

**SECOND AMENDMENT TO THE
CITY OF KENOSHA/TOWN OF SOMERS
COOPERATIVE PLAN UNDER
SECTION 66.0307, WISCONSIN STATUTES**

THIS AGREEMENT is entered into between the City of Kenosha, Wisconsin, a municipal corporation duly organized and existing under the laws of the State of Wisconsin with principal offices at 625- 52nd Street, Kenosha, WI 53140, and the Town of Somers, Wisconsin, a municipal body corporate and politic, existing under the laws of the State of Wisconsin, with principal offices at 511 – 12th Street, Somers, Wisconsin 53171.

WHEREAS, the City of Kenosha (“CITY”) and the Town of Somers (“TOWN”) entered into an agreement entitled “CITY OF KENOSHA/TOWN OF SOMERS COOPERATIVE PLAN UNDER SECTION 66.0307, WISCONSIN STATUTES” (“the 2005 City-Town of Somers Cooperative Plan”) that was approved by the Wisconsin Department of Administration on August 8, 2005; and

WHEREAS, the 2005 City-Town of Somers Cooperative Plan provides for the establishment of a permanent municipal boundary between the CITY and the TOWN, at the expiration of a planning period; and

WHEREAS, the 2005 City-Town of Somers Cooperative Plan identifies “Growth Areas” of territory that were within the municipal boundary of the TOWN at the execution of the 2005 City-Town of Somers Cooperative Plan that could be attached to the CITY during the period of the planning period, but which through effectuation of the provisions of the 2005 City-Town of Somers Cooperative Plan will ultimately be within the corporate boundary of the CITY at the expiration of the planning period; and

WHEREAS, included within the Growth Areas are rights-of-way, some of which are county trunk highways; and

WHEREAS, in 2015, the Town Board of the Town of Somers and the Common Council of the City of Kenosha, pursuant to provisions of Section 31 of the 2005 City-Town of Somers Cooperative Plan and of Section 66.0307 of the Wisconsin Statutes, entered into a first amendment to the 2005 City-Town of Somers Cooperative Plan (“First Amendment”) to accelerate the bringing of portions of County Trunk Highways G, K, N, and S into the jurisdiction of the City from the jurisdiction of the Town (which 2005 City-Town of Somers Cooperative Plan as amended in 2015 is hereinafter “the Amended Cooperative Plan”); and

WHEREAS, the County of Kenosha has requested that the City take action to acquire enforcement and maintenance jurisdiction over that portion of County Trunk Highway H identified in Exhibit O 1 and depicted in Exhibit O 2 from the County in order that that portion of current County Trunk Highway H may ultimately be deleted from the Kenosha County trunk system; and

WHEREAS, the portion of County Trunk Highway “H” subject to this Second Amendment to **THE CITY OF KENOSHA/TOWN OF SOMERS COOPERATIVE PLAN UNDER SECTION 66.0307, WISCONSIN STATUTES** (“Second Amendment”) that is located in the Growth Area at the time of entry into this Second Amendment is subject to “maintenance jurisdiction” of the County of Kenosha (“County”), which is authority vested in the County as the holder for the public of the right-of-

way, that allows the County to issue permits for encroachment of its right-of-way and gives the County the responsibility to maintain the right-of-way; and due to municipal boundaries, the same portions of the County Trunk Highway H are subject to “police jurisdiction” of either the CITY, the TOWN, or both, which “police jurisdiction” allows the respective municipalities to exercise home rule to the extent allowed by law; and

WHEREAS, the Wisconsin Department of Transportation, for purposes of state funding grants, to provide effectiveness of the jurisdictional transfer agreement for county truck highways to allow transfer of maintenance authority over a current county truck highway requires compliance with Wis. Stats. §83.025 (1) (a), which states in part: “A county board may not make deletions from a county trunk system . . . without the approval of the governing body of the city, village or town in which the proposed deletion is located or, in the case of a proposed deletion affecting more than one city, village or town, without the approval of a majority of the governing bodies of such cities, villages or towns.”; and

WHEREAS, interest in real estate to the portion of County Trunk Highway H subject to this Second Amendment consists of a governmental right-of-way over property owned by private property owners in fee simple absolute; and

WHEREAS, the CITY and the TOWN enter into this Second Amendment pursuant to Section 31 of the Cooperative Plan and under authority of § 66.0307(8), Wisconsin Statutes, to facilitate that transfer of “maintenance jurisdiction”; and

WHEREAS, it is the intention of the CITY and the TOWN that the Amended Cooperative Plan, in conjunction with this Second Amendment and all future amendments, be a binding and enforceable contract.

