

**PETITION FOR DIRECT ANNEXATION**  
**66.0307 WisStats**  
**2017 Cooperative Plan**

To: City Council  
City of Fond du Lac, Wisconsin

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

Legal Description of Territory to be Annexed

See Exhibit A

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

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

1. The total number of residents in the territory proposed to be annexed is 3.
2. Your petitioners constitute the owners of all of the land in area within such territory, and in assessed value.
3. There is 1 dwelling unit(s) on the property being annexed.
4. The area will be located in the 10 Ward of the City upon annexation.

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

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

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

SIGNATURE

DATE

OWNER

ELECTOR

David Kuen  
 NAME Gerhartz Scenic Meadows, LLC  
 David Kuen

4-8-2024

X

\_\_\_\_\_

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY, STATE, ZIP CODE

\_\_\_\_\_  
NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY, STATE, ZIP CODE

\_\_\_\_\_  
NAME

\_\_\_\_\_  
ADDRESS

\_\_\_\_\_  
CITY, STATE, ZIP CODE

kay/annex/petition



548 Prairie Road  
Fond du Lac, WI 54935  
Phone: 920.922.5703  
www.jeaaa.com

Project No. 873.5293

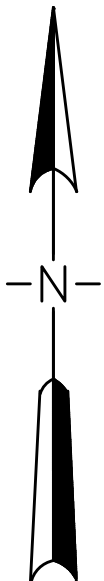
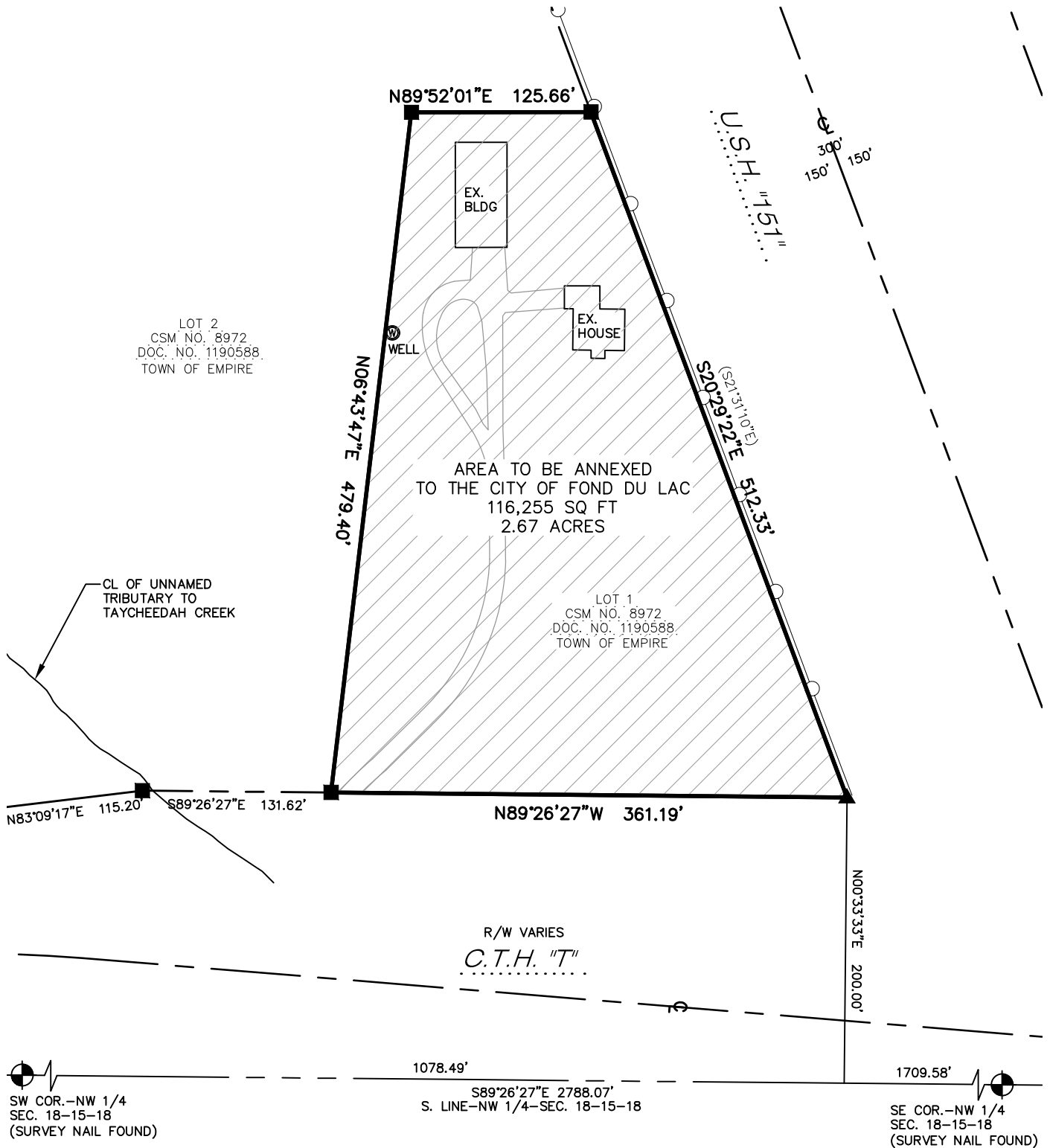
December 8, 2023

