feet along the South line of the Northeast Quarter of said Section 9; Thence N00°53'58"E, 208.00 feet; Thence N87°57'41"E, 194.52 feet to the westerly right-of-way line of South Lowes Creek Road; Thence S16°43'11"E, 214.74 feet along said right-of-way line to the South line of said Northeast Quarter; Thence N87°57'41"E, 379.00 feet to the East Quarter Corner of said Section 9; Thence S87°23'19"E, 338.60 feet along the South line of the Northwest Quarter of said Section 10 to the easterly right-of-way line of South Lowes Creek; Thence N53°07'37"W, 64.19 feet along said right-of-way; Thence 213.17 feet along said right-of-way and the arc of a curve, concave southwesterly, with a chord bearing of N63°53'45"W, a chord length of 212.29 feet, and a radius of 676.62 feet; Thence N72°55'17"W, 189.80 feet along said right-of-way; Thence 564.42 feet along said right-of-way and the arc of a curve, concave northeasterly, with a chord bearing of N45°49'10"W, a chord length of 543.61 feet, and a radius of 596.62 feet; Thence N23°20'44"W, 86.76 feet along said right-of-way; Thence N16°28'50"W, 47.93 feet along said right-of-way; Thence N01°34'15"E, 106.62 feet along said right-of-way to a point lying 25 feet, more or less, northeasterly of the thread of an unnamed tributary to Lowes Creek and the beginning of a meander line; Thence N45°31'11"E, 757.83 feet along said meander line, to a point lying N87°39'09"W, 95 feet, more or less, along the North line of the Southwest Quarter of the Northwest Quarter, said Section 10, from the thread of an unnamed tributary to Lowes Creek and the end of said meander line; Thence N00°53'58"E, 1314.44 feet along the East line of the Northeast Quarter of said Section 9 to the Northeast Corner of said Section 9; Thence N01°24'55"E, 1590.65 feet along the East line of the Southeast Quarter of said Section 4 to a point lying 59 feet, more or less, southerly of the northerly ordinary high water mark of Lowes Creek and the beginning of a meander line; Thence N87°40'04"W, 1004.80 feet along said meander line; Thence N41°30'35"W, 422.90 feet along said meander line to the West line of the Northeast Quarter of the Southeast Quarter of said Section 4, and a point lying 60 feet, more or less, southerly of the said ordinary high water mark; Thence N01°23'53"E, 643.35 feet to the Point of Beginning.

Said parcel contains 19,094,359 square feet or 438.34 total acres, more or less, including those lands lying between the property line and meander line.

Current population of such territory is one (1).

Dated this 2 day of February, 2023.

Craig Wurzer
CDPG Developers, LLC
Owner
By: Craig Wurzer, Managing Member
1750 Hallie Road, Suite 1
Chippewa Falls, WI 54729

ANNEXATION MAP

LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 4, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 9, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 10, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 8, TOWNSHIP 26 NORTH, RANGE 9 WEST, ALL IN THE TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN, INCLUDING PART OF CERTIFIED SURVEY MAP NUMBER 3570, RECORDED IN VOLUME 20 OF CERTIFIED SURVEY MAPS ON PAGE 141-145 AS DOCUMENT NUMBER 1919808, PART OF OAK RIDGE RECORDED IN VOLUME 9 OF PLATS ON PAGE 18 AS DOCUMENT NUMBER 352050, ALL OF CERTIFIED SURVEY MAP NUMBER 780, RECORDED IN VOLUME 4 OF CERTIFIED SURVEY MAPS, ON PAGE 122-123 AS DOCUMENT NUMBER 610963.



CHORD BEARING	CHORD	ARC	DELTA	TANGENT IN	TANGENT OUT
N 15° 00' 00" E	100.00	1.57	1.57	17.36	17.36
S 75° 00' 00" W	100.00	1.57	1.57	17.36	17.36
N 15° 00' 00" E	100.00	1.57	1.57	17.36	17.36
S 75° 00' 00" W	100.00	1.57	1.57	17.36	17.36
N 15° 00' 00" E	100.00	1.57	1.57	17.36	17.36
S 75° 00' 00" W	100.00	1.57	1.57	17.36	17.36
N 15° 00' 00" E	100.00	1.57	1.57	17.36	17.36
S 75° 00' 00" W	100.00	1.57	1.57	17.36	17.36
N 15° 00' 00" E	100.00	1.57	1.57	17.36	17.36
S 75° 00' 00" W	100.00	1.57	1.57	17.36	17.36

