

**PETITION OF ELECTORS AND PROPERTY OWNERS
FOR UNANIMOUS DIRECT ANNEXATION UNDER §66.0217(2), WIS. STATS.**

We, the undersigned, constituting all the owners of the real property in the below described territory in the Town of Oconomowoc, Waukesha County, Wisconsin, lying contiguous to the City of Oconomowoc, respectfully petition the Common Council of the City of Oconomowoc, to annex to the City of Oconomowoc, Waukesha County, Wisconsin, the following territory:

Being a part of the Southwest 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 22 and part of the Northwest 1/4 of the Northwest 1/4 of Section 27, all in Township 8 North, Range 17 East, Town of Oconomowoc, Waukesha County, Wisconsin, described as follows:

Commencing at the northwest corner of the Southwest 1/4 of said Section 22; thence South 89°20'44" East along the north line of said Southwest 1/4, 1316.56 feet to the east line of the West 1/2 of the Southwest 1/4; thence South 00°57'05" East along said east line, 50.02 feet to the Point of Beginning;

Thence continuing South 00°57'05" East along said east line, 2626.28 feet to the south line of said Southwest 1/4; thence South 00°29'18" West along the east line of the West 1/2 of the Northwest 1/4 of said Section 27, 719.19 feet to the right of way line of State Trunk Highway "67" / State Trunk Highway "16"; thence North 77°55'22" West along said right of way line, 759.03 feet; thence North 05°50'24" East along said right of way line, 1233.96 feet to a point of curvature; thence northwesterly 1820.80 feet along the arc of said curve to the left and said right of way line, whose radius is 3424.04 feet and whose chord bears North 09°23'39" West, 1799.43 feet; thence North 49°31'56" East along said right of way, 202.81 feet; thence North 79°20'41" East along said right of way, 305.94 feet to the south right of way line of County Trunk Highway "K"; thence South 89°20'44" East along said south right of way line, 417.97 feet to the Point of Beginning.

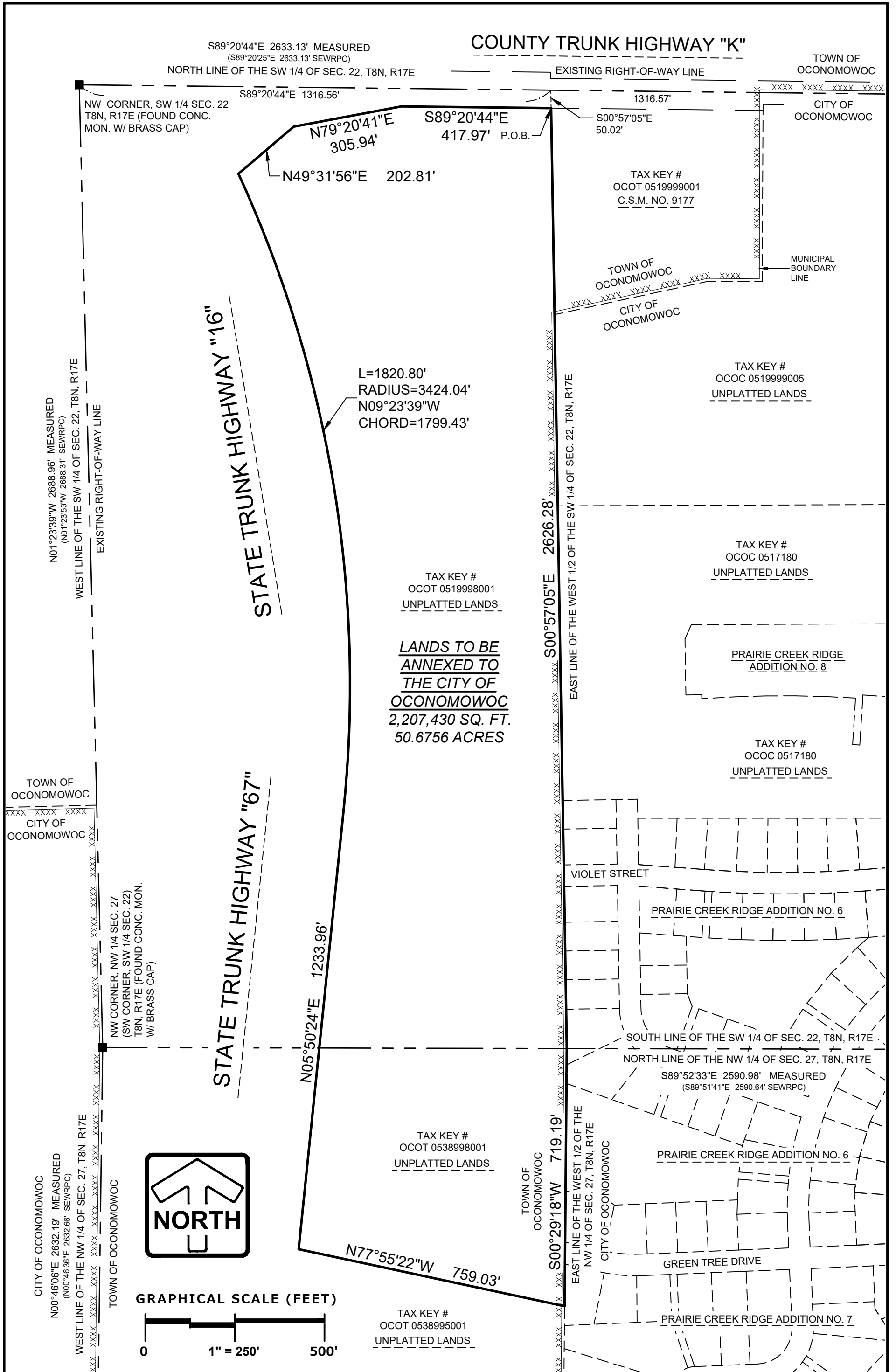
Containing 2,207,430 square feet (50.6756 acres of land)

