



Reinhart Boerner Van Deuren s.c.
1000 North Water Street, Suite 1700
Milwaukee, WI 53202-3197

Telephone: 414.298.1000
Facsimile: 414.298.8097
reinhartlaw.com

June 20, 2025

**DELIVERED BY CERTIFIED MAIL -
RETURN RECEIPT REQUESTED & EMAIL**

Wisconsin Department of Administration
Municipal Boundary Review
101 East Wilson Street, 9th Floor
Madison, WI 53703
Attn: Erich Schmidtke

Dear Erich,

Re: Fourth Petition for Direct Annexation by
Unanimous Approval

Together with this letter, I sent you various documents in connection with the second and third annexations of approximately 204 acres of territory and 457 acres of territory located in the Town of Port Washington, Ozaukee County, Wisconsin contiguous at the north to the current City of Port Washington, Ozaukee County, Wisconsin boundary. If those 204 and 457 acres are annexed, owners and electors desire to annex an additional approximately 67.85 acres in the Town of Port Washington, Ozaukee County, Wisconsin abutting and extending east of such 457 acres. This fourth annexation also is proposed by unanimous approval under Wisconsin Statutes Section 66.0217(2) and will be consistent with the Supplemental Agreement between the City and Town of Port Washington. This fourth annexation will be in the public interest for the same reasons that MBR No. 14753 and the second and third annexations are in the public interest.

Enclosed are the following documents for the fourth annexation:

1. Request for Annexation Review; and
2. Petition for Direct Annexation by Unanimous Approval (copy).

Please feel free to contact me at 414-298-8331 or dtomczyk@reinhartlaw.com if you need additional information to opine as to whether the proposed annexation is in the public interest.

Wisconsin Department of Administration
June 20, 2025
Page 2

Yours very truly,



Deborah C. Tomczyk

54099677

Encs.

cc Ms. Tracie Herrington (via email)
Mr. Scott Troise (via email)
Mr. Andrew Stewart (via email)
Mr. Christopher Smith (via email)
Mr. Samuel Schultz (via email)
Mr. Joseph J. Franke (via email)

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>

Online Submittal and Payment: Instead of this form go to <https://wi.accessgov.com/public/Forms/Page/doa-dir/dir-annexation/>
This will speed up the process by eliminating the time it used to take to mail the check to us.

Petitioner Information

Name: **VDC WISCO REALTY INVESTMENTS 2, LLC**

Phone: **Tracye Herrington | 303-550-1580**

Email: **tracye.herrington@vantage-dc.com**

Contact Information if different than petitioner:

Representative's Name: **Deborah C. Tomczyk**

Phone: **414-298-8331**

E-mail: **dtomczyk@reinhartlaw.com**

1. Town(s) where property is located: **Town of Port Washington**

2. Petitioned City or Village: **City of Port Washington**

3. County where property is located: **County of Ozaukee**

4. Population of the territory to be annexed: **two (2) electors**

5. Area (in acres) of the territory to be annexed: **approximately 67.85 acres**

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

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]~~ Online Payment

(June 2024)