EVERDAM SURVEYING & ENGINEERING
156 WILSON AVENUE - WAUKESHA, WI 54981
PH: (715) 291-0994 • EMAIL: INFO@EVERDAM.COM

WILLIAM E. WALLO
ATTORNEY

Direct: (715) 231-4730
Facsimile: (815) 927-0411
wwallo@bakkenorman.com

Bakke Norman, S.C.
7 South Dewey Street
Suite 220
Eau Claire, WI 54701

VIA E-MAIL & HAND DELIVERY

March 3, 2023

Nicholas Koerner
City Clerk
203 S. Farwell St.
Eau Claire, WI 5470

Re: Petition for Direct Annexation by One-Half Approval

Dear Mr. Koerner:

Our firm represents CDPG Developers, LLC. Attached to this letter is a Petition for Direct Annexation by One-Half Approval pursuant to Wis. Stat. § 66.0217 (the "Annexation Petition"). The Annexation Petition complies with the statutory requirements in that:

1. A notice of intent to circulate a petition was signed by my client, as one of the owners of land located in the affected area, and published as a class 1 notice in the Eau Claire Leader Telegram on February 17, 2023.
2. The notice was served upon all affected parties as required by § 66.0217(4)(b), and a copy of the notice was sent to the Department of Administration in conformity with § 66.0217(6).
3. The Annexation Petition was circulated for signature commencing on February 28, 2023 - i.e., "not less than 10 days" after publication of the notice, as required by § 66.0217(5)(c).
4. The Annexation Petition has been signed by *all* of the private landowners in the affected area. Those landowners represent all of the eligible electors, own more than 70% of the land located in the proposed annexation territory, and represent all of the assessed value of the real property within the territory. The Annexation Petition therefore satisfies the requirements of § 66.0217(3)(a).

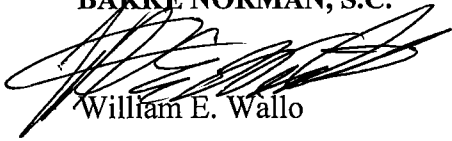
Please file the Annexation Petition and place it on the first available agenda for consideration by the Eau Claire Plan Commission and the Eau Claire City Council. My client anticipates providing additional supplemental information concerning the Annexation Petition to both the Plan Commission and the City Council prior to their respective determinations.

Nicholas Koerner
March 3, 2023
Page 2

If you have any questions or concerns, please advise.

Sincerely,

BAKKE NORMAN, S.C.

A handwritten signature in black ink, appearing to read 'Wallo', written over the printed name.

William E. Wallo

WEW:ke

Enclosure

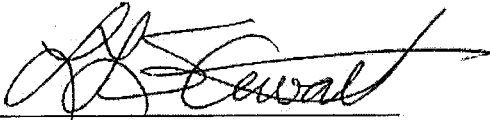
**Petition for Direct Annexation by One-Half Approval
Pursuant to Section 66.0217(3)(a), Wisconsin Statutes**

The undersigned hereby petition the City of Eau Claire, Eau Claire County, Wisconsin, for annexation to the City of Eau Claire of the territory legally described on the attached Exhibit A, which is contiguous to the City of Eau Claire but is currently in the Town of Washington, Eau Claire County, Wisconsin (the "Territory"). The Territory is also shown on the scale map attached hereto as Exhibit B (the "Territory").

This petition is for direct annexation by one-half approval pursuant to Wis. Stat. § 66.0217(3)(a). Those signing this petition constitute the owners of at least one-half of the real property in land area and assessed value lying within the Territory to be annexed. There is one person residing in the Territory, and this resident/elector has also signed this petition below.

The purpose of this annexation is to make City of Eau Claire services available to the Territory for development purposes.

Dated this 3rd day of March, 2023.



LaVerne L. Stewart
5902 Mischler Road
Eau Claire, WI 54701
Owner and Elector

Todd Hauge
5551 S Lowes Creek Road
Eau Claire, WI 54701
Owner

CDPG Developers, LLC
By: Craig Wurzer, Managing Member
1750 Hallie Road, Suite 1
Chippewa Falls, WI 54729
Owner

**Petition for Direct Annexation by One-Half Approval
Pursuant to Section 66.0217(3)(a), Wisconsin Statutes**

The undersigned hereby petition the City of Eau Claire, Eau Claire County, Wisconsin, for annexation to the City of Eau Claire of the territory legally described on the attached Exhibit A, which is contiguous to the City of Eau Claire but is currently in the Town of Washington, Eau Claire County, Wisconsin (the "Territory"). The Territory is also shown on the scale map attached hereto as Exhibit B (the "Territory").

This petition is for direct annexation by one-half approval pursuant to Wis. Stat. § 66.0217(3)(a). Those signing this petition constitute the owners of at least one-half of the real property in land area and assessed value lying within the Territory to be annexed. There is one person residing in the Territory, and this resident/elector has also signed this petition below.