The territory comprising this legal description is shown on the attached scale map as Exhibit A.

The population of this territory is zero (0).

Signature of Petitioner	Date of Signing	Owner or Elector	Address
CEDAR HOME FARMS, a general partnership By: <u><i>Kenneth R. Rosenow</i></u> Kenneth R. Rosenow, Partner	12-10-27	Owner	N67W36845 County Hwy. K, Oconomowoc, WI 53066

EXHIBIT A



EXHIBIT

LEGAL DESCRIPTION OF LANDS TO BE ANNEXED TO THE CITY OF OCONOMOWOC:

Being a part of the Southwest 1/4 and Northwest 1/4 of the Southwest 1/4 of Section 22 and part of the Northwest 1/4 of the Northwest 1/4 of Section 27, all in Township 8 North, Range 17 East, Town of Oconomowoc, Waukesha County, Wisconsin, described as follows:

Commencing at the northwest corner of the Southwest 1/4 of said Section 22; thence South 89°20'44" East along the north line of said Southwest 1/4, 1316.56 feet to the east line of the West 1/2 of the Southwest 1/4; thence South 00°57'05" East along said east line, 50.02 feet to the Point of Beginning;

Thence continuing South 00°57'05" East along said east line, 2626.28 feet to the south line of said Southwest 1/4; thence South 00°29'18" West along the east line of the West 1/2 of the Northwest 1/4 of said Section 27, 719.19 feet to the right of way line of State Trunk Highway "67" / State Trunk Highway "16"; thence North 77°55'22" West along said right of way line, 759.03 feet; thence North 05°50'24" East along said right of way line, 1233.96 feet to a point of curvature; thence northwesterly 1820.80 feet along the arc of said curve to the left and said right of way line, whose radius is 3424.04 feet and whose chord bears North 09°23'39" West, 1799.43 feet; thence North 49°31'56" East along said right of way, 202.81 feet; thence North 79°20'41" East along said right of way, 305.94 feet to the south right of way line of County Trunk Highway "K"; thence South 89°20'44" East along said south right of way line, 417.97 feet to the Point of Beginning.

Containing 2,207,430 square feet (50.6756 acres of land)

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: Cedar Home Farms

Petition Number: 14722

1. Territory to be annexed: From TOWN OF OCONOMOWOC To CITY OF OCONOMOWOC

2. Area (Acres): 43.54

3. Pick one: Property Tax Payments OR Boundary Agreement

a. Annual town property tax on territory to be annexed: \$ 1,274.14

b. Total that will be paid to Town (annual tax multiplied by 5 years): 6,370.70

c. Paid by: Petitioner City Village Other: _____

a. Title of boundary agreement _____

b. Year adopted _____

c. Participating jurisdictions _____

d. Statutory authority (pick one) s.66.0307 s.66.0225 s.66.0301

4. Resident Population: Electors: 0 Total: _____

5. Approximate present land use of territory:

Residential: 21.5 % Recreational: _____ % Commercial: _____ % Industrial: _____ %

Undeveloped: 78.5 %

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

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

Other: _____ %

Comments: UNKNOWN

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?