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

\$1,000 **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

\$1,350 **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: _____

Payer: _____ Check Number: _____

Check Date: _____

Amount: _____

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

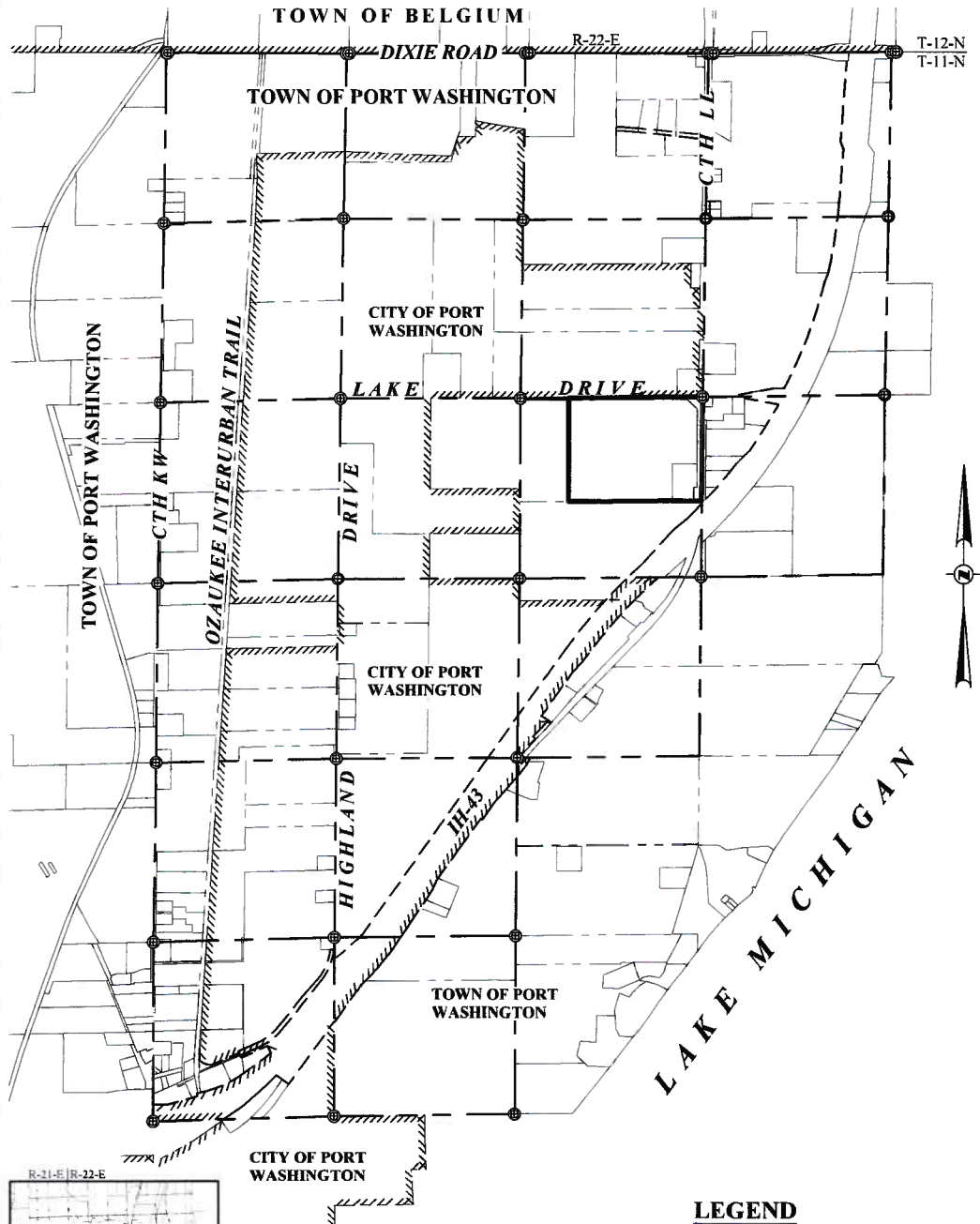
- ☐ The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.
- ☐ If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by s. 66.0217 (4).

EXHIBIT A
TAX PARCEL NUMBERS OF TERRITORY TO BE ANNEXED

[SEE NEXT PAGES]

ANNEXATION SCALE MAP

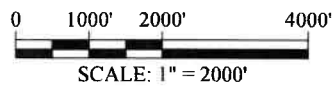
THAT PART OF THE NORTHEAST 1/4 OF SECTION 10, LYING IN TOWNSHIP 11 NORTH,
RANGE 22 EAST, TOWN OF PORT WASHINGTON, OZAUKEE COUNTY, WISCONSIN.