WITNESSETH:

NOW, THEREFORE, in consideration of the following mutual promises and undertakings of the Parties, the CITY and TOWN enter into this Second Amendment under the authority of Section 31 of the 2005 City-Town of Somers Cooperative Plan and § 66.0307, Wisconsin Statutes, and petition the State of Wisconsin, Department of Administration for approval, in accordance with statutory procedures and time frames. The Parties agree:

SECTION 1 OF THIS SECOND AMENDMENT – DEFINITIONS

In addition to the definitions above of “CITY, “County, “Cooperative Plan”, “First Amendment”, Second Amendment”, and “TOWN”, above, the following phrase has the meaning set forth:

“Transferred CTH H” is generally described as the portion of the roadway that is in the TOWN, which roadway is alternatively known as County Trunk Highway H or 88th Avenue, extending from its juncture with 60th Street southward to the current City limits, expressly excluding the intersection; the term is more particularly and accurately described in Attachment O 1 and is depicted in Attachment O 2.

SECTION 2 OF THIS SECOND AMENDMENT – INTENT

It is the intent of this Second Amendment to transfer jurisdiction of the Transferred CTH H to the CITY through extending the boundary of the CITY to include the Transferred CTH H within the CITY. It is not the intent of the Parties to affect substantively any other provision of the Cooperative Plan.

SECTION 3 OF THIS SECOND AMENDMENT – CREATE SECTION 11.06 OF THE COOPERATIVE PLAN

The Cooperative Plan is amended to create section 11.06 as follows:

11.06 Immediate Attachment to the CITY of Right-of-Way of a Portion of County Trunk Highway H. Notwithstanding any provision in the Cooperative Plan to the contrary, all portions of the right-of-way associated with Transferred CTH H that are in the Town are attached to the City as of the effective date of this **SECOND AMENDMENT TO THE CITY OF KENOSHA/TOWN OF SOMERS COOPERATIVE PLAN UNDER SECTION 66.0307, WISCONSIN STATUTES.** A legal description of the portion of the right-of-way of Transferred CTN H subject to the attachment is included herein as Attachment O 1. A diagram showing the portion of the right-of-way of Transferred CTN H subject to the attachment is included herein as Attachment O 2. Such attachment of the portion of the right-of-way from the Town to the CITY shall occur without regard to the jurisdiction of the remainder of the parcel adjacent to the right-of-way.

The attachment made pursuant to this Section 11.06 is effective without further notice, hearing or action. Irrespective of any procedures to the contrary, without review and recommendation by the City Plan Commission or any other subunit of the City, without further review and approval of the Town, and without the need for a petitioner, the Common Council may adopt an attachment ordinance for the purpose of memorializing the attachment. After such an attachment ordinance becomes effective, the City Clerk/Treasurer will file immediately with the State a certified copy of the attachment ordinance, certificate and plat, and shall send one (1) copy to each company that provides any utility service to the area that is attached. The City Clerk/Treasurer shall record the attachment ordinance with the Kenosha County Register of Deeds and file a signed copy of the attachment ordinance with the clerk of any affected school district. The attachment ordinance that is filed, recorded or sent shall describe the attached territory and the associated population. Failure to file, record or send shall not invalidate the attachment and the duty to file, record or send shall be a continuing one.

SECTION 4 OF THIS SECOND AMENDMENT – REPLACE SECTION 12.03 OF THE COOPERATIVE PLAN

Section 12.03 of the of the Cooperative Plan is replaced with the following:

12.03 Public Rights-of-Way. Except for right-of-way attachments of the Attaching Roads, as described in Section 11.05 and for Transferred CTH H, as described in Section 11.06, all other future public right-of-way attachments in the CITY Growth Area will occur as identified on Attachment C. Upon the Effective Date of the Cooperative Plan, the right-of-way of any boundary street identified in Attachment C which was in the CITY prior to the Effective Date, became part of the TOWN Growth Area.

