

**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 Oconomowoc, Waukesha County, Wisconsin, the following territory:

Lot 2 in Certified Survey Map No. 3282, recorded May 17, 1978 in Volume 24 of CSMs, Page 31 as Document No. No. 1047532, located in the Northeast 1/4 of Section 27, Township 8 North, Range 17 East, in the Town of Oconomowoc, Waukesha County, Wisconsin.

Permanent Index Number: OCOT0537999001  
Common Address: W360N6255 BROWN ST, Oconomowoc, WI 53066

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

The population of this territory is 6.

Signature of Petitioner	Date of Signing	Owner or Elector	Address
 SIGNATURE  Kyle Driscoll PRINTED	12/11/2024	Owner	1527 Creekview Court Oconomowoc, WI 53066
 SIGNATURE  Cameron Krahn PRINTED	12/11/2024	Owner	1357 Bluestem Trl Oconomowoc, WI 53066

**3. THE LAND IS DESCRIBED AS  
FOLLOWS**  
*(the legal description)*

Lot 2 in Certified Survey Map No. 3282, recorded May 17, 1978 in Volume 24 of CSMs, Page 331 as Document No. No. 1047532, located in the Northeast 1/4 of Section 27, Township 8 North, Range 17 East, in the Town of Oconomowoc, Waukesha County, Wisconsin.

*For informational purposes only:*

*Property Address: W360N6255 Brown St, Oconomowoc, WI 53066*

*Tax Key Number: OCOT 0537-999-001*

**SURVEYOR'S CERTIFICATE**

I, Robert P. Smith, Registered Land Surveyor, do hereby certify that I have surveyed, divided and mapped a parcel of land in the North 1/2 of the Northeast 1/4 of Section 27, Town 8 North, Range 17 East, Town of Oconomowoc, Waukesha County, Wisconsin, bounded and described as follows, to-wit: Starting at the Northeast corner of said Section 27; thence South and along the East line of said Section, 649 feet to the place of beginning of the land hereinafter described; thence South and along said East line 400 feet; thence North 89° 20' West parallel with the North line of said Section 300 feet; thence North 400 feet; thence South 89° 20' East parallel with said North line 300 feet to the place of beginning. Contains 3.673 Acres.

I further certify that I have made such survey, land division and map by the direction of Elwin H. Auchtung, owner of the land. That I have fully complied with the provisions of Chapter 236 of the Wisconsin Statutes and subdivision regulations of the Town of Oconomowoc and Waukesha County in surveying, dividing and mapping the same.

DATE: May 8, 1978

*Robert P. Smith*

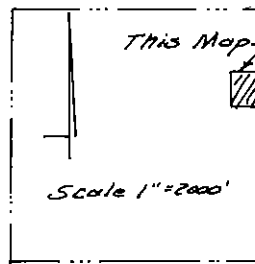
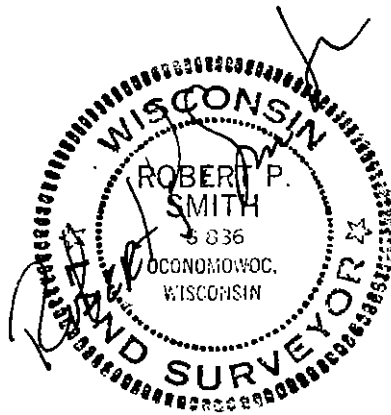
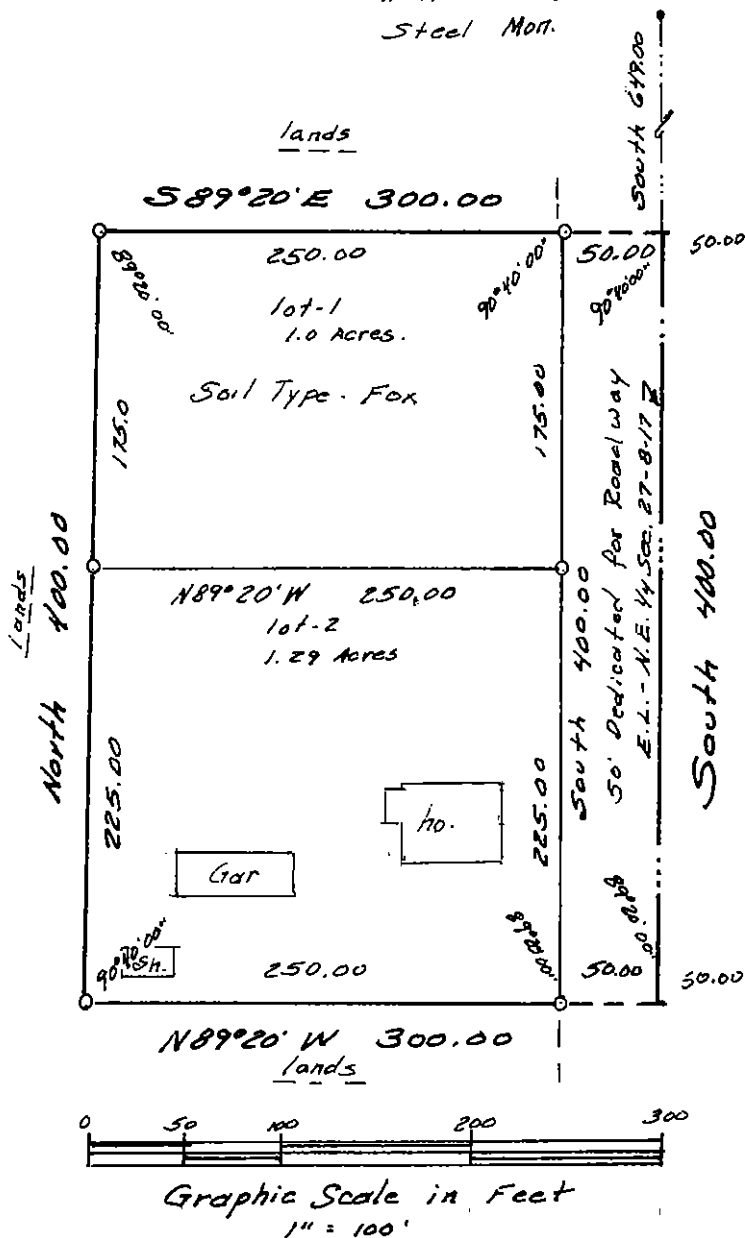
OWNER and SUBDIVIDER:  
 Elwin H. Auchtung  
 6255 Brown Street  
 Oconomowoc, Wisconsin 53066