VICINITY MAP
NOT TO SCALE

LEGEND

- POB POINT OF BEGINNING
- ⊕ SECTION CORNER
- SECTION LINE
- QUARTER SECTION LINE
- SIXTEENTH LINE
- PROPERTY LINE
- EXTERIOR BOUNDARY LINE
- ////// CORPORATE LIMITS



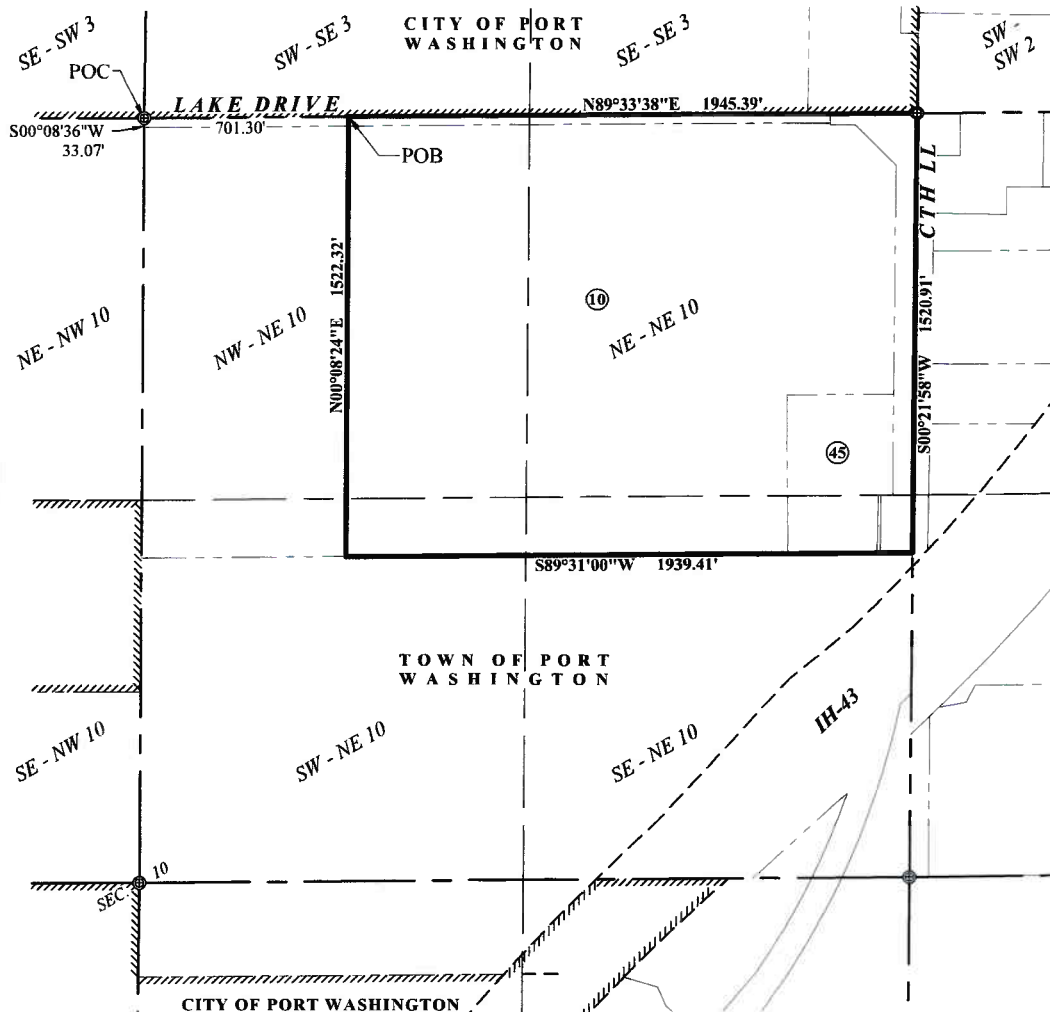
GRAEF

275 West Wisconsin Avenue
Suite 300
Milwaukee, WI 53203-3318
414 / 259 1500
www.graef-usa.com

Date: 06/19/2025
Project No: 20240162.00
Drawn By: LFG
Sheet No: 1 OF 3

ANNEXATION SCALE MAP

THAT PART OF THE NORTHEAST 1/4 OF SECTION 10, LYING IN TOWNSHIP 11 NORTH,
RANGE 22 EAST, TOWN OF PORT WASHINGTON, OZAUKEE COUNTY, WISCONSIN.