Where Intermediate Attachments about a public right-of-way, the CITY shall have discretion as to whether or not to attach said public right-of-way to the CITY at any time prior to the Final Attachment or at the Final Attachment.

SECTION 5 OF THIS SECOND AMENDMENT -- NO OTHER CHANGES

With the exception of those changes made to the Cooperative Plan by application of Sections 1,

2, 3, and 4 of this Second Amendment, it is expressly agreed that all other terms, conditions, and stipulations contained in the Cooperative Plan as amended by the First Amendment remain in full force and effect without any change or modification whatsoever, and are confirmed as binding elements upon the CITY and TOWN.

SECTION 6 OF THIS SECOND AMENDMENT-- INCORPORATION OF ATTACHMENTS

Attached hereto are true and correct copies of the following attachments, which are incorporated herein by reference:

Attachment O 1 Legal Description of Subject CTH H
Attachment O 2 Map Depicting Subject CTH H

SECTION 7 OF THIS SECOND AMENDMENT -- EFFECTIVE DATE

This Second Amendment becomes effective upon approval by the Wisconsin Department of Administration.

IN WITNESS WHEREOF, the parties certify that this Second Amendment has been duly approved by their respective governing bodies in accordance with state and local laws, rules and regulations, and each party has caused their duly authorized officers to execute this Second Amendment on the dates written below their respective signatures.

THE CITY OF KENOSHA, WISCONSIN,
A Municipal Corporation

BY: 


JOHN M. ANTARAMIAN
Mayor for the City of Kenosha

BY: 

DEBRA SALAS
City Clerk/Treasurer for the City of Kenosha

STATE OF WISCONSIN)
 :SS.
COUNTY OF KENOSHA)

Personally came before me this 3rd day of October, 2017, JOHN M. ANTARAMIAN, Mayor, and DEBRA SALAS, City Clerk/Treasurer, of the CITY OF KENOSHA, WISCONSIN, a Wisconsin municipal corporation, to me known to be such Mayor and City Clerk/Treasurer of said municipal corporation and acknowledged that they executed the foregoing instrument as such officers as the agreement of said corporation, by its authority.


KATHLEEN VENTURA
Notary Public, Kenosha County, WI.