Residential & Agricultural

In the town?: Residential & 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 LETTER FROM City of Oconomowoc

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

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? A-T Agricultural Land Transition

c. How will the land be zoned and used if annexed? UNKNOWN

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:

CTH K

ANNEXATION PETITION SHOULD INCLUDE AREA TO CENTERLINE OF ROAD. #16/61 BYPNS
THIS PROPERTY CONTAINS A DUPLEX AND A SINGLE-FAMILY RESIDENCE.
NOT ALL ELECTIONS SIGN TO THE ANNEXATION PETITION.

Prepared by: Town City Village

Please RETURN PROMPTLY to:

Name: JEFFREY HERMANN

wimunicipalboundaryreview@wi.gov

Email: Jhermann@townofconomowoc-wi.gov

Municipal Boundary Review

Phone: 920-474-4449

PO Box 1645, Madison WI 53701

Date: 12/29/2024

Fax: (608) 264-6104

(March 2018)

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: Cedar Home Farms

Petition Number: 14722

1. Territory to be annexed: From TOWN OF OCONOMOWOC To CITY OF OCONOMOWOC

2. Area (Acres): 50.6756

3. Pick one: Property Tax Payments

OR Boundary Agreement

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

\$ 1281.95

a. Title of boundary agreement _____

b. Year adopted _____

b. Total that will be paid to Town (annual tax multiplied by 5 years): \$ 6409.75

c. Participating jurisdictions _____

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: _____ Total: 2 (PER VOTER POLL)

5. Approximate present land use of territory:

Residential: 5% Recreational: _____% Commercial: _____% Industrial: _____%

Undeveloped: 95%

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

Residential: 100% Recreational: _____% 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?

RESIDENTIAL & AGRICULTURE

In the town?: AGRICULTURE

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

Sanitary sewer Water supply Storm sewers

Police/Fire protection EMS Zoning

Other _____

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

City/Village Yes No Town Yes No

If yes, approximate 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 LIFT STATION PREVIOUSLY INSTALLED TO SERVE THIS PROPERTY.

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

c. How will the land be zoned and used if annexed? CONTINUED AGRICULTURAL - RESIDENTIAL FUTURE

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:

Prepared by: Town City Village

Name: JASON GALLO CITY PLANNER / ZONING ADMINISTRATOR

Email: jgallo@oconomowoc-wi.gov

Phone: 262-569-2166

Date: DECEMBER 18, 2024

Please RETURN PROMPTLY to:

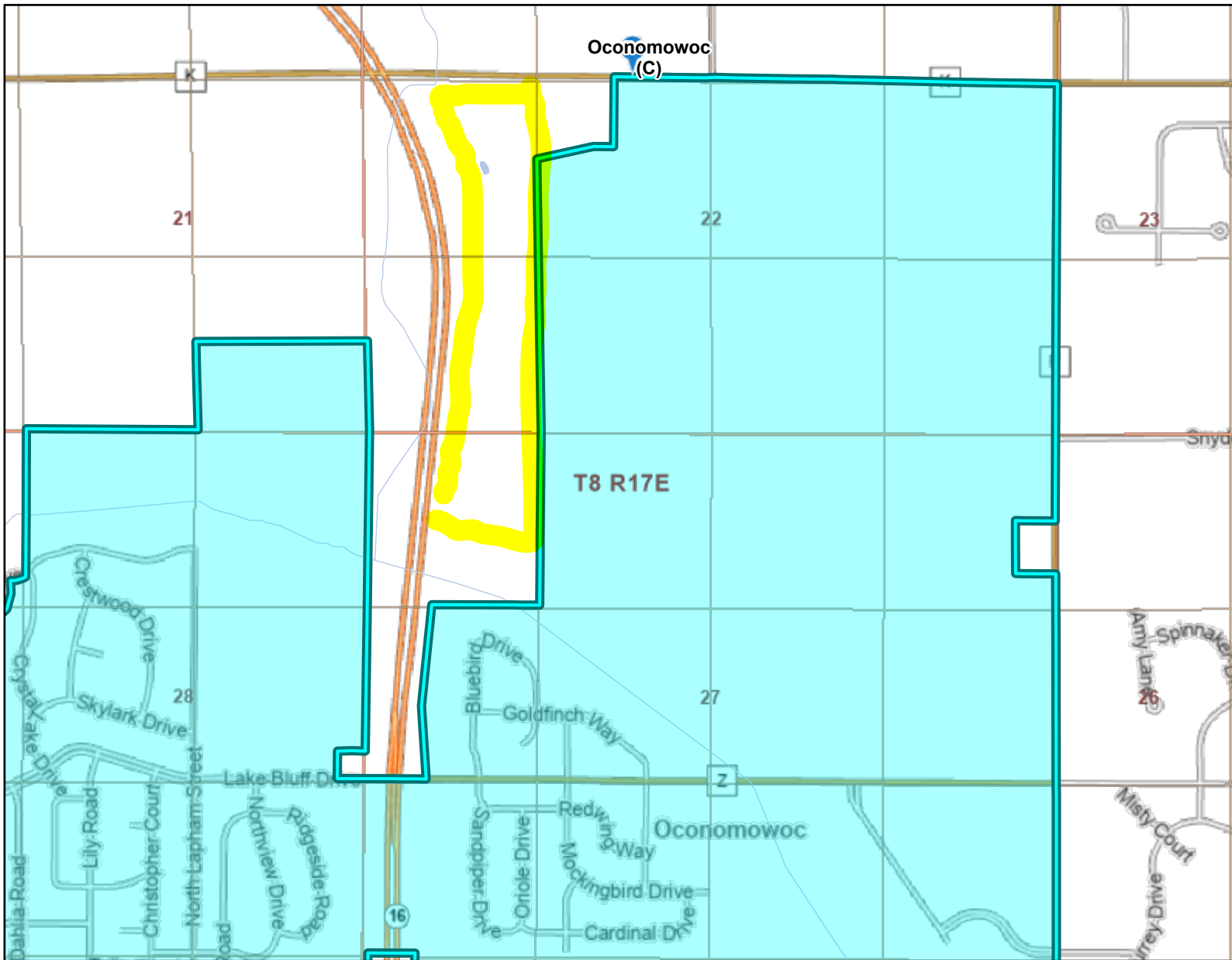
wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

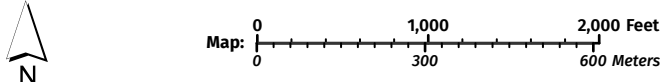
(March 2018)



Legend: (some map layers may not be displayed)

- 24K Lakes and Open Water
- 24K Streams and Rivers
- Township
- Section
- Quarter-Quarter
- Cities, Towns & Villages
- City
- Civil Town
- City or Village
- State Boundaries
- County Boundaries
- Major Roads
- Interstate Highway
- State Highway
- US Highway

Notes:



Service Layer Credits:
EN Basic Basemap WTM Ext., Cadastral:

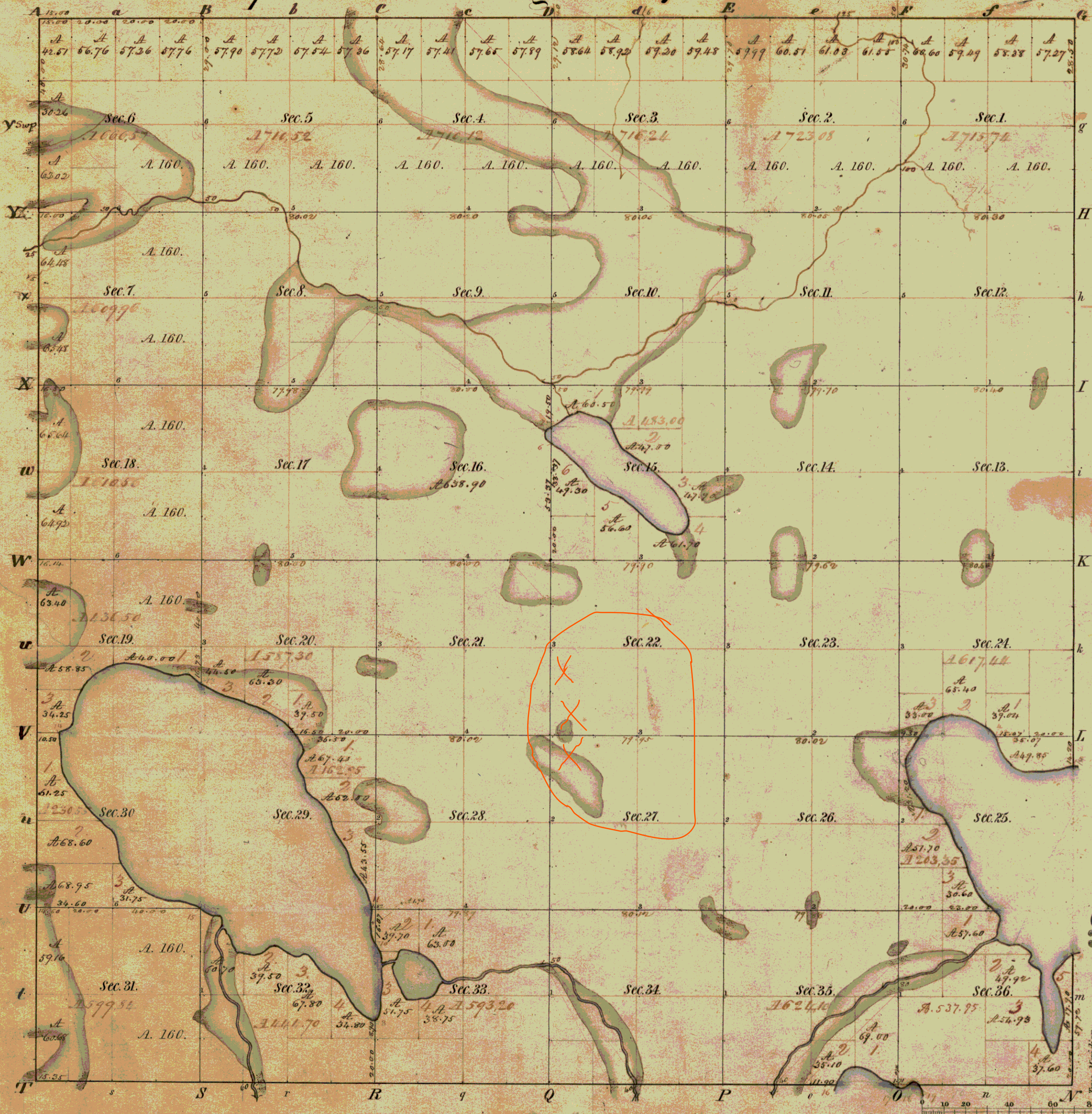
Map projection: NAD 1983 HARN Wisconsin TM

This map is a product generated by a DNR web mapping application.

This map is for informational purposes only and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. The user is solely responsible for verifying the accuracy of information before using for any purpose. By using this product for any purpose user agrees to be bound by all disclaimers found here: <https://dnr.wisconsin.gov/legal>

Date Printed: 1/4/2025 9:26 AM

Township No 8, Range No 17 East 4th Mer. Wis. Ter.



Total number of Acres 21,222.57

Surveys Designated	By Whom Surveyed	Date of Contract	Amount of Surveys	When Surveyed	When p ^d for and ch ^d in the Sur. Gen. ac ^t
Township lines	Mullett & Runk	17. Aug. 1835	M. Ch. Lks.	1 st of 1836	2 ^d of 1836
Subdivisions	James H. Mullett	13. April 1836	70. 66. 57	4 th of 1836	1 st of 1837

The above Map of Township No 8 of Range No 17 E of the 4th Principal Meridian Wisconsin Terr. is strictly conformable to the field notes of the survey thereof on file in this Office, which have been examined and approved.

Surveyor General's Office,
Cincinnati, Oct. 1st 1836

Robt. S. Lytle Sur. Gen.