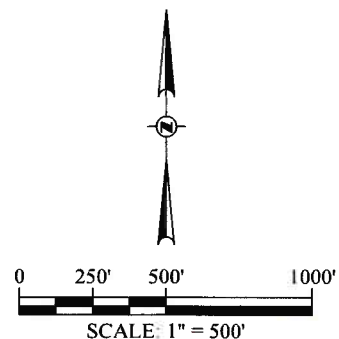


TAX KEY TABLE		
MAP #	PARCEL OWNERS	TAX KEY #
10	RSKF Properties LLC	070100100200
45	Curtiss Lee Smith	070100100100

GRAEF

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ANNEXATION SCALE MAP

THAT PART OF THE NORTHEAST 1/4 OF SECTION 10, LYING IN TOWNSHIP 11 NORTH,
RANGE 22 EAST, TOWN OF PORT WASHINGTON, OZAUKEE COUNTY, WISCONSIN.

LEGAL DESCRIPTION:

All that part of the Northeast 1/4 of Section 10 lying in Township 11 North, Range 22 East, Town of Port Washington, Ozaukee County, Wisconsin being more particularly described as follows:

Commencing at the Northwest corner of the Northwest 1/4 of the Northeast 1/4 of said Section 10; thence North 89°33'38" East along the north line of said Northeast 1/4, a distance of 701.30 feet to the point of beginning of the herein described tract of land; thence continue North 89°33'38" East along said north line, a distance of 1945.39 feet to the northeast corner of said Section 10; thence South 00°21'58" West along the east line of the said Northeast 1/4, a distance of 1520.91 feet; thence South 89°31'00" West, a distance of 1939.41 feet to the southwest corner of Lot 2, Certified Survey Map No. 3905 recorded as Document No. 1008290 in the Office of the Register of Deeds, Ozaukee County, Wisconsin; thence North 00°08'24" East along the west line of said Lot 2, a distance of 1522.32 feet to the point of beginning.

Said described land containing 67.845 acres more or less.



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Project No: 20240162.00
Drawn By: LFG
Sheet No: 3 OF 3

**PETITION FOR DIRECT ANNEXATION
BY UNANIMOUS APPROVAL**

The undersigned hereby petition the City of Port Washington, Ozaukee County, Wisconsin, for annexation to the City of Port Washington of the territory contiguous to the City of Port Washington but lying in the Town of Port Washington, Ozaukee County, Wisconsin, as legally described and depicted on the scale map attached hereto as Exhibit A.

This Petition is for direct annexation by unanimous approval under Wisconsin Statutes Section 66.0217(2). Those signing this Petition constitute all of the electors residing in the territory to be annexed (according to the Wisconsin Elections Commission website, www.myvote.wi.gov). Those signing this Petition also represent all of the owners of the land within the territory to be annexed. The population of the total territory to be annexed, based on representations from Petition signers, is estimated to be two (2) electors.

The purpose of the annexation is to expand the City's growth area, to make City of Port Washington services available to the territory and to ready the territory for development of a data center campus consistent with the I-3 Technology Campus District City of Port Washington Code Section 485-172. Those signing this Petition request that the territory be rezoned to such I-3 Technology Campus District immediately following adoption of an annexation ordinance.

See attached pages for signatures.

ELECTOR OR OWNER					
Signature	Printed Name/Entity	Elector/Owner	Tax ID & Acreage	Property Address	Date Signed
<i>RSKF Properties, LLC</i> Name: <i>R. K.</i> Its: <i>member</i> <i>Roger Kande</i>	RSKF Properties, LLC	Owner	070100100200 59.18 acres	South of Lake Dr. and West of County Road LL, Port Washington, Wisconsin 53074	<u>6.18.25</u>