My Commission expires/is: 8/22/21
TOWN OF SOMERS

BY: 
MARK MOLINARO, Chairperson

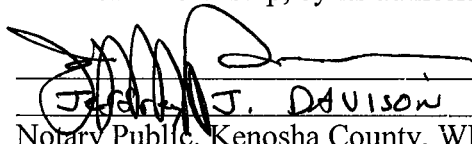
Date: 9-12-17

BY: 
TIM L. KITZMAN, Clerk/Treasurer

Date: 9-12-17

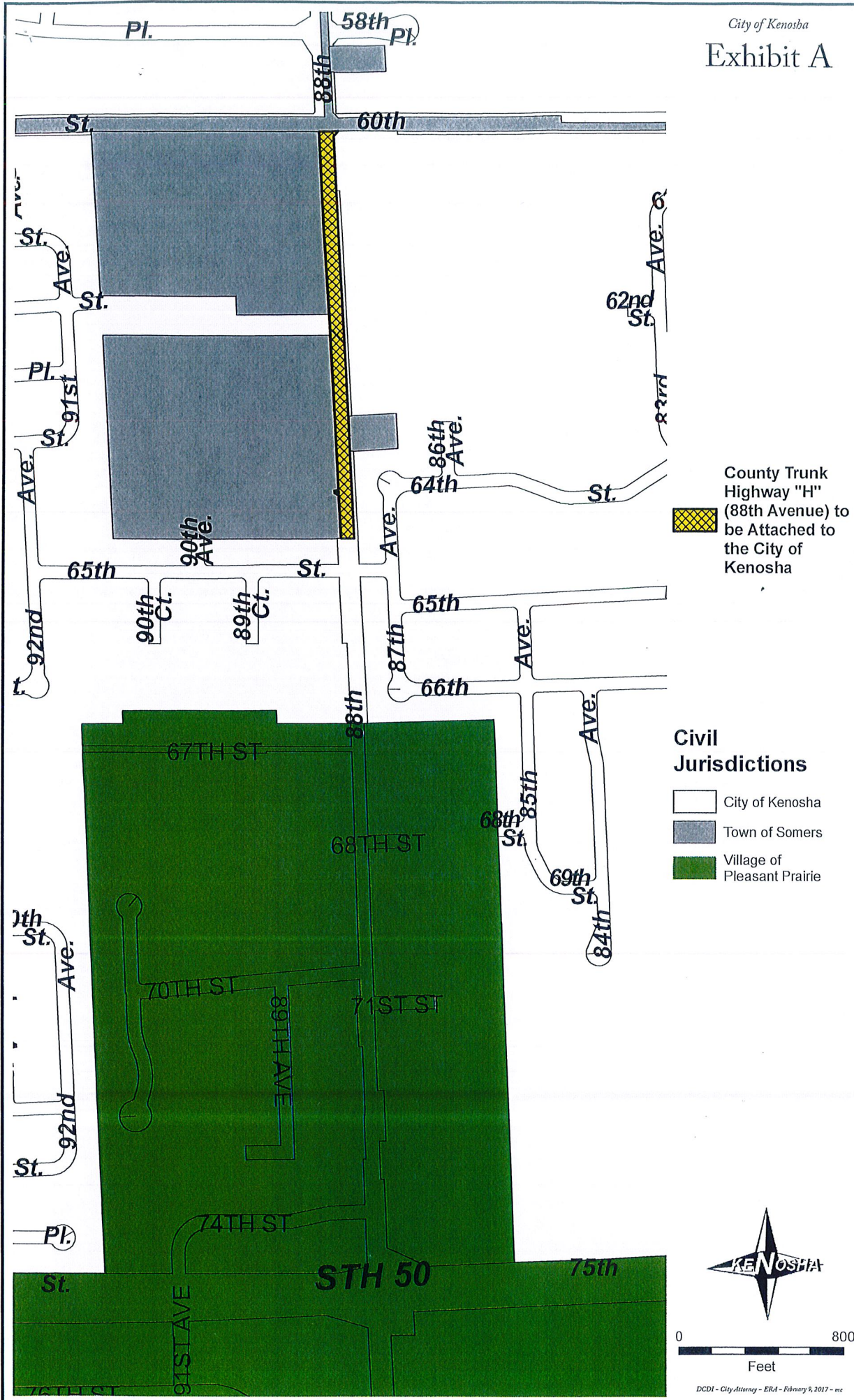
STATE OF WISCONSIN)
:SS.
COUNTY OF KENOSHA)

Personally came before me this 12th day of September 2017, MARK MOLINARO, Chairperson, and TIM L. KITZMAN, Clerk/Treasurer, of the TOWN OF SOMERS, WISCONSIN, to me known to be such Chairperson and Clerk/Treasurer of said Township, and acknowledged that they executed the foregoing instrument as such officers as the agreement of said Township, by its authority.


J. J. DAVISON
Notary Public, Kenosha County, WI.
My Commission expires/is: permanently

Drafted by:
EDWARD R. ANTARAMIAN
City Attorney

Exhibit A



RESOLUTION NO. 2017- 002

**TO AUTHORIZE THE TOWN CHAIRPERSON TO PARTICIPATE WITH
THE CITY OF KENOSHA IN AN INTERGOVERNMENTAL COOPERATION
AGREEMENT OR AGREEMENTS PURSUANT TO §66.0307, WIS. STATS.,
REGARDING TRANSFER OF JURISDICTION OF A PORTION OF
COUNTY TRUNK HIGHWAY "H"**

WHEREAS, the Town Board of the Town of Somers on February 22, 2005, and the Common Council of the City of Kenosha on March 7, 2005, adopted a cooperative plan pursuant to §66.0307, Wis. Stats. (hereinafter "the 2005 City-Town of Somers Cooperative Plan"); and,

WHEREAS, the Wisconsin Department of Administration approved the 2005 City-Town of Somers Cooperative Plan on August 8, 2005; and,

WHEREAS, in 2015 and 2016, the Town Board of the Town of Somers and the Common Council of the City of Kenosha, pursuant to provisions of §66.0307, Wis. Stats., amended the 2005 City-Town of Somers Cooperative Plan to accelerate the bringing of portions of County Trunk Highways "G", "K", "N", and "S" into the jurisdiction of the City from the jurisdiction of the Town (which 2005 City-Town of Somers Cooperative Plan as amended in 2015 and 2016, and as may be further amended, is hereinafter "the Kenosha-Somers Agreement"); and