The purpose of this annexation is to make City of Eau Claire services available to the Territory for development purposes.

Dated this 28th day of FEBRUARY, 2023.

LaVerne L. Stewart
5902 Mischler Road
Eau Claire, WI 54701
Owner and Elector

Todd A. Hauge - TODD A. HAUGE
Todd Hauge
5551 S Lowes Creek Road
Eau Claire, WI 54701
Owner

CDPG Developers, LLC
By: Craig Wurzer, Managing Member
1750 Hallie Road, Suite 1
Chippewa Falls, WI 54729
Owner

**Petition for Direct Annexation by One-Half Approval
Pursuant to Section 66.0217(3)(a), Wisconsin Statutes**

The undersigned hereby petition the City of Eau Claire, Eau Claire County, Wisconsin, for annexation to the City of Eau Claire of the territory legally described on the attached Exhibit A, which is contiguous to the City of Eau Claire but is currently in the Town of Washington, Eau Claire County, Wisconsin (the "Territory"). The Territory is also shown on the scale map attached hereto as Exhibit B (the "Territory").

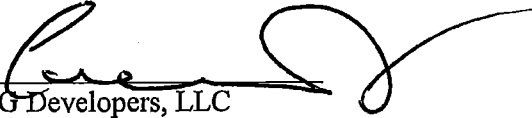
This petition is for direct annexation by one-half approval pursuant to Wis. Stat. § 66.0217(3)(a). Those signing this petition constitute the owners of at least one-half of the real property in land area and assessed value lying within the Territory to be annexed. There is one person residing in the Territory, and this resident/elector has also signed this petition below.

The purpose of this annexation is to make City of Eau Claire services available to the Territory for development purposes.

Dated this 1st day of March, 2023.

LaVerne L. Stewart
5902 Mischler Road
Eau Claire, WI 54701
Owner and Elector

Todd Hauge
5551 S Lowes Creek Road
Eau Claire, WI 54701
Owner



CDPG Developers, LLC
By: Craig Wurzer, Managing Member
1750 Hallie Road, Suite 1
Chippewa Falls, WI 54729
Owner

EXHIBIT A TO ANNEXATION PETITION

LEGAL DESCRIPTION

The Territory is legally described as follows:

LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 4, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 9, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 10, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 8, TOWNSHIP 26 NORTH, RANGE 9 WEST, ALL IN THE TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN. INCLUDING PART OF CERTIFIED SURVEY MAP NUMBER 3570, RECORDED IN VOLUME 20 OF CERTIFIED SURVEY MAPS ON PAGE 141-145 AS DOCUMENT NUMBER 1191808, PART OF OAK RIDGE RECORDED IN VOLUME 9 OF PLATS ON PAGE 18 AS DOCUMENT NUMBER 352050, ALL OF CERTIFIED SURVEY MAP NUMBER 780, RECORDED IN VOLUME 4 OF CERTIFIED SURVEY MAPS, ON PAGE 122-123, AS DOCUMENT NUMBER 610963. THE PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the East Quarter Corner of said Section 4;

Thence S88°42'51"W, 1294.31 feet along the East-West Quarter line of said Section 4 to the Point of Beginning;

Thence continuing along said East-West Quarter line S88°42'51"W, 1945.62 feet to the Northeast Corner of Certified Survey Map Number 1960, recorded in Volume 10 of Certified Survey Maps, on Pages 343-344, Document Number 837346;

Thence S01°14'06"W, 954.15 feet along the West line of said Certified Survey Map Number 1960 and a southerly extension thereof, to the North Corner of Lot 2, Certified Survey Map Number 1037, recorded in Volume 5 of Certified Survey Maps on Pages 274-275, as Document Number 665917, and the southwesterly right-of-way line of South Lowes Creek Road;

Thence S48°24'26"E, 306.50 feet along said right-of-way line;

Thence 394.93 feet along said right-of-way line and the arc of a curve, concave northeasterly, with a chord bearing of S63°15'10"E, a chord length of 390.53 feet, and a radius of 762.10 feet;

Thence S78°05'55"E, 96.46 feet along said right-of-way line;