Robert P. Smith  
 Registered Land Surveyor  
 S-886  
 5751 Lake Drive  
 Oconomowoc, Wisconsin 53066

NOTE: Bearings assumed, referred to the

o = Denotes 1" x 24" Iron Pipe - Set

*Northeast Corner Sec-27-8-17  
 Steel Mon.*



C.T.H. 'Z'  
 N.E. 1/4 Sec. 27-8-17

123

CERTIFIED SURVEY MAP

OWNER'S CERTIFICATE OF DEDICATION

As owner of the lands described in the foregoing certificate of Robert P. Smith, Surveyor, I do hereby certify that I have caused the said lands to be surveyed, divided, mapped and dedicated as represented on the map of said survey in accordance with the provisions of Chapter 236 of the Wisconsin Statutes.

WITNESS the hand and seal of said owners this 17 day of May, 1978.

IN PRESENCE OF:

\_\_\_\_\_  
\_\_\_\_\_  
Elmer Buchtung  
Ruth Buchtung

STATE OF WISCONSIN  
COUNTY OF Waukesha SS

Personally came before me this 17<sup>th</sup> of May, 1978, the above named Elmer and Ruth Buchtung, owners of the land, to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Carol M. Sorenson  
NOTARY PUBLIC  
Waukesha County, Wisconsin  
My commission expires/is 12/28/80

PLANNING COMMISSION APPROVAL

Approved by the Planning Commission of the Town of Oconomowoc this 15 day of May, 1978.

H. Asher Moore  
Secretary Planning Commission

TOWN BOARD APPROVAL

Approved by the Town Board of the Town of Oconomowoc this 15<sup>th</sup> day of May, 1978.

LeRoy Jensen  
Town Chairman

WAUKESHA COUNTY PARK AND PLANNING COMMISSION

Approved by the Park and Planning Commission of Waukesha County this \_\_\_ day of \_\_\_\_\_, 197\_\_.

\_\_\_\_\_  
Director of Waukesha County Park and Planning Commission

REGISTER'S OFFICE ) 1047532

Waukesha Co. Wis. ) No. ....

RECEIVED FOR RECORD THE 17<sup>th</sup> DAY

May 1978 AT 10:34

O'CLOCK P.M. & RECORDED IN Vol 24

OF Page 331 & 332

Michael J. ...  
REGISTER



# 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: **Driscoll 2**

Petition Number: **14724**

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

2. Area (Acres): **1.2912**

3. Pick one:  Property Tax Payments

OR

Boundary Agreement

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

\$ **778.08**

a. Title of boundary agreement \_\_\_\_\_

b. Year adopted \_\_\_\_\_

b. Total that will be paid to Town

(annual tax multiplied by 5 years): **\$3890.40**

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: **6**

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: **100** % Industrial: \_\_\_\_\_ %

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

Comments: **TO BE COMBINED WITH ADJACENT PROPERTY**

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?