WHEREAS, the Kenosha-Somers Agreement identifies "City Growth Area" that will be annexed into the City by August 8, 2035, which City Growth Area includes that portion of County Trunk Highway "H" identified and depicted in Exhibit A; and

WHEREAS, the County of Kenosha has requested that the City take action to acquire enforcement and maintenance jurisdiction over that portion of County Trunk Highway "H" identified and depicted in Exhibit A from the County; and

WHEREAS, such action to acquire enforcement and maintenance jurisdiction will require that the provisions of the Kenosha-Somers Agreement be accelerated with respect to annexation of those portions of County Trunk Highway "H" identified and depicted in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Town Board of the Town of Somers, Wisconsin, that the Town Chairperson, with the assistance of such Town staff as may be necessary, is authorized pursuant to §66.0307(4), Wis. Stats., to participate with the City of Kenosha in the preparation of a cooperative plan amendment to the Kenosha-Somers Agreement, to enable the City to acquire home rule and maintenance jurisdiction and authority over a portion of County Trunk Highway "H".

BE IT FURTHER RESOLVED that the Town Chairperson is authorized to take such other action he deems necessary to accomplish the intended purposes of this Resolution.

BE IT FURTHER RESOLVED that the Town Clerk/Treasurer is directed to give notice of this Resolution, in writing, within five (5) days of its adoption, to the parties specified in §66.0307(4)(a), Wis. Stats., and to the Kenosha County Executive, the Clerk/Treasurer for the City of Kenosha, the Clerk for the Town of Paris, the Clerk/Treasurer for the Village of Somers, and the General Manager for the Kenosha Water Utility.

Dated this 14 day of Feb., 2017.



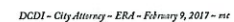
TOWN OF SOMERS

By: _____

Mark Molinaro, Jr., Chairperson

Attest: _____

Timothy Kitzman, Clerk/Treasurer



RESOLUTION NO. 28-17

BY: THE MAYOR

TO AUTHORIZE THE MAYOR TO PARTICIPATE WITH THE TOWN OF SOMERS, IN AN INTERGOVERNMENTAL COOPERATION AGREEMENT OR AGREEMENTS PURSUANT TO SECTION 66.0307, WISCONSIN STATUTES, REGARDING TRANSFER OF JURISDICTION OF A PORTION OF COUNTY TRUNK HIGHWAY H

WHEREAS, the Town Board of the Town of Somers on February 22, 2005, and the Common Council of the City of Kenosha on March 7, 2005, adopted a cooperative plan pursuant to Section 66.0307 of the Wisconsin Statutes (hereinafter “the 2005 City-Town of Somers Cooperative Plan”); and,

WHEREAS, the Wisconsin Department of Administration approved the 2005 City-Town of Somers Cooperative Plan on August 8, 2005; and,

WHEREAS, in 2015 and 2016, the Town Board of the Town of Somers and the Common Council of the City of Kenosha, pursuant to provisions of Section 66.0307 of the Wisconsin Statutes, amended the 2005 City-Town of Somers Cooperative Plan to accelerate the bringing of portions of County Trunk Highways G, K, N, and S into the jurisdiction of the City from the jurisdiction of the Town (which 2005 City-Town of Somers Cooperative Plan as amended in 2015 and 2016, and as may be further amended, is hereinafter “the Kenosha-Somers Agreement”); and

WHEREAS, the Kenosha-Somers Agreement identifies "City Growth Area" that will be annexed into the City by August 8, 2035, which City Growth Area includes that portion of County Trunk Highway H identified and depicted in Exhibit A; and

WHEREAS, the County of Kenosha has requested that the City take action to acquire enforcement and maintenance jurisdiction over that portion of County Trunk Highway H identified and depicted in Exhibit A from the County; and

WHEREAS, such action to acquire enforcement and maintenance jurisdiction will require that the provisions of the Kenosha-Somers Agreement be accelerated with respect to annexation of those portions of County Trunk Highway H identified and depicted in Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of Kenosha, Wisconsin, that the Mayor, with the assistance of such City staff as may be necessary, is authorized pursuant to Section 66.0307(4), Wisconsin Statutes, to participate with the Town of Somers in the preparation of a cooperative plan amendment to the Kenosha-Somers Agreement, under the guidance of the Common Council and the City Plan Commission to enable the City to acquire home rule and maintenance jurisdiction and authority over a portion of County Trunk Highway H.