Thence N88°41'18"E, 1204.62 feet along the southerly right-of-way line of South Lowes Creek Road;
 Thence S52°50'23"E, 78.29 feet to the westerly right-of-way line of South Lowes Creek Road;
 Thence S14°22'38"E, 657.70 feet along said westerly right-of-way line;
 Thence S11°02'38"E, 602.62 feet along said westerly right-of-way line;
 Thence S11°00'08"E, 469.77 feet along said westerly right-of-way line;
 Thence N78°30'43"E, 392.91 feet;
 Thence S11°00'17"E, 402.60 feet;
 Thence S78°30'43"W, 392.93 feet to the westerly right-of-way line of South Lowes Creek Road;
 Thence S11°00'08"E, 370.61 feet along said right-of-way line, to the northerly right-of-way line of Evergreen Terrace;
 Thence S87°08'22"W, 1322.41 feet along said northerly right-of-way line;
 Thence S57°32'56"W, 181.55 feet along the northwesterly right-of-way line of Evergreen Terrace;
 Thence 143.78 feet along said right-of-way line and the arc of a curve, concave northwesterly, with a chord bearing of S62°13'08"W, a chord length of 143.62 feet, and a radius of 882.00 feet;
 Thence S66°53'20"W, 182.49 feet along said right-of-way;
 Thence 88.98 feet along said right-of-way and the arc of a curve, concave southeasterly, with a chord bearing of S52°09'14"W, a chord length of 88.01 feet, and a radius of 173.00 feet to a point on the East line of said Southeast Quarter of the Northwest Quarter;
 Thence S00°18'57"E, 550.20 feet along said East line, to a point on the easterly extension of the southerly right-of-way line of Rainetta Drive;
 Thence S88°24'33"W, 307.21 feet along the southerly right-of-way line of Rainetta drive to the northeast corner of Certified Survey Map 2245, recorded in Volume 12 of Certified Survey Maps, on Page 143 as Document Number 919517;
 Thence S01°34'32"E, 249.88 feet to the southeast corner of said Certified Survey Map Number 2245;
 Thence S83°52'51"W, 252.46 feet along the southerly line of said Certified Survey Map Number 2245;
 Thence S88°25'21"W, 726.08 feet to the southwest corner of said Certified Survey Map Number 2245 and the southeast corner of Certified Survey Map Number 999, recorded in Volume 5 of Certified Survey Maps, on Page 204-205 as Document Number 657951;
 Thence S88°23'51"W, 683.18 feet to the Southwest corner of Certified Survey Map recorded in Volume 1, on Page 174 and the southeast corner of Wood Crest Highlands 2nd Addition recorded in Volume 11 of Plats, on Page 27 as Document Number 421167;
 Thence S88°33'52"W, 633.86 feet to the Southwest Corner of said Wood Crest Highlands 2nd Addition and the West line of the Northwest Quarter of said Section 9;
 Thence S00°06'08"W, 290.50 feet to the West Quarter Corner of Section 9;
 Thence S00°37'33"W, 1322.67 feet to the southwest corner of said Northwest Quarter of the Southwest Quarter;
 Thence S89°29'28"W, 1969.50 feet;
 Thence S89°23'23"W, 665.26 feet to the West line of the Southeast Quarter of said Section 8;
 Thence S00°56'51"W, 66.08 feet along said West line;
 Thence N89°26'19"E, 495.22 feet;
 Thence S00°58'53"W, 444.46 feet;
 Thence N89°57'54"E, 212.07 feet;

Thence S01°07'29"E, 762.12 feet to the South line of the Southeast Quarter of said Section 8;
Thence S89°04'56"E, 1906.92 feet to the Southwest Corner of said Section 9;
Thence N88°02'22"E, 2642.12 feet to the South Quarter Corner of said Section 9;
Thence N00°18'57"W, 2647.28 feet along the East line of the Southwest Quarter of said Section 9;
Thence N87°57'41"E, 1894.05 feet along the South line of the Northeast Quarter of said Section 9;
Thence N00°53'58"E, 208.00 feet;
Thence N87°57'41"E, 194.52 feet to the westerly right-of-way line of South Lowes Creek Road;
Thence S16°43'11"E, 214.74 feet along said right-of-way line to the South line of said Northeast Quarter;
Thence N87°57'41"E, 379.00 feet to the East Quarter Corner of said Section 9;
Thence S87°23'19"E, 338.60 feet along the South line of the Northwest Quarter of said Section 10 to the easterly right-of-way line of South Lowes Creek;
Thence N53°07'37"W, 64.19 feet along said right-of-way;
Thence 213.17 feet along said right-of-way and the arc of a curve, concave southwesterly, with a chord bearing of N63°53'45"W, a chord length of 212.29 feet, and a radius of 676.62 feet;
Thence N72°55'17"W, 189.80 feet along said right-of-way;
Thence 564.42 feet along said right-of-way and the arc of a curve, concave northeasterly, with a chord bearing of N45°49'10"W, a chord length of 543.61 feet, and a radius of 596.62 feet;
Thence N23°20'44"W, 86.76 feet along said right-of-way;
Thence N16°28'50"W, 47.93 feet along said right-of-way;
Thence N01°34'15"E, 106.62 feet along said right-of-way to a point lying 25 feet, more or less, northeasterly of the thread of an unnamed tributary to Lowes Creek and the beginning of a meander line;
Thence N45°31'11"E, 757.83 feet along said meander line, to a point lying N87°39'09"W, 95 feet, more or less, along the North line of the Southwest Quarter of the Northwest Quarter, said Section 10, from the thread of an unnamed tributary to Lowes Creek and the end of said meander line;
Thence N00°53'58"E, 1314.44 feet along the East line of the Northeast Quarter of said Section 9 to the Northeast Corner of said Section 9;
Thence N01°24'55"E, 1590.65 feet along the East line of the Southeast Quarter of said Section 4 to a point lying 59 feet, more or less, southerly of the northerly ordinary high water mark of Lowes Creek and the beginning of a meander line;
Thence N87°40'04"W, 1004.80 feet along said meander line;
Thence N41°30'35"W, 422.90 feet along said meander line to the West line of the Northeast Quarter of the Southeast Quarter of said Section 4, and a point lying 60 feet, more or less, southerly of the said ordinary high water mark;
Thence N01°23'53"E, 643.35 feet to the Point of Beginning.