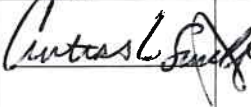

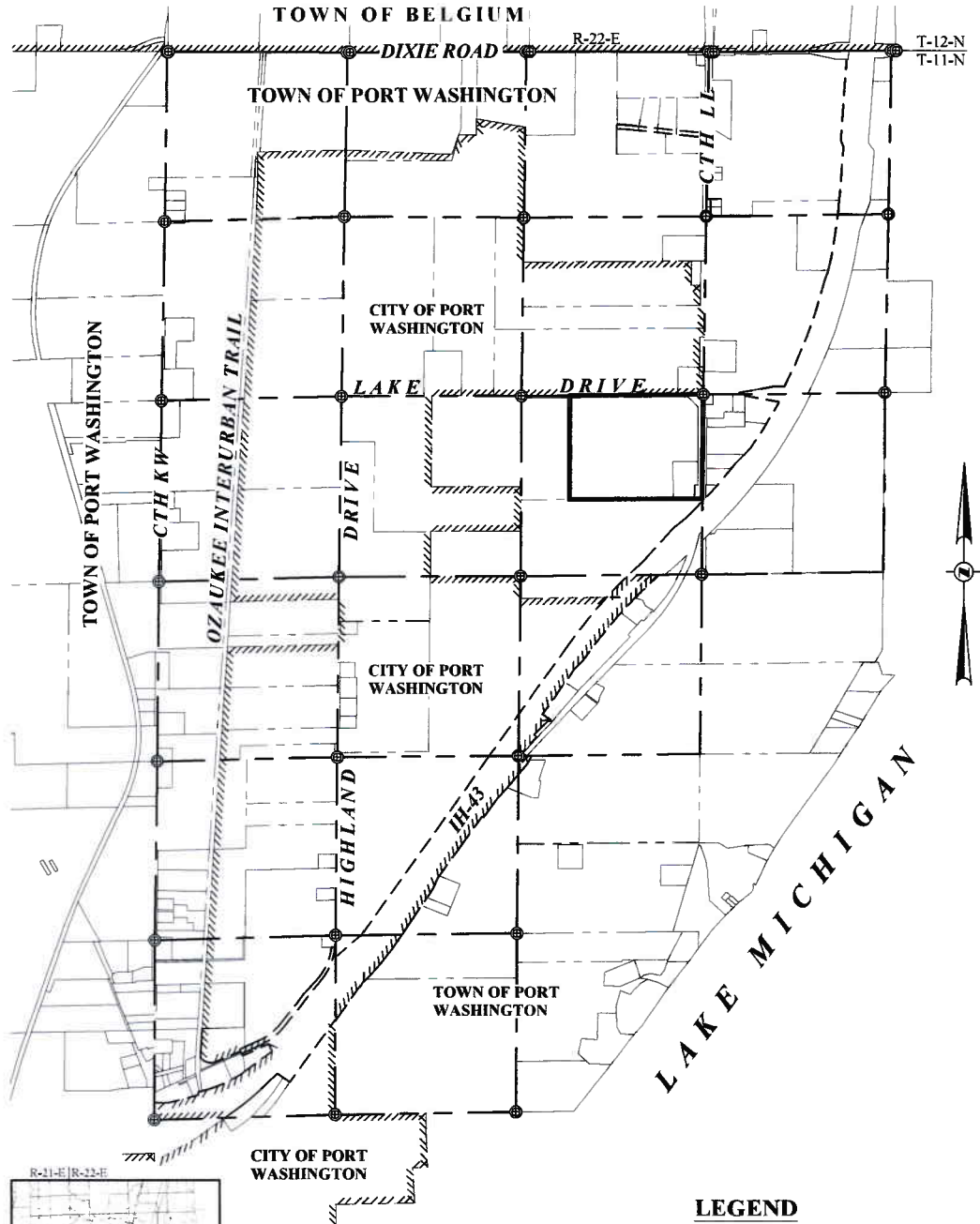
ELECTOR OR OWNER					
Signature	Printed Name/Entity	Elector/Owner	Tax ID & Acreage	Property Address	Date Signed
	Curtiss Lee Smith	Elector & Owner	070100100100 4.23 acres	4417 County Road LL, Port Washington, Wisconsin 53074	<u>6-19-25</u>
	Cathleen A. Smith	Elector	070100100100 4.23 acres	4417 County Road LL, Port Washington, Wisconsin 53074	<u>6-19-25</u>

EXHIBIT A
LEGAL DESCRIPTION AND SCALE MAP OF TERRITORY TO BE ANNEXED

[SEE NEXT PAGES]