BE IT FURTHER RESOLVED that the Mayor is authorized to take such other action he deems necessary to accomplish the intended purposes of this Resolution.

BE IT FURTHER RESOLVED that the City Clerk/Treasurer is directed to give notice of this Resolution, in writing, within five (5) days of its adoption, to the parties specified in § 66.0307(4)(a), Wisconsin Statutes, and to the Kenosha County Executive, the Clerk for the Village of Somers, the Clerk for the Town of Paris, the Clerk for the Town of Somers, and the General Manager for the Kenosha Water Utility.

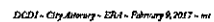
Adopted this 6th day of March, 2017.

ATTEST:  City Clerk
DEBRA L. SALAS

APPROVED:  Mayor
JOHN M. ANTARAMIAN

Date: 3/1/17

Drafted By:
EDWARD R. ANTARAMIAN
City Attorney



RESOLUTION NO. 59-19

THIS IS TO CERTIFY THAT THIS
IS A TRUE AND CORRECT COPY
OF THE RECORD ON FILE IN THE
OFFICE OF THE CITY CLERK
TREASURER, CITY OF KENOSHA
WISCONSIN

PRINCIPAL SPONSOR: ALDERPERSON DAVID F. BOGDALA

Rene J. August 4/22/19
Rene J. August
Deputy Clerk/Treasurer

**TO AUTHORIZE THE TRANSMITTAL OF THE SECOND
AND THIRD AMENDMENTS OF KENOSHA/TOWN
OF SOMERS COOPERATIVE PLAN UNDER SECTION
66.0307 TO THE WISCONSIN DEPARTMENT OF
ADMINISTRATION, AND TO REQUEST THE STATE
OF WISCONSIN DEPARTMENT OF ADMINISTRATION
TO APPROVE THOSE AMENDMENTS**

WHEREAS, the Town Board of the Town of Somers on February 22, 2005, and the Common Council of the City of Kenosha on March 7, 2005, adopted a Comprehensive Cooperative Plan pursuant to Section 66.0307 of the Wisconsin Statutes (hereinafter the "Cooperative Plan"); and,

WHEREAS, the Cooperative Plan was approved by the Wisconsin Department of Administration on August 8, 2005; and,

WHEREAS, by resolutions by the Town Board for the Town of Somers on March 14, 2017 (Town Resolution 17-002), and by the Common Council for the City of Kenosha on March 6, 2017 (City Resolution 28-17), the respective administrations were authorized to enter into negotiations concerning an amendment to the Cooperative Plan, which amendment has been presented to the Common Council and the Somers Town Board under the title "Second Amendment to the City of Kenosha/Town of Somers Cooperative Plan Under Section 66.0307, Wisconsin Statutes" (hereinafter the "Second Amendment to the Cooperative Plan"), which is incorporated herein by reference; and

WHEREAS, by resolutions by the Town Board for the Town of Somers on December 11, 2018 (Town Resolution 18-004), and by the Common Council for the City of Kenosha on December 3, 2018 (City Resolution 189-18), the respective administrations were authorized to enter into negotiations concerning a third amendment to the Cooperative Plan, which amendment has been presented to the Common Council and the Somers Town Board under the title "Third Amendment to the City of Kenosha/Town of Somers Cooperative Plan Under Section 66.0307, Wisconsin Statutes" (hereinafter the "Third Amendment to the Cooperative Plan"), which is incorporated herein by reference; and

WHEREAS, the purpose of the Second Amendment to the Cooperative Plan is to facilitate the jurisdictional transfer of road described as County Trunk Highway "H" (between 60th Street and 65th Street), from the County of Kenosha to the City, and the purpose of the Third amendment is facilitate the jurisdictional transfer of road described as County Trunk Highway "H" (between 52nd Street and 60th Street), from the County of Kenosha to the City; and

WHEREAS, the Second Amendment and the Third Amendment are subject to the expedited amendment procedures identified in Wisconsin Statutes § 66.0307(8)(c) as neither the boundary nor the planning period are being changed through either amendment; and

WHEREAS, notice of the intent to submit the Second Amendment and Third Amendment to the Cooperative Plan directly to the Wisconsin Department of Administration for final approval without further public hearing pursuant to the expedited procedures of Wisconsin Statutes § 66.0307(8)(c) as there were no changes to the boundaries or to the planning period, was published in the Kenosha News for three weeks; and

WHEREAS, a week has passed since the last insertion of that notice in the Kenosha News, without an objection to either the Second Amendment or the Third Amendment to the Cooperative Plan having been made.