Said parcel contains 19,094,359 square feet or 438.34 total acres, more or less, including those lands lying between the property line and meander line.

Current population of such territory is one (1).

**EXHIBIT B TO ANNEXATION PETITION
SCALE MAP**

See Attached.

Annexation Review Questionnaire

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645
Madison WI 53701
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview>

Petitioner: **CDPG Developers et al**

Petition Number: **14570**

1. Territory to be annexed: From **TOWN OF WASHINGTON** To **CITY OF EAU CLAIRE**

2. Area (Acres): 438

3. Pick one: Property Tax Payments

OR Boundary Agreement

a. Annual town property tax on territory to be annexed:

\$ _____

a. Title of boundary agreement _____

b. Year adopted _____

b. Total that will be paid to Town

(annual tax multiplied by 5 years): _____

c. Participating jurisdictions _____

c. Paid by: Petitioner City Village

d. Statutory authority (pick one)

Other: _____

s.66.0307 s.66.0225 s.66.0301

4. Resident Population: Electors: 2 Total: 2

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

Residential: 1 % Recreational: 29 % Commercial: _____ % Industrial: _____ %

Undeveloped: 70 %

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

Residential: 70 % Recreational: 29 % Commercial: _____ % Industrial: _____ %

Other: _____ %

Comments: _____

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?

See attached supplement to Annexation Questionnaire

In the town?: Residential

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 See attached supplement to Annexation Questionnaire and DNR Letter WC0014

10. Is the city/village or town capable of providing needed utility services?

City/Village Yes No Town Yes No

If yes, approximate timetable for providing service:	City/Village	Town
<u>Sanitary Sewers</u> immediately	<input type="checkbox"/>	<input type="checkbox"/>
or, write in number of years.	_____	_____
<u>Water Supply</u> immediately	<input type="checkbox"/>	<input type="checkbox"/>
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 & Zoning:

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

b. How is the annexation territory now zoned? County Park, Agricultural and Rural Housing

c. How will the land be zoned and used if annexed? County Park, City Residential

12. Elections: New ward or Existing ward? Will the annexation create a new ward or join an existing ward? For more information, please contact the Wisconsin Election Commission at (608) 266-8005, elections@wi.gov or see their annexation checklist here: <http://elections.wi.gov/forms/el-100>

13. Other relevant information and comments bearing upon the public interest in the annexation:

See attached supplement and DNR Letter WC0014

Prepared by: Town City Village

Name: Aleta Kauffman

Email: kauffman@townofwashington.wi.gov

Phone: 715-834-3257

Date: 3/9/2023

(March 2018)

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

Supplement to Annexation Questionnaire

The Town of Washington is in a better position to provide services to the territory proposed to be annexed by the petitioners, and the territory is not homogenous with the City of Eau Claire. For these reasons, the annexation is not in the public interest.

For background, this is the second attempt to annex this territory. The City previously adopted an annexation ordinance regarding this territory. The Town of Washington successfully challenged that annexation ordinance, and an Eau Claire Circuit Court judge declared the annexation ordinance void. Now the territory includes a new owner and that owner intends to submit an annexation petition for the exact same area.