**FUTURE COMMERCIAL - CURRENTLY VACANT**

In the town?: **RESIDENTIAL - ACROSS STREET**

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

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? RESIDENTIAL

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

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>

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

(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



# Annexation Review Questionnaire

Wisconsin Department of Administration

WI Dept. of Administration  
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1. Territory to be annexed: From **TOWN OF OCONOMOWOC** To **CITY OF OCONOMOWOC**

2. Area (Acres): 1.29

3. Pick one:  Property Tax Payments

OR  Boundary Agreement

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

\$ 778.08

a. Title of boundary agreement \_\_\_\_\_

b. Year adopted \_\_\_\_\_

b. Total that will be paid to Town

(annual tax multiplied by 5 years): \$3,890.40

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: 2 Total: \_\_\_\_\_

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: 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?

VACANT Agricultural LAND

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 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?      RESIDENTIAL (R-1 RESIDENTIAL)

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](mailto: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:

ANNEXATION SHOULD INCLUDE AREA TO CENTERLINE OF ROAD (GTH P)

Prepared by:  Town     City     Village

Please **RETURN PROMPTLY** to:

Name: JEFFREY HEARMAN

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

Email: JHEARMAN@TOWNOCONOMOWOC-WI.GOV

Municipal Boundary Review

Phone: 920-474-4449

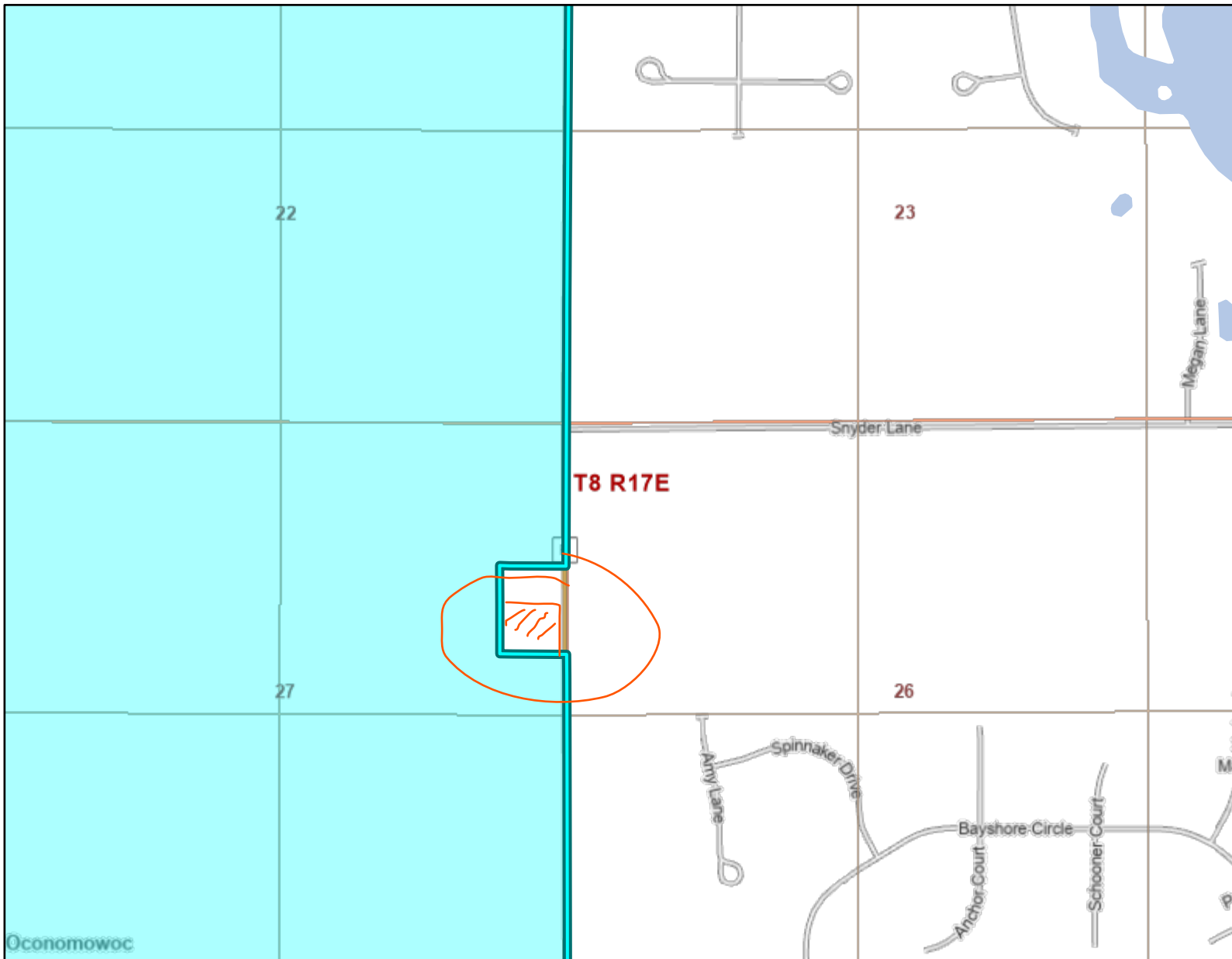
PO Box 1645, Madison WI 53701

Date: 12/29/2024

Fax: (608) 264-6104

(March 2018)

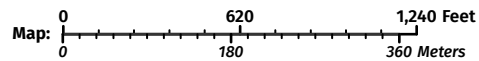




**Legend:** (some map layers may not be displayed)

- 24K Lakes and Open Water
- 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
- County and Local Roads
- County HWY

**Notes:**



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

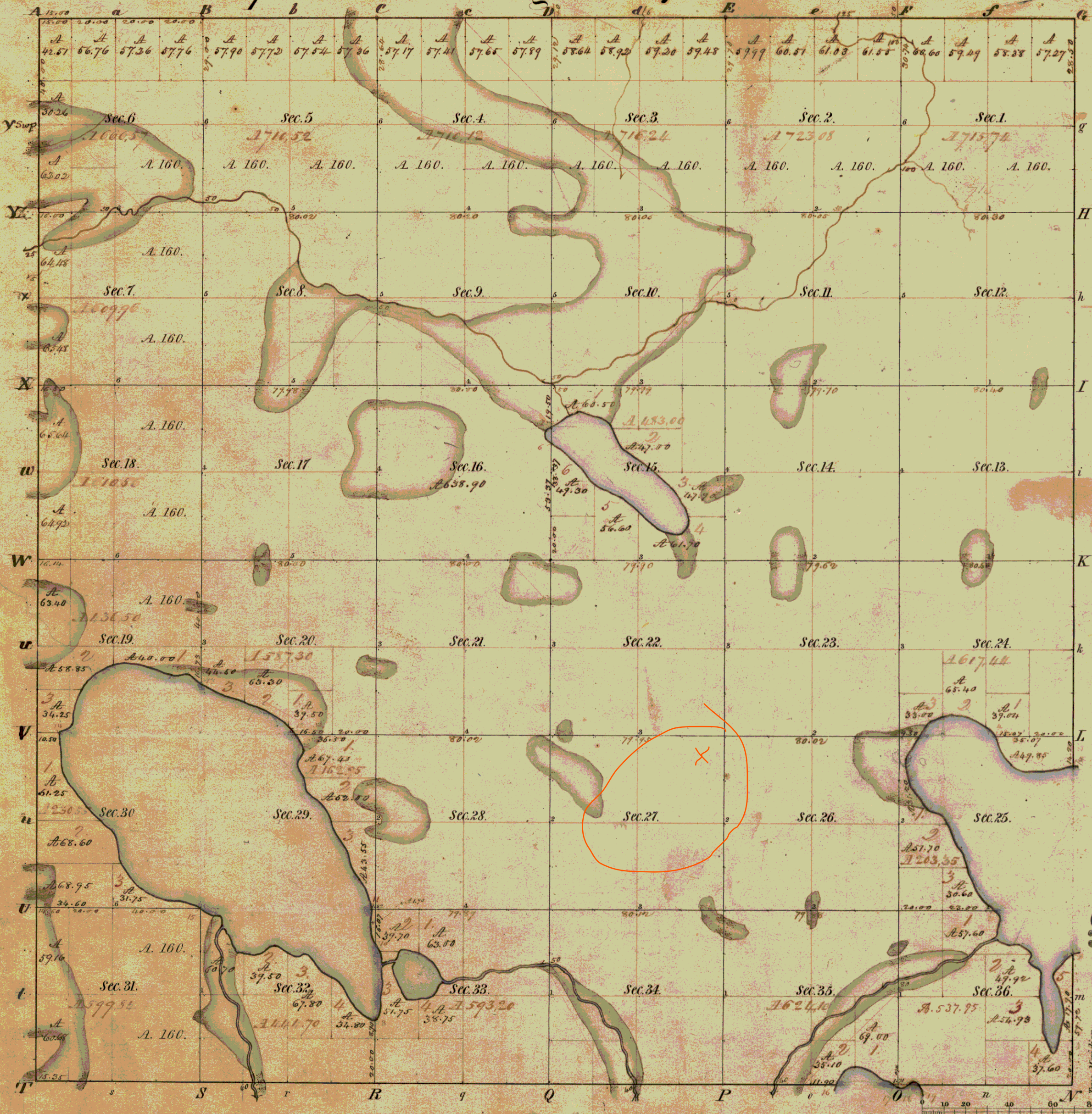
Map projection: NAD 1983 HARN Wisconsin TM

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 9:42 AM

Township No 8, Range No 17 East 4<sup>th</sup> Mer. Wis. Ter.



Meanders of Lakes

Posts	Courses	Ch. Lk.	Posts	Courses	Ch. Lk.	Posts	Courses	Ch. Lk.
Lake in Section 35	N 78 E	1.50	N 56 E	23.00				
	S 80 E	5.50	N 44 E	17.00				
17	N 59 W	4.00	N 72 E	2.00				
	N 48 W	4.00	N 41 E	1.50				
	N 46 W	4.00	N 25 E	9.00				
	N 78 W	8.00	N 12 E	4.50				
	N 66 W	6.00	N 57 E	4.12				
16	N 27 W	7.00	N 89 E	9.00				
			N 71 E	10.00				
Lake in Section 7	N 61 E	5.00	N 50 W	14.00				
	N 24 E	4.36	N 52 E	5.00				
5	N 77 E	11.50	N 88 E	4.00				
	N 88 E	10.50	N 83 E	2.50				
	N 61 W	5.00	N 31 E	5.50				
	N 43 W	9.00	N 63 E	10.50				
4	N 18 W	8.60	N 30 E	3.50				
	N 59 W	11.50	N 39 E	10.50				
	N 70 W	12.00	N 53 E	9.10				
	N 80 W	9.00	N 8 E	16.50				
3	N 33 W	9.80	N 2 E	10.50				
	N 34 W	15.50	N 47 E	2.00				
	N 14 E	10.00	N 23 W	3.50				
	N 70 E	8.00	N 26 W	3.00				
	N 60 E	14.00	N 11 W	8.80				
	N 17 E	8.50	N 10 W	7.60				
	N 27 E	11.00	N 23 W	14.12				
	N 15 E	9.50	N 32 W	7.50				
	N 29 E	9.50	N 22 W	9.50				
2	N 15 E	11.80	N 22 W	7.00				
	N 44 E	4.00	N 15 W	8.50				
	N 26 E	1.50	N 30 W	8.50				
	N 27 W	2.00	N 55 W	5.00				
	N 13 W	1.50	N 20 W	5.50				
	N 17 E	1.00	N 32 W	7.00				
	N 27 W	1.50	N 36 E	8.50				
	N 18 E	2.00	N 33 W	7.60				
	N 36 E	2.00	N 53 W	9.60				
	N 41 E	2.00	N 63 W	9.50				
	N 15 E	5.00	N 72 W	9.50				
	N 86 E	4.00	N 66 W	9.50				
	N 50 E	4.00	N 56 W	16.60				
	N 37 W	2.50	N 33 W	5.60				
	N 24 E	7.50	N 84 W	8.00				
	N 77 W	7.50	N 68 W	11.50				
	N 77 E	12.00	N 75 W	12.90				
	South	11.50	N 65 W	17.00				
	N 32 E	13.00	N 25 W	22.00				
	N 11 E	17.50	N 1 W	5.00				
	N 11 W	11.50	N 62 W	5.20				
16	N 40 E	12.30	Lake in Section 38					
			N 25 E	9.50				
			N 57 E	11.00				
			N 45 E	10.50				
			N 21 E	7.50				
			South	4.00				
			N 10 E	4.00				
			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 4 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				
			N 48 E	14.00				

Total number of Acres 21,222.57

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

The above Map of Township No 8 of Range No 17 E of the 4<sup>th</sup> 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. 1<sup>st</sup> 1836

Robt. S. Lytle Sur. Gen.



**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>

January 6, 2025

PETITION FILE NO. 14724

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: DRISCOLL 2 ANNEXATION

The proposed annexation submitted to our office on December 12, 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) The scale map of the territory to be annexed must clearly show and identify the existing City of Oconomowoc municipal boundary in relation to the territory.
- 2) 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).
- 3) 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.
- 4) In its completed questionnaire, the Town contends that elector residents within the proposed annexation territory may not have signed the petition.

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 14724 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=2798>  
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 large initial "E" and "S".

Erich Schmidtke, Municipal Boundary Review

cc: petitioner