NOW, THEREFORE, BE IT RESOLVED, by the Common Council for the City of Kenosha, Wisconsin, that the City Clerk/Treasurer is directed to send a certified copy of this Resolution to the Somers Town Clerk/Treasurer, and to join with the Town Clerk/Treasurer in transmitting a certified copy of this Resolution, a certified copy of a similar resolution from the Town of Somers, and a fully-executed copy of the Second Amendment and the Third Amendment to the Cooperative Plan to the State of Wisconsin, Department of Administration.

BE IT FURTHER RESOLVED by the Common Council of the City of Kenosha, Wisconsin to request the State of Wisconsin, Department of Administration to approve said Second Amendment and Third Amendment to the Cooperative Plan.

BE IT FURTHER RESOLVED, the City Clerk/Treasurer is directed to comply with Wisconsin Statutes §§ 66.0307(4)(a) and (8)(c), including sending a certified copy of this Resolution and a fully-executed copy of the Second Amendment and Third Amendment to the Cooperative Plan to:

- the Wisconsin Department of Natural Resources;
- the Wisconsin Department of Agriculture, Trade and Consumer Protection;
- the Wisconsin Department of Transportation;
- the clerks of any municipality, school district, technical college district, sewerage district or sanitary district which has any part of its territory within five (5) miles of the City;
- the Kenosha County Clerk; and
- the Southeast Regional Planning Commission.

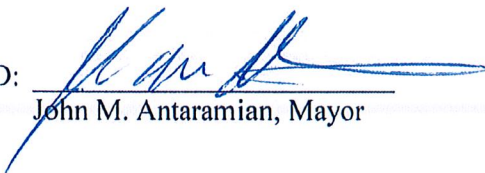
Adopted this 15th day of April, 2019.

ATTEST:



Debra Salas, City Clerk/Treasurer

APPROVED:



John M. Antaramian, Mayor

Drafted By:

EDWARD R. ANTARAMIAN

City Attorney

P.O. Box 197
Somers, WI 53171



(262) 859-2822
Fax (262) 859-2331

Town of Somers

Town of Somers)
Kenosha County)
State of Wisconsin)

I hereby certify the attached is a complete, true & correct copy of Resolution No. 19-004: "To Authorize the Transmittal of the Second and Third Amendments of the City of Kenosha/Town of Somers Cooperative Plan under Section 66.0307 Wis. Stats., to the Wisconsin Department of Administration, and to request the State of Wisconsin Department of Administration to Approve Those Amendments." This Resolution was adopted by the Somers Town Board on May 14, 2019.

Dated at Somers, Wisconsin this 14th day of May, 2019


Timothy L. Kitzman
Clerk-Treasurer



RESOLUTION NO. 19- 004

**TO AUTHORIZE THE TRANSMITTAL OF THE SECOND
AND THIRD AMENDMENTS OF CITY OF KENOSHA/TOWN
OF SOMERS COOPERATIVE PLAN UNDER SECTION
66.0307 TO THE WISCONSIN DEPARTMENT OF
ADMINISTRATION, AND TO REQUEST THE STATE
OF WISCONSIN DEPARTMENT OF ADMINISTRATION
TO APPROVE THOSE AMENDMENTS**

WHEREAS, the Town Board of the Town of Somers on February 22, 2005, and the Common Council of the City of Kenosha on March 7, 2005, adopted a Comprehensive Cooperative Plan pursuant to Section 66.0307 of the Wisconsin Statutes (hereinafter the "Cooperative Plan"); and,

WHEREAS, the Cooperative Plan was approved by the Wisconsin Department of Administration on August 8, 2005; and,