ANNEXATION SCALE MAP

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VICINITY MAP
NOT TO SCALE

LEGEND

POB	POINT OF BEGINNING
⊕	SECTION CORNER
---	SECTION LINE
---	QUARTER SECTION LINE
---	SIXTEENTH LINE
---	PROPERTY LINE
---	EXTERIOR BOUNDARY LINE
////	CORPORATE LIMITS

GRAEF

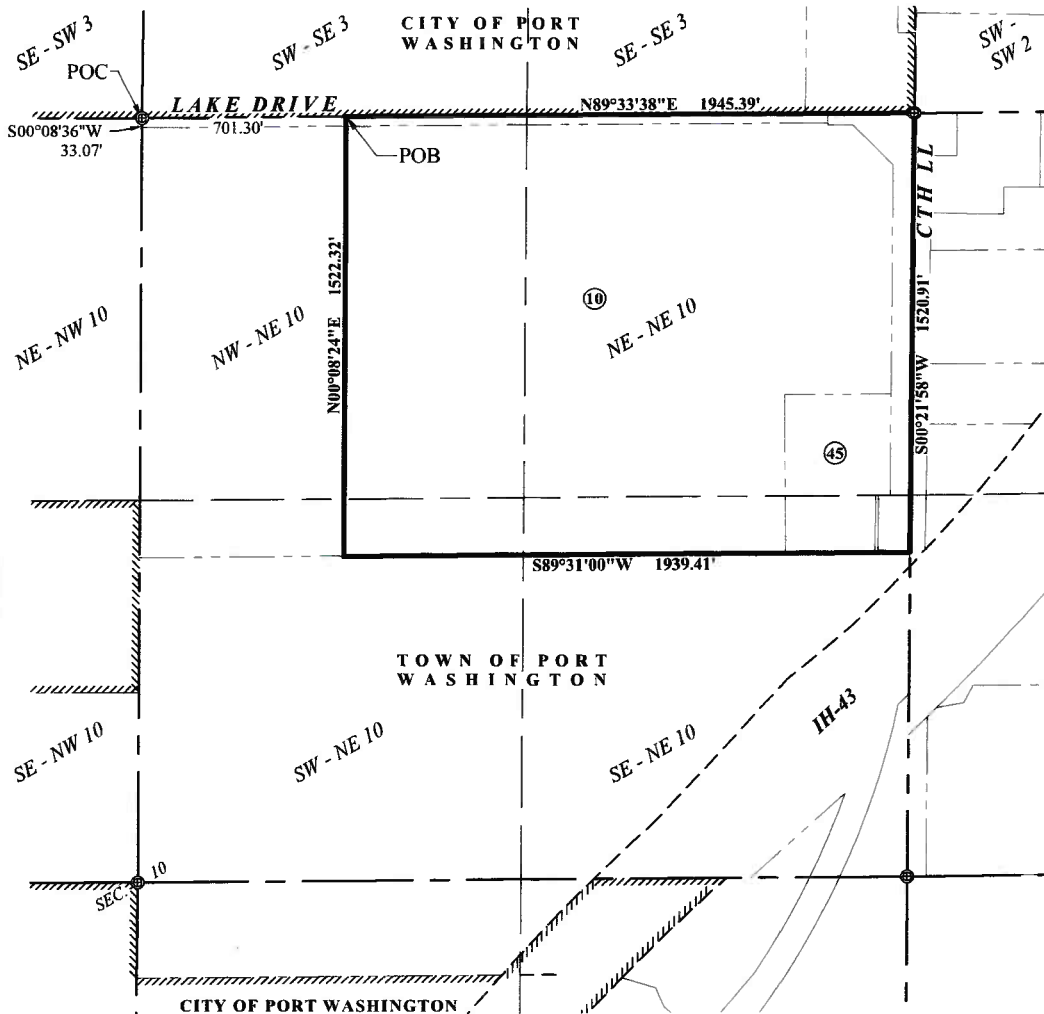
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0 1000' 2000' 4000'
SCALE: 1" = 2000'