Meanders of Lakes			
Posts	Courses	Ch. Lk.	Posts
Lake in Section 17	N 78 E 1.50	156.6	23.00
	S 80 E 5.00	144.6	17.00
	S 79 E 3.00	172.6	2.00
	N 41 E 1.50	157.6	7.50
	N 25 E 9.00	124.7	18.00
	N 12 E 4.50	119.7	20.00
	S 57 E 6.00	153.7	14.50
	S 89 E 9.00	124.7	13.00
	N 71 E 10.00	172.7	18.00
Lake in Section 16	S 61 E 5.00	150.7	14.00
	S 52 E 5.00	159.7	2.50
	S 88 E 4.00	144.7	4.00
	S 83 E 2.50	151.6	3.80
	N 61 W 5.00	131.6	5.50
	N 43 W 9.00	163.6	10.50
	N 30 W 8.60	130.6	3.50
	N 59 W 11.50	139.6	10.50
	N 70 W 12.00	153.6	9.10
	N 80 W 9.00	118.6	16.50
	N 33 W 9.80	112.6	10.50
	N 34 W 15.50	124.6	2.00
	N 14 E 10.00	123.7	3.50
	N 70 E 8.00	126.7	3.00
	N 60 E 14.00	111.7	8.80
	N 17 E 8.50	117.7	7.60
	N 27 E 11.00	123.7	14.00
	N 35 E 9.50	132.7	7.50
	N 29 E 9.50	122.7	9.50
	N 15 E 11.80	122.7	7.00
	N 44 E 4.00	115.7	8.50
	N 26 E 1.50	130.7	8.50
	N 27 W 2.00	155.7	5.00
	N 13 W 1.50	120.7	5.50
	N 19 E 1.00	132.7	7.00
	N 27 W 1.50	136.6	8.50
	N 18 E 2.00	133.7	7.60
	N 36 E 2.00	153.7	9.60
	N 41 E 2.00	163.7	9.50
	N 15 E 5.00	172.7	9.50
	N 86 E 4.00	166.7	9.50
	N 50 E 4.00	156.7	16.60
	N 37 W 3.50	133.7	8.60
	N 24 E 7.50	184.7	8.00
	N 77 W 7.50	168.7	11.50
	N 77 E 12.00	175.7	12.90
	South 11.50	165.7	17.00
	N 32 E 13.00	125.7	22.00
	N 117 E 17.50	11.7	5.00
	N 11 W 11.50	162.7	5.20
	N 26 W 11.50		
	N 40 E 12.30	Lake in Sec. 20	
	N 25 E 9.50		
	N 57 E 11.00		
	N 45 E 10.50		
	N 21 E 7.50		
	N 35 W 8.00		
	N 10 E 4.00		
	N 26 W 13.50		
	N 47 E 3.00		
	N 9 E 4.00		
	N 30 E 7.50		
	N 35 E 22.00		
	N 47 E 10.00		
	N 14 E 10.00		
	N 35 E 9.50		
	N 50 E 12.00		
	N 27 E 15.00		
	N 66 E 8.80		
	N 56 E 2.50		

153] 53-4



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>

January 6, 2025

PETITION FILE NO. 14722

GINA KOZLIK, CLERK
CITY OF OCONOMOWOC
PO BOX 27
OCONOMOWOC, WI 53066-0027

LORI OPITZ, CLERK
TOWN OF OCONOMOWOC
W359 N6812 BROWN ST
OCONOMOWOC, WI 53066-1108

Subject: CEDAR HOME FARMS ANNEXATION

The proposed annexation submitted to our office on December 11, 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 Oconomowoc, which is able to provide needed municipal services.

Notes:

- 1) Please verify that the 759.03' course of the legal description is along the S.T.H. 67 right of way and revise the description if needed. The map shows the adjoiner as a tax parcel, unplatted lands.
- 2) The petition and submittal information indicates that the population of the proposed annexation territory is 0. However, the City's completed questionnaire indicates that the population may in fact be 2 persons based on voting records. The Town also contends that population may not be 0 and that additional persons may need to sign the petition for it to be unanimous.
- 3) The Department is aware of a pending intergovernmental cooperation agreement between the Town of Oconomowoc, Town of Oconomowoc Utility District No. 1, and the Village of Lac La Belle that includes boundary change provisions permitted under Wis. Stat. § 66.301(6). At the time this petition was filed with the Department, the pending intergovernmental agreement has not yet impacted the Town's status as unincorporated territory. While the common law doctrine in this area of the law referred to as the Rule of Prior Precedent may at some point sort out these potential boundary conflicts, the Department is required by Wis. Stat. § 66.0217(6) to review and apply the statutory standards to petitions proposed within populous counties, such as Waukesha, and determine if the petition is found to be "in the public interest" or "against the public interest" based on the specific definition contained in Wis. Stat. § 66.0217(6)(c).
- 4) The Town asks the Department to apply the Rule of Reason test to this annexation to determine whether the City of Oconomowoc abused its discretion in soliciting this annexation. However, the Rule of Reason is a creation and test applied by Wisconsin Courts over many years of caselaw. It is not a test found within the Department's statutory review criteria in § 66.0217(6), Wis. Stats. Therefore, the Department declines to apply the Rule of Reason test.

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 14722 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=2796>
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, with a prominent initial "E".

Erich Schmidtke, Municipal Boundary Review

cc: petitioner