WHEREAS, by resolutions by the Town Board for the Town of Somers on March 14, 2017 (Town Resolution 17-002), and by the Common Council for the City of Kenosha on March 6, 2017 (City Resolution 28-17), the respective administrations were authorized to enter into negotiations concerning an amendment to the Cooperative Plan, which amendment has been presented to the Common Council and the Somers Town Board under the title "Second Amendment to the City of Kenosha/Town of Somers Cooperative Plan Under Section 66.0307, Wisconsin Statutes" (hereinafter the "Second Amendment to the Cooperative Plan"), which is incorporated herein by reference; and

WHEREAS, by resolutions by the Town Board for the Town of Somers on December 11, 2018 (Town Resolution 18-004), and by the Common Council for the City of Kenosha on December 3, 2018 (City Resolution 189-18), the respective administrations were authorized to enter into negotiations concerning a third amendment to the Cooperative Plan, which amendment has been presented to the Common Council and the Somers Town Board under the title "Third Amendment to the City of Kenosha/Town of Somers Cooperative Plan Under Section 66.0307, Wisconsin Statutes" (hereinafter the "Third Amendment to the Cooperative Plan"), which is incorporated herein by reference; and

WHEREAS, the purpose of the Second Amendment to the Cooperative Plan is to facilitate the jurisdictional transfer of road described as County Trunk Highway "H" (between 60th Street and 65th Street), from the County of Kenosha to the City, and the purpose of the Third amendment is facilitate the jurisdictional transfer of road described as County Trunk Highway "H" (between 52nd Street and 60th Street), from the County of Kenosha to the City; and

WHEREAS, the Second Amendment and the Third Amendment are subject to the expedited amendment procedures identified in Wisconsin Statutes § 66.0307(8)(c) as neither the boundary nor the planning period are being changed through either amendment; and

WHEREAS, notice of the intent to submit the Second Amendment and Third Amendment to the Cooperative Plan directly to the Wisconsin Department of Administration for final approval without further public hearing pursuant to the expedited procedures of Wisconsin Statutes § 66.0307(8)(c) as there were no changes to the boundaries or to the planning period, was published in the Kenosha News for three weeks; and

WHEREAS, a week has passed since the last insertion of that notice in the Kenosha News, without an objection to either the Second Amendment or the Third Amendment to the Cooperative Plan having been made.

NOW, THEREFORE, BE IT RESOLVED, by the Town Board of the Town of Somers, Wisconsin, that the Town Clerk/Treasurer is directed to send a certified copy of this Resolution to the Clerk/Treasurer of the City of Kenosha, Wisconsin and to join with the City Clerk/Treasurer in transmitting a certified copy of this Resolution, a certified copy of a similar resolution from the City of Kenosha, and a fully-executed copy of the Second Amendment and the Third Amendment to the Cooperative Plan to the State of Wisconsin, Department of Administration.

BE IT FURTHER RESOLVED by the Town Board of the Town of Somers, Wisconsin to request the State of Wisconsin, Department of Administration to approve said Second Amendment and Third Amendment to the Cooperative Plan.

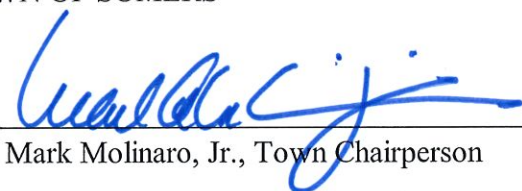
BE IT FURTHER RESOLVED, the Town Clerk/Treasurer is directed to comply with Wisconsin Statutes §§ 66.0307(4)(a) and (8)(c), including sending a certified copy of this Resolution and a fully-executed copy of the Second Amendment and Third Amendment to the Cooperative Plan to:

- the Wisconsin Department of Natural Resources;
- the Wisconsin Department of Agriculture, Trade and Consumer Protection;
- the Wisconsin Department of Transportation;
- the clerks of any municipality, school district, technical college district, sewerage district or sanitary district which has any part of its territory within five (5) miles of the City;
- the Kenosha County Clerk; and
- the Southeast Regional Planning Commission.

Adopted this 14 day of May, 2019.

TOWN OF SOMERS

BY:


Mark Molinaro, Jr., Town Chairperson

ATTEST:


Timothy Kitzman, Town Clerk/Treasurer