ANNEXATION SCALE MAP

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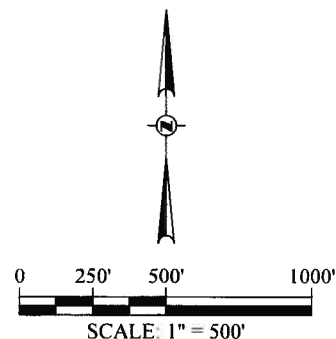


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Date: 06/19/2025
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ANNEXATION SCALE MAP

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Date: 06/19/2025
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Sheet No: 3 OF 3

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: **RSKF Properties LLC et al**

Petition Number: **14771**

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

2. Area (Acres): 67.85

3. Pick one: ☒ ~~Property Tax Payments~~ Payments to Town per **OR** ☒ Boundary Agreement
Agreement

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

\$ 150,000

b. Total that will be paid to Town

(annual tax multiplied by 5 years): \$750,000

c. Paid by: ☐ Petitioner ☒ City ☐ Village

☐ Other: _____

a. Title of boundary agreement Supplemental Agreement
(copy attached)

b. Year adopted 2025

c. Participating jurisdictions Town and City of Port Washington

d. Statutory authority (pick one)

☐ s.66.0307 ☐ s.66.0225 ☒ s.66.0301

4. Resident Population: Electors: 2 in 2025 Total: 2 adults

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

Residential: 1.5% Recreational: _____% Commercial: _____% Industrial: _____%

Undeveloped: 98.5%

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

Residential: _____% Recreational: _____% Commercial: _____% Industrial: 100%

Other: _____%

Comments: I-3 Technology Campus District

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?

Commercial

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?

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: To be negotiated with Developer and annexed territory.

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-1 Exclusive Agriculture

c. How will the land be zoned and used if annexed? I-3 Technology Campus 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 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: Christopher R. Smith

Email: christopher.smith@vonbriesen.com

Phone: 414-287-1499

Date: 7-2-2025

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

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: **RSKF Properties LLC et al**

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2. Area (Acres): 67.85

3. Pick one: ☒ ~~Property Tax Payments~~ Payments to Town per **OR** ☐ Agreement

☒ Boundary Agreement

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

a. Title of boundary agreement Supplemental Agreement
(copy attached)

\$ 150,000

b. Year adopted 2025

b. Total that will be paid to Town

c. Participating jurisdictions Town and City of Port Washington

(annual tax multiplied by 5 years): \$750,000

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 in 2025 Total: 2 adults

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

Residential: 1.5% Recreational: _____% Commercial: _____% Industrial: _____%

Undeveloped: 98.5%

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

Residential: _____% Recreational: _____% Commercial: _____% Industrial: 100%

Other: _____%

Comments: I-3 Technology Campus District

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?

Commercial

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?

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: To be negotiated with Developer and annexed territory.

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c. How will the land be zoned and used if annexed? I-3 Technology Campus District.

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

Prepared by: ☒ Town ☐ City ☐ Village

Name: Heather Krueger

Email: clerk@townofportwashingtonwi.gov

Phone: 262-284-5235

Date: 01/02/2025

(March 2018)