Territory within the proposed annexed area is not within the City of Eau Claire's sewer service area, and sewer utilities cannot serve the area. In 2022, the City applied to amend its sewer service area to include all of the territory. The West Central Wisconsin Regional Planning Commission ("WCWRPC") recommended denial of that application. Then the Wisconsin Department of Natural Resources ("DNR") rejected the City's request to include the territory in its sewer service area. The DNR, relying on a WCWRPC staff report, determined that portions of the territory may not be suitable for sewered development because they are environmentally sensitive areas. *See* Exhibit A. The DNR also rejected the application because it did not comply with the WCWRPC sewer service area plan requirements. *Id.* Those defects have not been corrected by the City. Thus, a portion of the annexed territory cannot be served by City sewer service.

Additionally, by roadway the proposed annexation is 2.2 miles from the City by the shortest route. Extending sewer and water utilities that great a distance would be extremely costly, and require the City to install utilities under Lowes Creek, a waterway running through a public park. That makes it impractical and not in the public interest to provide utilities to the area.

The great distance between the City boundaries and the proposed annexed territory also means that the Town is in a better position to provide fire protection services to the territory, a service it already provides to its over 7,000 residents.

Moreover, the shape of the annexation is not homogenous with the City. The territory narrows to approximately 400 feet and then greatly expands in two separate areas. The territory would sever a large portion of the Town, isolating it from the larger portion of the Town. Numerous town residents have contacted the Town expressing grave concerns that this annexation will make it exponentially more difficult to deliver Town services to residents bisected by the annexation. The Town shares those concerns, as fire protection, emergency medical services, snowplowing, and road maintenance will become exponentially more difficult to deliver given the odd shape of this proposed annexation.

State of Wisconsin
DEPARTMENT OF NATURAL
RESOURCES
101 S. Webster Street
Box 7921
Madison WI 53707-7921

Tony Evers, Governor
Preston D. Cole, Secretary
Telephone 608-266-2621
Toll Free 1-888-936-7463
TTY Access via relay - 711



November 28, 2022
Mr. Chris Straight, Senior Planner
West Central Wisconsin Regional Planning Commission (WCWRPC)
800 Wisconsin St. Mailbox 9
Eau Claire, WI 54703-3606

DNR No. WC0014

Subject: Amendment Request for Chippewa Falls/Eau Claire Urban Sewer Service Area Plan for 2025

Dear Mr. Straight:

On October 4, 2022, the Wisconsin Department of Natural Resources (WDNR or Department) received a request from the West Central Wisconsin Regional Planning Commission (WCWRPC) to review a proposed sewer service area amendment for the Chippewa Falls/Eau Claire Urban Sewer Service Area Plan for 2025 (SSA Plan) requested by the City of Eau Claire (City).

Description of Amendment Area

The proposed Type 1 Sewer Service Area (SSA) amendment (or “land swap”) would not significantly change the overall acreage of the SSA. It would remove from the current SSA 219.8 acres (the ‘donor’ area) located within Sections 2, 35, and 36, T27N, R10W within the Town of Brunswick, and it would add to the SSA 219.64 acres (the ‘receiving’ area) located within Sections 8 and 9, T26N, R9W within the City of Eau Claire. The receiving area is contiguous with the SSA boundary on two sides, while the donor area is not contiguous with the current SSA boundary.

The proposed receiving area is part of the planned Orchard Hills development, of which 18.6 acres are located within the current SSA. This proposed development is compact with a density of 6.68 units per acre and 1,550 residential units in total.

Local Review & Public Involvement

WCWRPC evaluated the amendment request based on the following five criteria, which are outlined in the SSA Plan (pgs. 103-104):

- Such sewerage service can be provided in a cost-effective manner.
- There will be no significant adverse water quality and/or environmental impacts associated with providing sewer service to the area.
- The proposed amendment is consistent with the policies and goals of [the SSA] plan.
- Existing or planned sewerage systems have sufficient capacity to treat projected flows.
- The areas to be swapped are of the same acreage.

WCWRPC’s staff review concluded that the proposed amendment met all of the above criteria and was consistent with the policies and goals of the SSA Plan, with one exception. Policy 1.1.9 (pg. 83) states that a “[p]roposed plan amendment shall be located within or have a common boundary with the current

sewer service area and *shall not* create a void within the service area” (emphasis added). Even though the proposed donor area is near the SSA boundary (approximately 0.5 miles), its removal would create a void noncontiguous with the SSA boundary. However, to further the SSA Plan’s overall goals, the WCWRPC staff recommended the MPO approve the Type 1 SSA Plan amendment with conditions described in the staff report (Pg. 16-20).

On September 14, 2022, the Technical Advisory Committee (TAC) of the Chippewa-Eau Claire Metropolitan Planning Organization (MPO) held a meeting. Following review of the draft Staff Report the MPO-TAC voted against an advisory motion to approve the amendment application. WCWRPC issued the finalized Staff Report on September 18, 2022, with the addition of a brief amendment dated September 16, 2022, and letters on behalf of the development company and the Town of Washington.

The MPO Policy Council conducted a public hearing regarding this SSA amendment request on September 28, 2022. At the conclusion of the public hearing, the MPO Policy Council acted on a resolution recommending to WDNR that the amendment application be denied.

The Department received written public comments from 15 entities/individuals during the 30-day comment period, extending from September 28, 2022 through October 28, 2022, following the MPO’s advisory decision. Comments were also received on behalf of the Town of Washington, the City of Eau Claire, and the development team. All comments were reviewed and considered by the Department.

Department Review

Step 7 of the SSA plan states that “WDNR will make the final and official determination on all plan amendments based on consideration of public comments, written comments, official action taken by the MPO, standards, policies and procedures of the Sewer Service Area Plan, and NR 121 of the Wisconsin Administrative Code. WDNR will inform the applicant and WCWRPC of its decision on amendment requests within 60 days of the MPO’s decision.”

At this time, the Department has concluded that it cannot make a final determination on the request as submitted for the following reasons:

1. The Chippewa Falls/Eau Claire Urban Sewer Service Area Plan for 2025 clearly states “Those policies that direct action using the words “will” or “shall” are mandatory and regulatory aspects of the Chippewa-Eau Claire Urban Sewer Service Plan” (pg. 82). Policy 1.1.9 reads as follows: “Proposed plan amendments *shall* be located within or have a common boundary with the current sewer service area and *shall not* create a void within the service area” (emphasis added). Removal of the proposed donor area would create a void within the service area, which contradicts Policy 1.1.9. The Department finds the City did not make a sufficient case for allowing an exception to this policy.
2. In addition, WCWRPC recognized in their staff report that portions of the donor area may not be suitable for sewered development, which suggests that this may not be an appropriate area to consider for a Type 1 “land swap” amendment under the 2018 SSA plan.

For the Department to make a final determination on this amendment request, the City would either need to submit an amendment to the application proposing a new donor area that follows the SSA Plan's policies or withdraw its request and resubmit its application.

If the City chooses to amend their request, the amendment should be submitted to WCWRPC for evaluation of the additional information to ensure consistency with the SSA Plan and determine next steps. The WDNR will be glad to meet with the City of Eau Claire and WCWRPC staff to discuss this letter, status of our review, and potential paths forward.

A handwritten signature in black ink, appearing to read "Tim Asplund". The signature is fluid and cursive, written in a professional style.

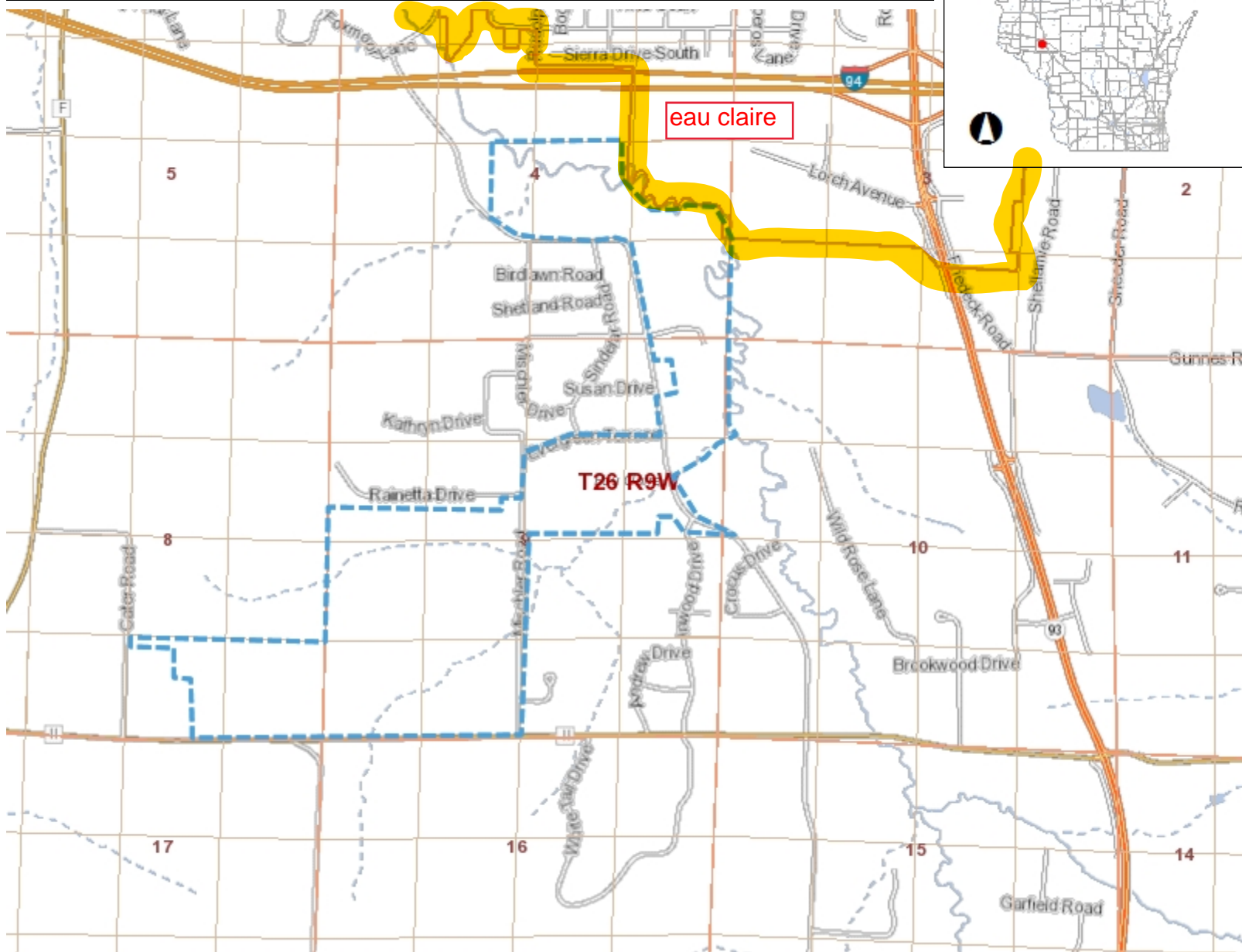
Tim Asplund
Monitoring Section Chief
Bureau of Water Quality

e-cc:

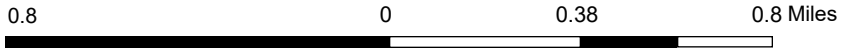
Jason Knutson, P.E. - Wastewater Section Chief
Mark Hazuga – Water Resources Field Supervisor, DNR Eau Claire
Geisa Thielen, P.E. – Wastewater Field Supervisor, DNR Eau Claire
BetsyJo Howe – Water Resources Management Specialist, DNR Madison
Gunilla Goulding, P.E. – Wastewater Engineer, DNR Madison
Alixandra Burke – Staff Attorney, DNR Madison



Surface Water Data Viewer Map



- 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



NAD_1983_HARN_Wisconsin_TM

1: 23,760

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Notes



TONY EVERS

GOVERNOR

KATHY BLUMENFELD

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>

March 21, 2023

PETITION FILE NO. 14570

NICHOLAS KOERNER, CLERK
CITY OF EAU CLAIRE
PO BOX 5148
EAU CLAIRE, WI 54702-5148

JANELLE HENNING, CLERK
TOWN OF WASHINGTON
5750 OLD TOWN HALL ROAD
EAU CLAIRE, WI 54701-8948

Subject: ORCHARD HILLS ANNEXATION

The proposed annexation submitted to our office on March 01, 2023, has been reviewed and found to be against 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.

This petition is a re-submittal of a previous petition - #14502 – which was reviewed by the Department on May 23, 2022 and found to be against the public interest. This petition is for the same territory with two differences; it is now a direct annexation by one-half approval under s. 66.0217(3), Wis. Stats. and the petitioning landowner appears to have changed.

Having the same configuration as the previously reviewed petition, the Department's comments related to shape remain the same. The shape of the proposed annexation is somewhat long and irregular, narrowing in places, and nearly bisects the Town. However, this shape appears to be like an annexation to the City of Sheboygan which was upheld in *Town of Wilson v. City of Sheboygan*, 2020 WI 16.

Regarding services, the City is still not better able to serve the petitioned territory because the City remains at the planning stages with respect to needed sewer and water services. Only a portion of the proposed annexation is located within the City's approved sewer service area, that being the part owned by Eau Claire County and used as parkland. The portion of the annexation proposed for development lies outside of the approved sewer service area. The City is attempting to bring the entire annexation territory within the sewer service area by seeking a change to the sewer service area boundaries. However, to date, the West Central Wisconsin Regional Planning Commission and the Wisconsin DNR appear to have denied this request. The City currently provides EMS service and both the town and the city indicate that they both can provide fire and police protection.

Notes: It appears that the call to South Lowes Creek in line 67 of the metes and bounds description should be to South Lowes Creek **Road**.

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 14570 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=2644>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,



Erich Schmidtke, Municipal Boundary Review

cc: petitioner