AREA TO BE ANNEXED TO THE CITY OF FOND DU LAC  
LOT 1, CSM NO. 8972, BEING PART OF SW 1/4 OF THE NW 1/4  
OF SECTION 18, T. 15 N.-R. 18 E.,  
TOWN OF EMPIRE, FOND DU LAC COUNTY, WISCONSIN

Lot 1, Certified Survey Map No. 8972, recorded as document no. 1190588, Certified Survey Maps, Fond du Lac County Register of Deeds Office, being part of the Southwest 1/4 of the Northwest 1/4 of Section 18, T. 15 N.-R. 18 E., Town of Empire, Fond du Lac County, Wisconsin.

# GERHARTZ SCENIC MEADOWS, LLP

LOT 1, CSM NO. 8972, BEING PART OF THE SW 1/4 OF THE NW 1/4 OF SECTION 18, T. 15 N.-R. 18 E., TOWN OF EMPIRE, FOND DU LAC COUNTY, WISCONSIN



NORTH POINT REFERENCED TO THE N. LINE OF THE NW 1/4 OF SECTION 18-15-18 WHICH BEARS S89°21'32"E PER FOND DU LAC COUNTY COORDINATE SYSTEM.



# Request for Annexation Review

## Submission Info

PetitionerName	Gerhartz Scenic Meadows, LLP
PropertyTown	Town of Empire
Petitioned	City of Fond du lac
TaxParcelNumber	T08-15-18-18-07-006-02; T08-15-18-07-006-01
Cost	950
Receipt Id	WINMBR027526387
Receipt Date	5/17/2024 2:13:01 PM
Submission Id	d3f8e137-933c-447a-b87f-15daeec90d92
Start Date	5/17/2024 2:03:00 PM
User	216.56.52.2
Completed Date	5/17/2024 2:13:02 PM
IP Address	216.56.52.2

## Response Data

### Petitioner Information

**Name:**

Gerhartz Scenic Meadows, LLP

**Phone:**

920-248-1206

**Email:**

dbenson@fdl.wi.gov

**Representative Name:**

David Kuen

**Phone:**

920-948-1206

**Email:**

Section Title: Property Information

Town(s) where property is located:

Town of Empire

Petitioned City or Village:

City of Fond du lac

County where property is located:

Fond du Lac

Check this box if there are multiple counties for this annexation.:

false

List the additional counties involved in the annexation.:

Population of the territory to be annexed:

3

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

2.67

This annexation a road right-of-way only.:

false

Tax parcel numbers(s) of territory to be annexed (if the territory is part or all of an exiting parcel):

T08-15-18-18-07-006-02; T08-15-18-07-006-01

## Required Items

Section Title: The Description

Legal Description of the property being annexed:

[5293 Annexation Description.pdf](#)

Section Title: The Map

Map of the parcel being annexed:

[5293AnnexMap.pdf](#)

Section Title: The Petition

Signed Petition or Notice of Intent to Circulate:

[Signed Petition.pdf](#)

## Fees

Total Fee 1:

950

**Preliminary Fee:**

Initial Filing Fee of (2.67 acres) \$350 + Review Fee \$600 = \$950

**Right-of-way only:**

Right-of-way only - \$600

**Total Fee Due:**

\$950.00

**Review**

I confirm that this information is correct as entered.:

true

## Data Fields

Counties	
AdditionalCounties	false
Pre-Cost	950
SendEmailRepresentative	
Representative Choice	
ReviewFeeExists	1
ReviewFee	600
FilingFee	350
road	false
Quantity	1
Cost	\$950.00
PetitionPurpose	
Filing50000	
FilingNotice	
FilingFiled	
RepresentativeEmail	
RepresentativePhone	920-948-1206
RepresentativeZip	
RepresentativeState	

RepresentativeCity	
RepresentativeAddress2	
RepresentativeAddress1	
RepresentativeName	David Kuen
Representative	
TaxParcelNumber	T08-15-18-18-07-006-02; T08-15-18-07-006-01
Acres	2.67
Population	3
County	Fond du Lac
Petitioned	City of Fond du lac
PropertyTown	Town of Empire
PetitionerEmail	dbenson@fdl.wi.gov
PetitionerPhone	920-248-1206
PetitionerZip	
PetitionerState	
PetitionerCity	
PetitionerAddress2	
PetitionerAddress1	
PetitionerName	Gerhartz Scenic Meadows, LLP
Name	
Address1	
Address2	
City	
State	
Zip	
Phone	
Email	
CompanyName	

## Payment Info

:  
WINMBR027526387

:  
5/17/2024 7:13:01 PM



:  
Unknown

:  
Unknown

:  
Captured

:  


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5/17/2024 7:13:01 PM

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5/17/2024 7:13:01 PM

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**REAL PROPERTY LISTERS ANNEXATION REVIEW**

1. Territory to be annexed: T08-15-18-18-07-006-01 T08-15-18-18-07-006-02	From Town of: Empire	To City/Village of: City of Fond du Lac
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2. Checklist: (Y) Yes; (N) No; (NA) Not applicable; (NC) Not checked

**Location and Position**

- Y (1) Location description by government lot, recorded private claim, ¼ - ¼ section, section, township, range and county
- N (2) Contiguous with existing village/city boundaries
- N (3) Creates an island area in Township (completely surrounded by city)
- Y (4) Creates an island area in City (completely surrounded by town)

**Petition and Map Information**

- Y (1) Identify owner(s) of annexed land
- Y (2) Identify parcel ID numbers included in annexation.
- NA (3) Identify parcel ID numbers being split by annexation
- Y (4) North arrow
- Y (5) Graphic Scale
- Y (6) Streets and Highways shown and identified
- Y (7) Legend
- Y (8) Total area/acreage of annexation

3. Other relevant information and comments:

A portion of the property to be annexed is located with the Empire Sanitary District #3. Per state statute, sanitary districts are not allowed to include City property. The district boundary will have to be altered prior to annexation.

Prepared by:  Lisa Vercauteren   
 Title:  Real Property Lister   
 Phone:  920-929-7021   
 Date:  05/20/2024

Please **RETURN PROMPTLY** to:  
 Municipal Boundary Review  
 PO Box 1645  
 Madison WI 53701  
 (608) 264-6102 **FAX** (608) 264-6104  
[wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)

# 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](mailto:wimunicipalboundaryreview@wi.gov)  
<http://doa.wi.gov/municipalboundaryreview>

Petitioner: **Gerhartz Scenic Meadows LLC**

Petition Number: **14671**

1. Territory to be annexed: From **TOWN OF EMPIRE** To **CITY OF FOND DU LAC**

2. Area (Acres): 2.67

3. Pick one:  Property Tax Payments

OR  Boundary Agreement

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

\$ \_\_\_\_\_

a. Title of boundary agreement Cooperative Plan

b. Year adopted 2017

b. Total that will be paid to Town

(annual tax multiplied by 5 years): \_\_\_\_\_

c. Participating jurisdictions See Attached

d. Statutory authority (pick one)

c. Paid by:  Petitioner  City  Village

s.66.0307  s.66.0225  s.66.0301

Other: \_\_\_\_\_

4. Resident Population: Electors: 3 Total: 3

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

Residential: 100 % Recreational: \_\_\_\_\_ % Commercial: \_\_\_\_\_ % Industrial: \_\_\_\_\_ %

Undeveloped: \_\_\_\_\_ %

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

Residential: \_\_\_\_\_ % Recreational: \_\_\_\_\_ % Commercial: \_\_\_\_\_ % Industrial: \_\_\_\_\_ %

Other: \_\_\_\_\_ %

Comments: Parcel will remain residential.

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

Plat Name: N/A No development

8. What is the **nature of land use adjacent** to this territory in the city or village?

Residential

In the town?: Agricultural

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

Sanitary sewer  Water supply  Storm sewers

Police/Fire protection  EMS  Zoning

Other \_\_\_\_\_

10. Is the city/village or town capable of providing needed utility services? Parcel is located in City's Growth Area  
City/Village  Yes  No Town  Yes  No

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

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

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

11. Planning & 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? Agricultural/Farmland Preservation

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

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](mailto:elections@wi.gov) or see their annexation checklist here: <http://elections.wi.gov/forms/el-100>

Ward 16

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

Prepared by:  Town  City  Village

Name: Dyann Benson

Email: dbenson@fd1.wi.gov

Phone: (920) 322-3440

Date: May 17, 2024

(March 2018)

Please **RETURN PROMPTLY** to:

[wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104



WISCONSIN DEPARTMENT OF  
ADMINISTRATION



SCOTT WALKER  
GOVERNOR  
SCOTT NEITZEL  
SECRETARY

**Municipal Boundary Review**  
PO Box 1645, Madison WI 53701  
Voice (608) 264-6102 Fax (608) 264-6104  
Email: [wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)  
Web: <http://doa.wi.gov/municipalboundaryreview/>

July 27, 2017

John St. Peter, Attorney  
Edgerton, St. Peter, Petak & Rosenfeldt  
10 Forest Avenue, Suite 200  
PO Box 1276  
Fond du Lac, WI 54936-1276

Dyann Benson, Community Development Director  
City of Fond du Lac  
160 South Macy Street  
Fond du Lac, WI 54935

**Re: Cooperative Plan between the City of Fond du Lac and Towns of Byron, Empire, Fond du Lac, Taycheedah, and Friendship**

Dear Dyann and John,

On behalf of the Department of Administration, I am pleased to provide your communities with our approval of your Cooperative Plan.

Congratulations on your success in reaching agreement. Your collaboration establishes a solid foundation for decades of future cooperation between your communities and in your region.

Should you have any questions concerning our approval, or subsequent cooperative plan implementation issues, please do not hesitate to contact Erich Schmidtke at (608) 264-6102.

Sincerely,

Dawn Vick, Administrator  
Division of Intergovernmental Relations

cc: Bob Simon, Town of Byron Chair  
Mary Laudolff, Town of Byron Clerk  
James Pierquet, Town of Empire Chair  
Michael Morgan, Town of Empire Clerk  
Robert Giese, Town of Fond du Lac Chair  
Patti Supple, Town of Fond du Lac Clerk  
Joseph Thome, Town of Taycheedah Chair  
Kris Marcoe, Town of Taycheedah Clerk  
Jeff Meisenburg, Town of Friendship Chair  
Lori Hofmann, Town of Friendship Clerk  
Joseph Moore, City of Fond du Lac Manager  
Margaret Hefter, City of Fond du Lac Clerk  
Eric Fowle, ECWPRC Director

COPY





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](mailto:wimunicipalboundaryreview@wi.gov)

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

June 07, 2024

PETITION FILE NO. 14671

MARGARET HEFTER, CLERK  
CITY OF FOND DU LAC  
PO BOX 150  
FOND DU LAC, WI 54936-0150

SCOTT SCHNETTLER, CLERK  
TOWN OF EMPIRE  
N5829 GRANDVIEW RD.  
FOND DU LAC, WI 54937-9075

Subject: GERHARTZ SCENIC MEADOWS LLC ANNEXATION

The proposed annexation submitted to our office on May 17, 2024, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city..." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the City of Fond du Lac, which is able to provide needed municipal services.

Notes: 1) It appears that road right-of-way located in the Town and to the south of the annexation territory needs to be included as part of the annexation for contiguity with the City to exist; 2) The location of the City's existing municipal boundaries should be shown on the scale map, and 3) Fond du Lac County indicates that a portion of the annexation territory may be located within the Empire Sanitary District #3. The District boundaries may need to be altered prior to the annexation being adopted.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states that 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 14671 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](mailto: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=2745>

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

Sincerely,

A handwritten signature in black ink, appearing to read "Erich Schmidtke". The signature is fluid and cursive, written over a white background.

Erich Schmidtke, Municipal Boundary Review

cc: petitioner