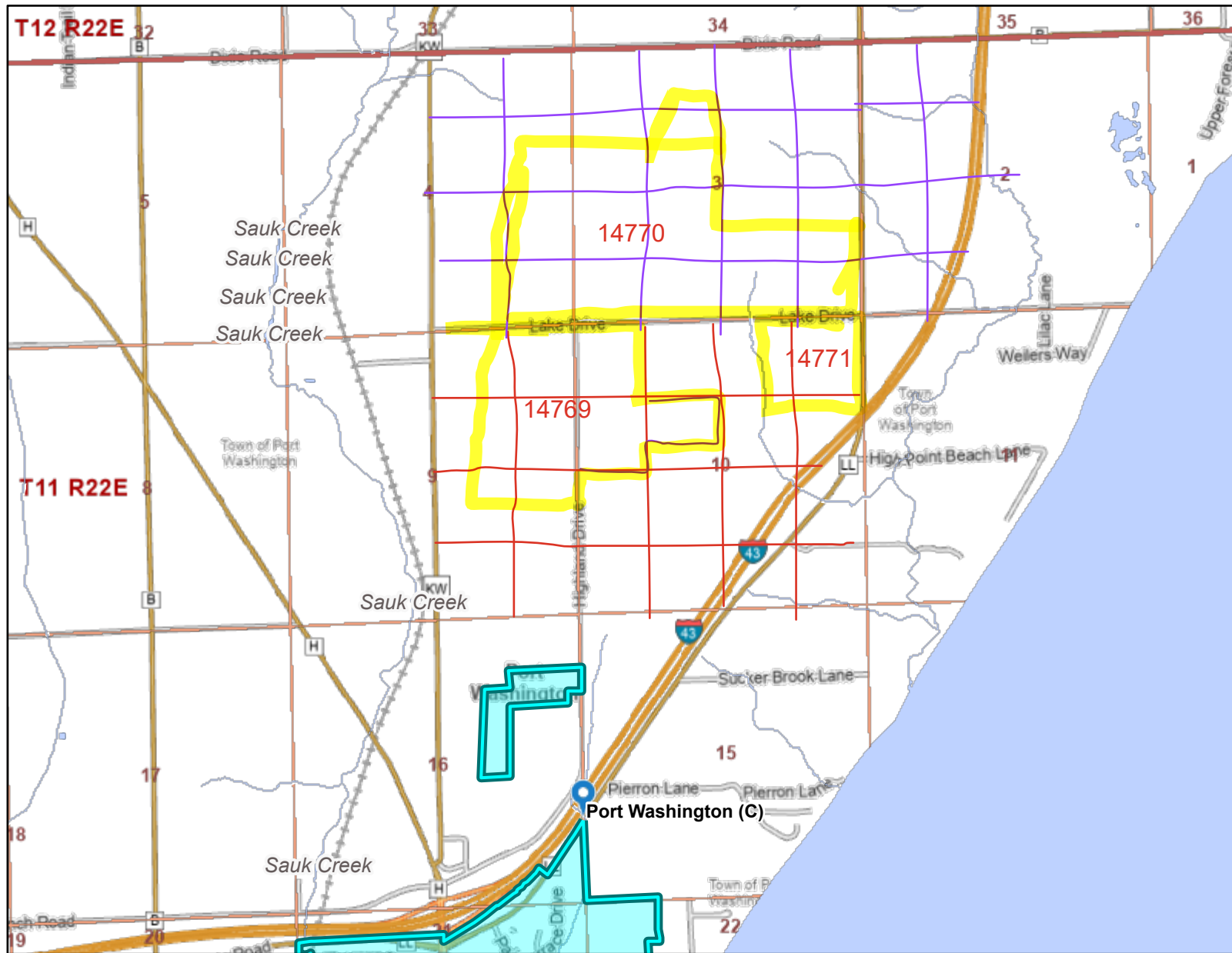
Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104



Legend: (some map layers may not be displayed)

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

Notes:



Map: 0 2,000 4,000 Feet
0 730 1,460 Meters

Service Layer Credits:
Cadastral: , Cities, Roads & Boundaries: , Surface Water (Cached): WiDNR, USGS, and other data

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: 7/10/2025 12:07 PM





var. 6.30' E.

The above Map, of Township N.^o 11 North, of Range N.^o 22 E., of the 4.th Principal Meridian N. W. Ter. is strictly conformable to the field notes of the Survey thereof on file in this Office, which have been examined & approved.

Robt. Lyth Sec. Genl.



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>

July 11, 2025

PETITION FILE NO. 14771

SUSAN WESTERBEKE, CLERK
CITY OF PORT WASHINGTON
PO BOX 307
PORT WASHINGTON, WI 53074-0307

HEATHER KRUEGER, CLERK
TOWN OF PORT WASHINGTON
3715 HIGHLAND DR
PORT WASHINGTON, WI 53074-9702

Subject: RSKF PROPERTIES LLC ET AL ANNEXATION

The proposed annexation submitted to our office on June 20, 2025, 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 Port Washington, which is able to provide needed municipal services.

Note: To assure contiguity, the City may wish to adopt annexation petitions numbers 14769, 14770, and 14771 simultaneously, or in an order that provides contiguity. For example, 14770 appears to depend upon 14769 for contiguity.

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 14771 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=2845>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner