

**DANIEL S. DIEHN**  
**A T T O R N E Y   A T   L A W**

---

September 10, 2014

Mr. Erich Schmidtke  
Wisconsin Department of Administration  
Division of Intergovernmental Relations  
101 East Wilson Street, 9<sup>th</sup> Floor  
P.O. Box 1645  
Madison, WI 53701-1645

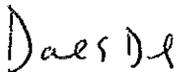
**RE:   City of Independence Annexation**

Dear Mr. Schmidtke:

Please find enclosed our annexation review form together with our fee for this review. This request is made pursuant to § 66.0217(6)(d) Wis. Stats. and is a joint request by the Towns of Lincoln and Burnside. Please advise if there is anything further we need to provide. If you have any questions or concerns, please feel free to contact me.

Sincerely,

DANIEL S. DIEHN, S.C.



Daniel S. Diehn  
DSD/jlw

Cc:   Jack Speerstra, Town of Lincoln Chairman (w/enclosure copies)  
      Fred Boe, Town of Burnside Chairman (w/enclosure copies)

# Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration  
Municipal Boundary Review  
101 E. Wilson Street, 9<sup>th</sup> Floor  
Madison WI 53703  
608-264-6102 Fax: 608-264-6104  
[wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)  
<http://doa.wi.gov/municipalboundaryreview/>

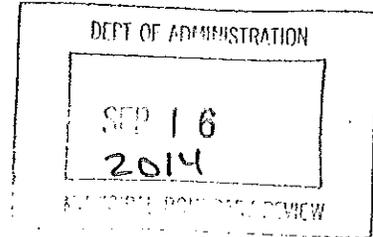
## Petitioner Information (SEE ATTACHED)

Name: **JACK SPEERSTRA**  
**TOWN OF LINCOLN CHAIRPERSON**

Address: **N35677 COUNTY RD D**  
**WHITEHALL, WI 54773**

Email: **MOOSTRA@HOTMAIL.COM**

## Office use only:



1. Town where property is located: **LINCOLN, BURNSIDE & ARCADIA**

2. Petitioned City or Village: **INDEPENDENCE**

3. County where property is located: **TREMPEALEAU**

4. Population of the territory to be annexed: **18**

5. Area (in acres) of the territory to be annexed: **1572**

6. Tax parcel number(s) of territory to be annexed  
(if the territory is part or all of an existing parcel):  
**SEE ATTACHED**

Petitioners phone:

**715-533-2735**

Town clerk's phone:

**715-538-4201**

City/Village clerk's phone:

## Contact Information if different than petitioner:

Representative's Name and Address:  
**DANIEL S. DIEHN**

**920 FILLMORE STREET**

**BLACK RIVER FALLS, WI 54615**

Phone: **715-284-0882**

E-mail: **DDIEHN@DIEHNLAW.COM**

Surveyor or Engineering Firm's Name & Address:  
**COOPER ENGINEERING CO., INC.**

**P.O. BOX 230**

**RICE LAKE, WI 54868**

Phone: **715-237-7008**

E-mail:

## Required Items to be provided with submission (to be completed by petitioner):

- 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 is included
- Indicate Statutory annexation method used:
  - Unanimous per s. 66.0217 (2), or,
  - OR
  - Direct by one-half approval per s. 66.0217 (3)
- Check or money order covering review fee [see next page for fee calculation]

# 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

**\$4,000 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

**\$4,350 TOTAL FEE DUE** (Add the Filing Fee to the Review Fee)

Attach check or money order here, payable to: Department of Administration

PD. 9/16/14 TOWNSHIP OF LINCOLN  
CK # 18601 \$4,350.00

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

**ATTACHMENT TO REQUEST FOR ANNEXATION REVIEW**

**JOINT PETITIONER:**

**FREDERICK A. BOE  
TOWN OF BURNSIDE CHAIRPERSON  
W28138 CISZAKE LANE  
INDEPENDENCE, WI 54747**

**JOINT PETITIONER PHONE:**

**715-985-2736**

**JOINT PETITIONER E-MAIL:**

**FBOE@TRI-WEST.NET**

## RESOLUTION

### ADOPTION OF ANNEXATION ORDINANCE

WHEREAS, a petition for annexation of land from the Town of Arcadia to the City of Independence was filed with the City Clerk on the 4<sup>th</sup> day of August, 2014, and

WHEREAS, the petition was signed by persons who constitute all of the owners of the land to be annexed and all the electors residing thereon, said lands being currently occupied by 21 persons, and the petition appears to meet the requirements of Section 66.0217(2) Wis. Stats. for direct annexation by unanimous approval, and

WHEREAS, the City is prepared to provide necessary services to the area and it would be in the best interests of the City to annex the land, and

WHEREAS, the City Council, acting as plan commission for the City, has determined that the appropriate zoning for the land would be I District (industrial) except for several parcels which should be designated as A (agricultural), and

WHEREAS, the proposed annexed territory borders on Ward 2 of the City and would be best served by being designated as a part of Ward 2, and

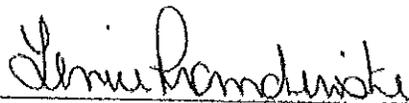
WHEREAS, the annexation would be compatible with the goals and objectives of the City's current "Smart Growth Plan", and

WHEREAS, Section 66.0217(14) requires that the City pay the Town an amount equal to the property taxes on the annexed land for a period of five years (5).

THEREFORE BE IT RESOLVED, that the attached ordinance for the annexation of the land described in Exhibit "A" of the ordinance be adopted, annexing said territory to the City of Independence.

Dated this 19th day of August, 2014.

The above resolution was adopted by a vote of 4 in favor and 2 opposed this 19th day of August, 2014.



Lenice Pronschinske  
Independence City Clerk

## ORDINANCE

### Annexation of Territory to the City of Independence

An ordinance annexing real estate from the Town of Arcadia to the City of Independence.

THE COMMON COUNCIL OF THE CITY OF INDEPENDENCE, WISCONSIN DO ORDAIN AS FOLLOWS:

**SECTION 1. Territory Annexed.** In accordance with Sec. 66.0217 Wis. Stats. and a Petition for Direct Annexation by Unanimous Approval having been filed with the City Clerk on the 4<sup>th</sup> day of August, 2014, signed by all of the owners of the land in area within the territory described in the Petition, such territory described and set out in the attached Exhibit "A" in the Town of Arcadia, Trempealeau County, Wisconsin, is annexed to the City of Independence, Wisconsin.

**SECTION 2. Effect of Annexation.** From and after the date of this ordinance, the territory described in Exhibit "A" shall be a part of the City of Independence for any and all purposes provided by law and the land, and all persons coming or residing within such territory, shall be subject to all ordinances, rules, and regulations governing the City of Independence other than any exceptions provided in Wisconsin Statutes.

**SECTION 3. Zoning Classification.** Upon recommendation of the City Council acting as plan commission, the territory annexed to the City of Independence by this ordinance shall be zoned as an I (industrial) District except for parcels numbered 1, 16, 17 and 18 on attached Exhibit A, which shall be zoned as A (agricultural) District.

**SECTION 4. Ward Designation.** The territory in Exhibit "A" is hereby made a part of the second ward of the City of Independence, subject to the ordinances, rules and regulations of the City governing Wards. The territory annexed has 18 electors and a population of 21.

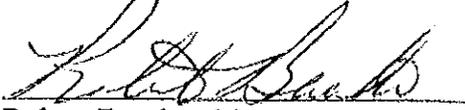
**SECTION 5. Obligation to Town.** The City shall pay annually to the Town of Arcadia, for five years, an amount equal to the amount of property taxes that the Town levied on the annexed territory, as shown by the tax roll under Wis. Stats. Section 70.65, in the year in which this annexation is final.

**SECTION 6. County Ordinances.** Pursuant to Section 59.692(7) and 59.693(10) Wis Stats, regulations previously adopted in Trempealeau County Zoning ordinances in respect to shore land zoning and erosion control and storm water management shall remain in effect for the annexed territory to the extent required by State statutes subject to the City reserving rights to assume jurisdiction or amend as permitted.

**SECTION 7. Severability.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

Adopted this 19th day of August, 2014.

CITY OF INDEPENDENCE

A handwritten signature in cursive script, appearing to read "Robert Baecker", written over a horizontal line.

Robert Baecker, Mayor

A handwritten signature in cursive script, appearing to read "Lenice Pronschinske", written over a horizontal line.

Lenice Pronschinske, City Clerk

Date Published: \_\_\_\_\_, 2014.

**EXHIBIT "A"**  
**Land Annexed to the City from Town of Arcadia**

All the following described land lying in Townships 21 North Range 9 West and 8 West, Trempealeau County, Wisconsin (all lands are in Township 21 North 9 West except as otherwise indicated in the real estate descriptions for parcels number 4, 9 and 10.)

**Parcel No. 1:**

The W  $\frac{1}{2}$  of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 1,

**Parcel No. 2:**

The SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 1,

The southerly 624 feet of the westerly 214 feet of the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 1,

The E  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  and the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 1, except that parcel described in Volume 681, Page 344.

**Parcel No. 3:**

The NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 12,

The westerly 290 feet of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 12,

That part of the NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 11, lying southerly of a parcel described as follows; Beginning at the Northwest corner of said NE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ ; thence following the center of Ed. Suchla Town Road, a distance of 7 chains and 15 links due East; thence due South a distance of 3 chains and 44 links; thence due West distance of 7 chains and 25 links to the center of the Town Road; thence due North following the center of the Town Road a distance of 3 chains and 74 links to the point of beginning, excepting the south 183 feet thereof,

The NW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , the SW  $\frac{1}{4}$  of the NE  $\frac{1}{4}$ , the SE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , of Section 11, lying southeasterly of the centerline of highway.

The SE  $\frac{1}{4}$  of the NE  $\frac{1}{4}$  of Section 11, except the part lying northwesterly of a line from the southwest corner of the N  $\frac{1}{2}$  of said SE  $\frac{1}{4}$ , NE  $\frac{1}{4}$  and the northeast corner thereof.

The NW ¼ of the SE ¼ of Section 11, except the following described parcel: Commencing at the West ¼ Corner of said Section 11; thence along the East-West ¼ line, South 89°41'17" East 2628.50 feet to the Northwest corner of said NW ¼ of the SE ¼ and the point of beginning; thence along the North line thereof, South 89°41'17" East 421.35 feet; thence South 00°19'37" East 350.02 feet; thence North 89°41'17" West 421.35 feet to the West line of said NW ¼ of the SE ¼; thence North 00°19'37" West 350.02 feet to the point of beginning.

The NE ¼ of the SE ¼ of Section 11,

The SW ¼ of the NW ¼ of Section 12, except the following described parcel as follows: Commencing at the Southeast corner of said SW ¼ of the NW ¼ and also being the point of beginning; thence S 89°45'52" W, along the South line of said SW ¼ of the NW ¼, a distance of 20.00 feet; thence N 00°11'18" W 280.00 feet; thence N 89°45'52" E 20.00 feet to the East line of said SW ¼ of the NW ¼; thence S 00°11'18" E, along said East line, 280.00 feet to the point of beginning.

**Parcel No. 4:**

The NE ¼ of Section 12,

The W ½ of the NW ¼ of Section 7, T21N, R8W

**Parcel No. 5:**

The SE ¼ of the NW ¼ of Section 12,

A part of the SW ¼ of the NW ¼ of Section 12, described as follows: Commencing at the Southeast corner of said SW ¼ of the NW ¼ and also being the point of beginning; thence S 89°45'52" W, along the South line of said SW ¼ of the NW ¼, a distance of 20.00 feet; thence N 00°11'18" W 280.00 feet; thence N 89°45'52" E 20.00 feet to the East line of said SW ¼ of the NW ¼; thence S 00°11'18" E, along said East line, 280.00 feet to the point of beginning.

The NE ¼ of the SW ¼ of Section 12,

The NW ¼ of the SW ¼ of Section 12, except that part in Certified Survey Map Volume 9, Page 261.

The E ½ of the SW ¼ of the SW ¼ of Section 12,

**Parcel No. 6:**

The NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 13, lying North of Korpala Valley Rd and Grulkowski Lane.

**Parcel No. 7:**

The NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$ , the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , of Section 12,

**Parcel No 8:**

The NE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 12,

A part of the NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 7, described as follows: Commencing at the Northwest corner of said NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ; thence South 350 feet along the West line of said forty to the point of beginning; thence North 350 feet along said West section line to the Northwest corner of said forty; thence East along said north line to the center of the town road; thence Southeasterly along the centerline of said town road 225 feet; thence Southwest to a point 500 feet East of the point of beginning; thence West 500 feet to the point of beginning.

**Parcel No. 9:**

The SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 12,

The NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 7, T21N, R8W, lying South and West of Bisek Rd except the following described parcel: Commencing at the Northwest corner of said NW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ ; thence South 350 feet along the West line of said forty to the point of beginning; thence North 350 feet along said West section line to the Northwest corner of said forty; thence East along said north line to the center of the town road; thence Southeasterly along the centerline of said town road 225 feet; thence Southwest to a point 500 feet East of the point of beginning; thence West 500 feet to the point of beginning.

The SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 7, T21N, R8W,

The NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  and the SW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 18, T21N, R8W, excepting therefrom part of the West  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of said Section 18 described as follows: Commencing at a point on the West line of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of said Section 18 in the center of the forty; thence South 50 rods; thence East 8 rods; thence in a Northwesterly direction to the place of beginning.

**Parcel No. 10:**

A part of the W ½ of the NW ¼ of Section 18, T21N, R8W, described as follows: Commencing at a point on the West line of the NW ¼ of the NW ¼ of said Section 18 in the center of the forty; thence South 50 rods; thence East 8 rods; thence in a Northwesterly direction to the place of beginning.

**Parcel No. 11:**

That part of the SE ¼ of the NE ¼ of Section 13, lying north of Church Hill Road.

**Parcel No. 12:**

The NW ¼ of the SE ¼ of Section 13, except that part in Certified Survey Map Volume 2, Page 185.

The SW ¼ of the NE ¼ of Section 13,

The NW ¼ of the NE ¼ of Section 13, except the following described parcels:

- (1) Certified Survey Map Volume 2, Page 139; (2) Certified Survey Map Volume 2, Page 140;
- (3) A part of the NW ¼ of the NE ¼ of said Section 13 described as follows: Beginning at the Northeast corner of Certified Survey Map Volume 2, Page 139, said point being on the North line of said NW ¼ of the NE ¼, S 89°14'48" E, 524.00 feet from the Northwest Corner thereof; thence S 89°14'49" E on said line, 163.34 feet to the Northwest corner of Lot 3 of Certified Survey Map Volume 2, Page 140; thence S 45°47'53" E, 248.68 feet to the North corner of Lot 4 of said CSM 2-140; thence S 44°12'07" W, 278.45 feet to the West corner of said Lot 4; thence S 79°33'04" W, 144.14 feet; thence N 05°13'20" W, 376.40 feet to the Southeasterly line of Lot 2 of said CSM 2-139; thence N 47°11'41" E, 38.91 feet to the point of beginning.
- (4) A part of the NW ¼ of the NE ¼ of said Section 13 described as follows: Beginning at the N ¼ Corner of said Section 13; thence S 89°14'48" E, along the North line of said NW ¼ of the NE ¼, 687.34 feet; thence S 45°47'53" E, 248.68 feet; thence S 44°12'07" W, 278.45 feet; thence S 78°44'35" W, 358.04 feet; thence S 63°24'16" W, 352.50 feet to the West line of said NW ¼ of the NE ¼; thence N 00°28'37" W along the West line of said NW ¼ of the NE ¼, 609.75 feet to the point of beginning.

That part of the NE ¼ of the NE ¼ of Section 13 contained within Deeds Vol. 755, Page 167.

**Parcel No. 13:**

The NE ¼ of the SW ¼ of Section 13,

**Parcel No. 14:**

The NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 13, lying North of Grulkowski Lane except the following described parcel; a part of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 13; Commencing at the Northwest corner of said Section 13; thence N  $89^{\circ}39'36''$  E, 1306.23 feet; thence S  $00^{\circ}21'47''$  E, 496.26 feet to the point of beginning; thence N  $89^{\circ}38'13''$  E, 208.22 feet; thence S  $00^{\circ}21'47''$  E, 213.40 feet; thence N  $88^{\circ}03'15''$  W, 208.39 feet; thence N  $00^{\circ}21'47''$  W, 205.00 feet to the point of beginning, and

The NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 13, lying south of a line between where the north right-of-way line of Stover Lane crosses the west line of said NE-NW and a point along the east line of said NE-NW located 605.79 feet south of the N  $\frac{1}{4}$  corner of said Section 13, except for that part of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  described as commencing at the Southwest corner of said NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , thence along the South line of said forty to the Southeast corner thereof; thence in a westerly direction to the West line of said forty to a point 3 rods North of the starting point; thence South 3 rods to the place of beginning.

**Parcel No. 15:**

That part of the NW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 13, described in Certified Survey Map Volume 2, Page 185.

**Parcel No. 16:**

The SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 1,

The S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 2,

The S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 2,

The southerly 100 feet of the easterly 500 feet of the N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 2,

The S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 2,

**Parcel No. 17:**

The S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 2,

The S  $\frac{1}{2}$  of the SE  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 3,

That part of the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 3, lying easterly of the thread of the Trempealeau River,

**Parcel No. 18:**

That part of the S  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of the SE  $\frac{1}{4}$  of Section 3, lying westerly of the thread of the Trempealeau River and easterly of the Railroad Right-of-Way,

**Parcel No. 19:**

Part of the NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 13, described as follows: Commencing at the Southwest corner of said NE  $\frac{1}{4}$  of the NW  $\frac{1}{4}$ , thence along the South line of said forty to the Southeast corner thereof; thence in a westerly direction to the West line of said forty to a point 3 rods North of the starting point; thence South 3 rods to the place of beginning.

**Parcel No. 20:**

Part of the E  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  of Section 10, bounded as follows: On the North by the north line of said Section 10; On the South by the centerline of Wickham Valley Creek; On the West by the easterly right of way line of State Highway 93; On the East by the westerly right of way of the Fox Valley and Western Limited Railway; except that part that lies in the following described parcel; Beginning at the center of the above named Section 10; thence running North, 8.425 chains; thence West, 10 chains to the center of the highway; thence South, 8.425 chains; thence East, 10 chains to the place of beginning.

**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS CONSENT  
PURSUANT TO WIS. STAT. §66.0217(2)**

**TO: City of Independence  
c/o City Clerk  
23688 Adams St.  
Independence, WI 54747**

**TO: Town of Arcadia  
c/o Town Clerk  
W26051 State Road 95  
Arcadia, WI 54612**

The undersigned, constituting all of the owners of and/or electors residing in the real property located within the territory hereinafter described in the Town of Arcadia, Trempealeau County, do hereby file this Petition for Direct Annexation by Unanimous Consent pursuant to Section 66.0217 of the Wisconsin State Statutes with the City Council of the City of Independence, a municipal corporation located in Trempealeau County, Wisconsin, to annex the territory described below from the Town of Arcadia located Trempealeau County, Wisconsin, to the City of Independence, located in Trempealeau County, Wisconsin.

There are 18 electors residing in the described territory and the population thereof is 18.

The territory proposed for annexation from the respective Town of Arcadia to the City of Independence is approximately 1,472.7 acres and is more particularly described in Exhibit A attached hereto and incorporated herein, and such territory is shown on the scale map attached hereto and incorporated herein as Exhibit B.

The territory proposed for annexation is contiguous to the City of Independence upon annexation of separate, additional territory filed via separate annexation petitions for territory in the Towns of Burnside and Lincoln, respectively.

The undersigned do request that this annexation be approved and take effect in the manner provided for by law.

The undersigned request that upon annexation, the land as described in Exhibit A be zoned I District (industrial) pursuant to the City Code of Ordinances, and granted a Conditional Use Permit for mineral extraction and processing pursuant to the City Code of Ordinances, except for Parcel Numbers 004-00375-0000; 004-00381-0000, 004-00404-0000, 004-00403-0000, and 004-00398-0000; 004-00397-0000, 004-00431-0005, and 004-00430-0000; and 004-00430-0005, which those respective landowners and electors request to be zoned agricultural.

**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
		Rachel Prokop	Y/N	1
		Jared Prokop	Y/N	1
<i>Lindsay Prokop</i>	<i>8/1/14</i>	Lindsay Prokop	Y <input checked="" type="radio"/> N	1
<i>Jack Prokop</i>	<i>8-1-14</i>	Jack Prokop	<input checked="" type="radio"/> Y N	1

STATE OF WISCONSIN        )  
  ) ss.  
TREMPEALEAU COUNTY     )

Personally came before me this \_\_\_ day of \_\_\_\_\_, 2014, the above-named Rachel Prokop, known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

STATE OF WISCONSIN        )  
  ) ss.  
TREMPEALEAU COUNTY     )

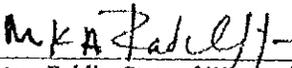
Personally came before me this \_\_\_ day of \_\_\_\_\_, 2014, the above-named Jared Prokop, known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

*NOTARY BLOCK  
ON NEXT PAGE*

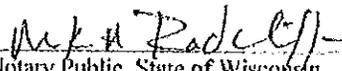
STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this 1 day of AUG, 2014, the above-named Lindsay Prokop, known to be the person who executed the foregoing instrument and acknowledged the same.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent expires \_\_\_\_\_

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this 1 day of AUG, 2014, the above-named Jack Prokop, known to be the person who executed the foregoing instrument and acknowledged the same.

  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent expires \_\_\_\_\_

**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
		Rachel Prokop	Y / N	1
<i>Jared Prokop</i>	8/4/14	Jared Prokop	Y <input checked="" type="checkbox"/> N	1
		Lindsay Prokop	Y / N	1
		Jack Prokop	Y / N	1

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this \_\_\_ day of \_\_\_\_\_, 2014, the above-named Rachel Prokop, known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

STATE OF WISCONSIN )  
DUNN ) ss.  
~~TREMPEALEAU~~ COUNTY )

Personally came before me this 4 day of AUG., 2014, the above-named Jared Prokop, known to be the person who executed the foregoing instrument and acknowledged the same.

*Mark A. Radcliffe*  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_





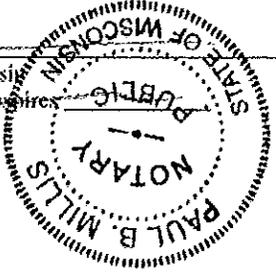
**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
<i>Kevin J. Werlein</i>	7-31-14	Kevin J. Werlein	Y/N	2

STATE OF WISCONSIN     )  
  ) ss.  
TREMPEALEAU COUNTY    )

Personally came before me this 31 day of July, 2014, the above-named Kevin J. Werlein, known to be the person who executed the foregoing instrument and acknowledged the same.

*[Signature]*  
Notary Public, State of Wisconsin  
My commission is permanent to expire \_\_\_\_\_



**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

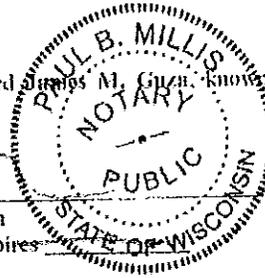
Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
<i>James M. Guza</i>	7-31-14	James M. Guza	(Y)N	3, 6
<i>Nancy A. Guza</i>	07-31-14	Nancy A. Guza	(Y)N	3, 6
<i>Taylor Guza</i>	7-31-14	Taylor Guza	(Y)N	3, 6

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this 31 day of July, 2014, the above-named James M. Guza, known to be the person who executed the foregoing instrument and acknowledged the same.

*[Signature]*

Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

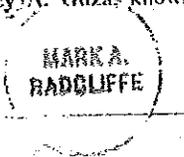


STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this 31 day of JULY, 2014, the above-named Nancy A. Guza, known to be the person who executed the foregoing instrument and acknowledged the same.

*[Signature: M. K. Radcliffe]*

Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

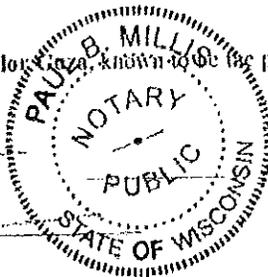


STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this 31 day of July, 2014, the above-named Taylor Guza, known to be the person who executed the foregoing instrument and acknowledged the same.

*[Signature]*

Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_



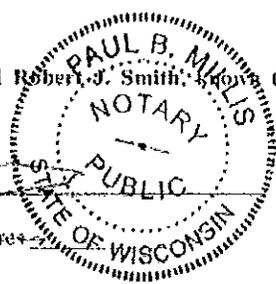
**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
<i>Robert J. Smith</i>	7-31-14	Robert J. Smith	<input checked="" type="radio"/> Y / N	4
<i>Kristin J. Little-Smith</i>	7-31-14	Kristin J. Little-Smith	<input checked="" type="radio"/> Y / N	4

STATE OF WISCONSIN            )  
  ) ss.  
TREMPEALEAU COUNTY        )

Personally came before me this 31 day of July, 2014, the above-named Robert J. Smith, known to be the person who executed the foregoing instrument and acknowledged the same.

*Paul B. Mullis*  
Notary Public, State of Wisconsin  
My commission is permanent/expires



STATE OF WISCONSIN            )  
  ) ss.  
TREMPEALEAU COUNTY        )

Personally came before me this 31 day of JULY, 2014, the above-named Kristin J. Little-Smith, known to be the person who executed the foregoing instrument and acknowledged the same.

*Mark A. Radcliffe*  
Notary Public, State of Wisconsin  
My commission is permanent/expires

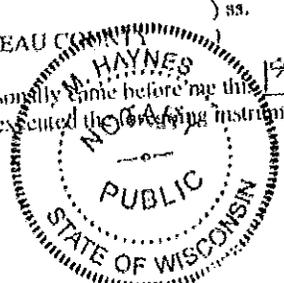


**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
<i>Andrew J. Puchalla</i>	<i>8-1-14</i>	Andrew J. Puchalla	Y (N)	5
<i>Carol Puchalla</i>	<i>8-1-14</i>	Carol Puchalla	Y (N)	5
<i>Kyle Puchalla</i>		Kyle Puchalla	Y/N	5

STATE OF WISCONSIN )  
TREMPEALEAU COUNTY ) ss.

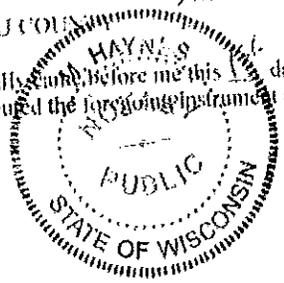
Personally came before me this 1st day of August, 2014, the above-named Andrew J. Puchalla, known to be the person who executed the foregoing instrument and acknowledged the same.



*M. Haynes*  
Notary Public, State of Wisconsin  
My commission is permanent/expires 7/5/15

STATE OF WISCONSIN )  
TREMPEALEAU COUNTY ) ss.

Personally came before me this 1st day of August, 2014, the above-named Carol Puchalla, known to be the person who executed the foregoing instrument and acknowledged the same.



*M. Haynes*  
Notary Public, State of Wisconsin  
My commission is permanent/expires 7/5/15

STATE OF WISCONSIN )  
TREMPEALEAU COUNTY ) ss.

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2014, the above-named Kyle Puchalla, known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

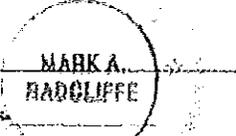
**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
<i>Dennis Korpai</i>	<i>7-31-14</i>	Dennis J. Korpai	<input checked="" type="radio"/> Y / <input type="radio"/> N	7, 11, 13
<i>Rosemary Korpai</i>	<i>7-31-14</i>	Rosemary I. Korpai	<input checked="" type="radio"/> Y / <input type="radio"/> N	7, 11, 13

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this 31 day of JULY, 2014, the above-named **Dennis J. Korpai**, known to be the person who executed the foregoing instrument and acknowledged the same.

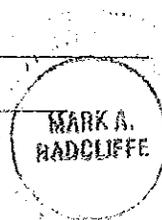
*Mark A. Radcliffe*  
Notary Public, State of Wisconsin  
My commission is permanent ~~expires~~



STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this 31 day of JULY, 2014, the above-named **Rosemary I. Korpai**, known to be the person who executed the foregoing instrument and acknowledged the same.

*Mark A. Radcliffe*  
Notary Public, State of Wisconsin  
My commission is permanent ~~expires~~



**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
<i>Allen J. Filla</i>	<i>8/1/14</i>	Allen J. Filla	<input checked="" type="radio"/> Y <input type="radio"/> N	8
<i>Vicki Filla</i>	<i>8-1-14</i>	Vicki Filla	<input checked="" type="radio"/> Y <input type="radio"/> N	8

STATE OF WISCONSIN     )  
  ) ss.  
TREMPEALEAU COUNTY    )

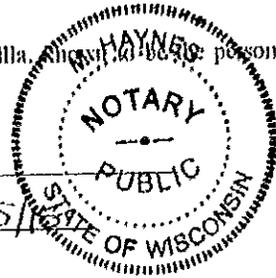
Personally came before me this 1<sup>st</sup> day of August, 2014, the above-named Allen J. Filla, known to be the person who executed the foregoing instrument and acknowledged the same.

*Rose Marie Pugh*  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is ~~permanent~~ expires 4/3/16

STATE OF WISCONSIN     )  
  ) ss.  
TREMPEALEAU COUNTY    )

Personally came before me this 1<sup>st</sup> day of August, 2014, the above-named Vicki Filla, known to be the person who executed the foregoing instrument and acknowledged the same.

*H. Haynes*  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is ~~permanent~~ expires 7/5/15



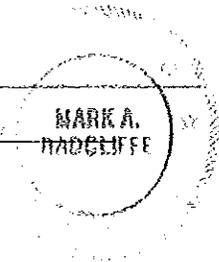
**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
<i>Ed J. Grulkowski</i> , as Trustee		Edward J. Grulkowski Living Trust	Y <input checked="" type="radio"/> N	9
<i>Ed J. Grulkowski</i>		Edward J. Grulkowski	<input checked="" type="radio"/> Y N	9

STATE OF WISCONSIN     )  
  ) ss.  
TREMPEALEAU COUNTY    )

Personally came before me this 31 day of JULY, 2014, the above-named Edward J. Grulkowski representative for the Edward J. Grulkowski Living Trust, known to be the person who executed the foregoing instrument and acknowledged the same.

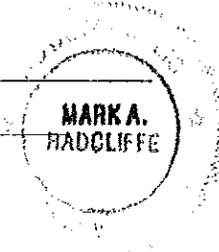
*Mark A. Radcliffe*  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_



STATE OF WISCONSIN     )  
  ) ss.  
TREMPEALEAU COUNTY    )

Personally came before me this 31 day of JULY, 2014, the above-named Edward J. Grulkowski, known to be the person who executed the foregoing instrument and acknowledged the same.

*Mark A. Radcliffe*  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_



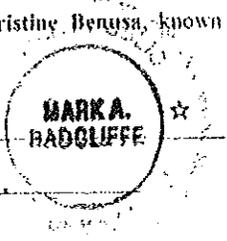
**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
<i>Kristine Benusa</i>	7/31/14	Kristine Benusa	<input checked="" type="radio"/> N	10, 19

STATE OF WISCONSIN     )  
  )  
TREMPEALEAU COUNTY    )

Personally came before me this 31 day of JULY, 2014, the above-named Kristine Benusa, known to be the person who executed the foregoing instrument and acknowledged the same.

*Mark A. Radcliffe*  
Notary Public, State of Wisconsin  
My commission is permanent ~~expires~~



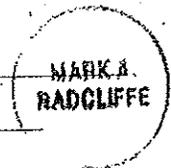
**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
<i>Scott A. Weaver</i>	<i>7-31-14</i>	Scott A. Weaver	<input checked="" type="checkbox"/> Y / <input type="checkbox"/> N	12

STATE OF WISCONSIN       )  
  ) ss.  
TREMPEALEAU COUNTY     )

Personally came before me this 31 day of JULY, 2014, the above-named Scott A. Weaver, known to be the person who executed the foregoing instrument and acknowledged the same.

*Mark A. Radcliffe*  
Notary Public, State of Wisconsin  
My commission is permanent ~~expires~~



**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
<i>Gregory D. Korpel</i>	7/31/14	Gregory D. Korpel	<input checked="" type="radio"/> Y <input type="radio"/> N	14
<i>Megan M. Konkel</i>	7/31/14	Megan Konkel	<input checked="" type="radio"/> Y <input type="radio"/> N	14

STATE OF WISCONSIN            )  
  ) ss.  
TREMPEALEAU COUNTY        )

Personally came before me this 31 day of JULY, 2014, the above-named Gregory D. Korpel, known to be the person who executed the foregoing instrument and acknowledged the same.

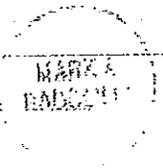
*Mark A. Radcliff*  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_



STATE OF WISCONSIN            )  
  ) ss.  
TREMPEALEAU COUNTY        )

Personally came before me this 31 day of JULY, 2014, the above-named Megan Konkel, known to be the person who executed the foregoing instrument and acknowledged the same.

*Mark A. Radcliff*  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_



**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
<i>Gregory D. Korpala</i>	7/31/14	Gregory D. Korpala	<input checked="" type="radio"/> Y <input type="radio"/> N	14
<i>Megan M. Konkel</i>	7/31/14	Megan Konkel	<input checked="" type="radio"/> Y <input type="radio"/> N	14

STATE OF WISCONSIN     )  
  ) ss.  
TREMPEALEAU COUNTY    )

Personally came before me this 31 day of JULY, 2014, the above-named Gregory D. Korpala, known to be the person who executed the foregoing instrument and acknowledged the same.

*Mark A. Radcliff*  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent ~~expires~~ \_\_\_\_\_



STATE OF WISCONSIN     )  
  ) ss.  
TREMPEALEAU COUNTY    )

Personally came before me this 31 day of JULY, 2014, the above-named Megan Konkel, known to be the person who executed the foregoing instrument and acknowledged the same.

*Mark A. Radcliff*  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent ~~expires~~ \_\_\_\_\_





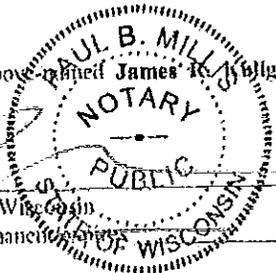
**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
<i>James R. Kulig</i>	<i>7/31/14</i>	James R. Kulig	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	16
<i>Rebecca Kulig</i>	<i>7/31/14</i>	Rebecca Kulig	Y <input checked="" type="checkbox"/> N <input type="checkbox"/>	16

STATE OF WISCONSIN     )  
  ) ss.  
TREMPEALEAU COUNTY    )

Personally came before me this 31 day of July, 2014, the above-named James R. Kulig known to be the person who executed the foregoing instrument and acknowledged the same.

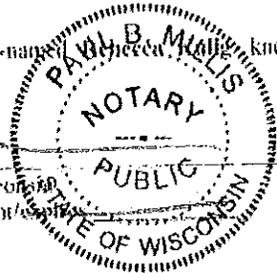
*[Signature]*  
Notary Public, State of Wisconsin  
My commission is permanent



STATE OF WISCONSIN     )  
  ) ss.  
TREMPEALEAU COUNTY    )

Personally came before me this 31 day of July, 2014, the above-named Rebecca Kulig known to be the person who executed the foregoing instrument and acknowledged the same.

*[Signature]*  
Notary Public, State of Wisconsin  
My commission is permanent

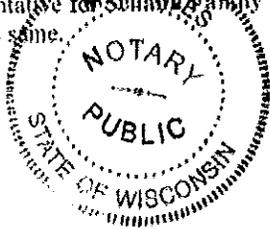


**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
<i>Jason Schank</i>	<i>8-1-14</i>	Schank Family Farms, LLC	Y <input checked="" type="radio"/> N	17
<i>Scott Schank</i>	<i>8-1-14</i>	Schank Family Farms, LLC	Y <input checked="" type="radio"/> N	17

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

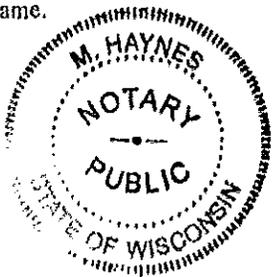
Personally came before me this 1<sup>st</sup> day of August, 2014, the above-named Jason Schank, representative for Schank Family Farms, LLC, known to be the person who executed the foregoing instrument and acknowledged the same.



*M. Haynes*  
Notary Public, State of Wisconsin  
My commission is ~~permanent~~/expires 7/5/15

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

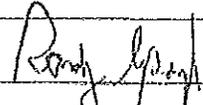
Personally came before me this 1<sup>st</sup> day of August, 2014, the above-named Scott Schank, representative for Schank Family Farms, LLC, known to be the person who executed the foregoing instrument and acknowledged the same.



*M. Haynes*  
Notary Public, State of Wisconsin  
My commission is ~~permanent~~/expires 7/5/15

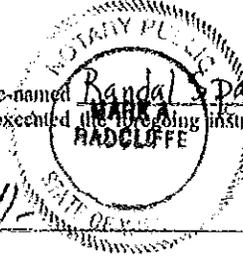


**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
	7/31/14	Maliszewski Rail, LLC	Y (N)	20

STATE OF WISCONSIN        )  
  ) ss.  
TREMPEALEAU COUNTY     )

Personally came before me this 31 day of JULY, 2014, the above-named Randal Dangler, representative for Maliszewski Rail, LLC, known to be the person who executed the foregoing instrument and acknowledged the same.



  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

**EXHIBIT A**

Owner Name	Exhibit Number	Legal Description
Rachel Prokop Jared Prokop Lindsay Prokop	1	The W ¼ of the NE ¼ of the NW ¼ of Section 1, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin. Parcel # 004-00375-0000
Kevin J. Werlein	2	The SE ¼ of the NW ¼ of Section 1, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin, The southerly 624 feet of the westerly 214 feet of the SW ¼ of the NE ¼ of Section 1, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin, The E ½ of the SW ¼ and the NW ¼ of the SE ¼ of Section 1, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin, except that parcel described in Volume 681, Page 344. Parcel # 004-00373-0000, 004-00378-0000, 004-00379-000, 004-00382-0000 and 004-00384-0000
James M. Guza Nancy A. Guza	3	The NE ¼ of the NW ¼ of Section 12, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin, The westerly 290 feet of the NW ¼ of the NW ¼ of Section 12, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin, That part of the NE ¼ of the NE ¼ of Section 11, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin, lying southerly of a parcel described as follows; Beginning at the Northwest corner of said NE ¼ of the NE ¼; thence following the center of Ed. Suchla Town Road, a distance of 7 chains and 15 links due East; thence due South a distance of 3 chains and 44 links; thence due West distance of 7 chains and 25 links to the center of the Town Road; thence due North following the center of the Town Road a distance of 3 chains and 74 links to the point of beginning, excepting the south 183 feet thereof, The NW ¼ of the NE ¼, the SW ¼ of the NE ¼, the SE ¼ of the NW ¼, of Section 11, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin lying southeasterly of the centerline of highway. The SE ¼ of the NE ¼ of Section 11, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin, except the part lying northwesterly of a line from the southwest corner of the N ½ of said SE ¼, NE ¼ and the northeast corner thereof. The NW ¼ of the SE ¼ of Section 11, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin, except the following described parcel: Commencing at the West ¼ Corner of said Section 11; thence along the

	3 (continued)	<p>East-West ¼ line, South 89°41'17" East 2628.50 feet to the Northwest corner of said NW ¼ of the SE ¼ and the point of beginning; thence along the North line thereof, South 89°41'17" East 421.35 feet; thence South 00°19'37" East 350.02 feet; thence North 89°41'17" West 421.35 feet to the West line of said NW ¼ of the SE ¼; thence North 00°19'37" West 350.02 feet to the point of beginning.</p> <p>The NE ¼ of the SE ¼ of Section 11, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin.</p> <p>The SW ¼ of the NW ¼ of Section 12, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin, except the following described parcel as follows: Commencing at the Southeast corner of said SW ¼ of the NW ¼ and also being the point of beginning; thence S 89°45'52" W, along the South line of said SW ¼ of the NW ¼, a distance of 20.00 feet; thence N 00°11'18" W 280.00 feet; thence N 89°45'52" E 20.00 feet to the East line of said SW ¼ of the NW ¼; thence S 00°11'18" E, along said East line, 280.00 feet to the point of beginning.</p> <p>Parcel # 004-00610-0000, 004-00611-0005, 004-00585-0000, 004-00587-0000, 004-00589-0000, 004-00596-0000, 004-00602-0000, 004-00601-0000, 004-00591-0000, 004-00612-0005.</p>
Robert J. Smith Kristin J. Little-Smith	4	<p>The NE ¼ of Section 12, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin.</p> <p>The W ¼ of the NW ¼ of Section 7, T21N, R8W, Town of Arcadia, Trempealeau County, Wisconsin.</p> <p>Parcel # 004-00607-0000, 004-00606-0000, 004-00609-0000, 004-00608-0000, 004-00072-0000, 004-00073-0000.</p>
Andrew J. Puchalla Carol Puchalla	5	<p>The SE ¼ of the NW ¼ of Section 12, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin.</p> <p>A part of the SW ¼ of the NW ¼ of Section 12, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin described as follows: Commencing at the Southeast corner of said SW ¼ of the NW ¼ and also being the point of beginning; thence S 89°45'52" W, along the South line of said SW ¼ of the NW ¼, a distance of 20.00 feet; thence N 00°11'18" W 280.00 feet; thence N 89°45'52" E 20.00 feet to the East line of said SW ¼ of the NW ¼; thence S 00°11'18" E, along said East line, 280.00 feet to the point of beginning.</p> <p>The NE ¼ of the SW ¼ of Section 12, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin.</p> <p>The NW ¼ of the SW ¼ of Section 12, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin, except that part in Certified Survey Map Volume 9,</p>

	5 (continued)	<p>Page 261.</p> <p>The W ½ of the SW ¼ of the SW ¼ of Section 12, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin,</p> <p>Parcel # 004-00613-0000, 004-00612-0000, 004-00614-0000, 004-00615-0000, 004-00616-0000</p>
James M. Guza Nancy A. Guza	6	<p>The NW ¼ of the NW ¼ of Section 13, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin lying North of Korpai Valley Rd and Grulkowski Lane.</p> <p>Parcel # 004-00629-0000</p>
Dennis J. Korpai Rosemary I. Korpai	7	<p>The NW ¼ of the SE ¼, the SW ¼ of the SE ¼, the SE ¼ of the SW ¼, of Section 12, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin.</p> <p>Parcel # 004-00619-0000, 004-00620-0000, 004-00617-0000</p>
Allen J. Filla	8	<p>The NE ¼ of the SE ¼ of Section 12, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin.</p> <p>A part of the NW ¼ of the SW ¼ of Section 7, T21N, R8W, Town of Arcadia, Trempealeau County, Wisconsin described as follows: Commencing at the Northwest corner of said NW ¼ of the SW ¼; thence South 350 feet along the West line of said forty to the point of beginning; thence North 350 feet along said West section line to the Northwest corner of said forty; thence East along said north line to the center of the town road; thence Southeasterly along the centerline of said town road 225 feet; thence Southwest to a point 500 feet East of the point of beginning; thence West 500 feet to the point of beginning.</p> <p>Parcel # 004-00618-000, 004-00077-0005.</p>
Edward J. Grulkowski Living Trust	9	<p>The SE ¼ of the SE ¼ of Section 12, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin.</p> <p>The NW ¼ of the SW ¼ of Section 7, T21N, R8W, Town of Arcadia, Trempealeau County, Wisconsin lying South and West of Bisek Rd except the following described parcel: Commencing at the Northwest corner of said NW ¼ of the SW ¼; thence South 350 feet along the West line of said forty to the point of beginning; thence North 350 feet along said West section line to the Northwest corner of said forty; thence East along said north line to the center of the town road; thence Southeasterly along the centerline of said town road 225 feet; thence Southwest to a point 500 feet East of the point of beginning; thence West 500 feet to the point of beginning.</p> <p>The SW ¼ of the SW ¼ of Section 7, T21N, R8W, Town of Arcadia, Trempealeau County, Wisconsin.</p> <p>The NW ¼ of the NW ¼ and the SW ¼ of the NW ¼ of</p>

	9 (continued)	Section 18, T21N, R8W, Town of Arcadia, Trempealeau County, Wisconsin, excepting therefrom part of the West 1/4 of the NW 1/4 of said Section 18 described as follows: Commencing at a point on the West line of the NW 1/4 of the NW 1/4 of said Section 18 in the center of the forty; thence South 50 rods; thence East 8 rods; thence in a Northwesterly direction to the place of beginning. Parcel # 004-00077-0000, 004-00621-0000, 004-00078-0000, 004-00167-0000, 004-00170-0000
Kristine Benusa	10	A part of the W 1/4 of the NW 1/4 of Section 18, T21N, R8W, Town of Arcadia, Trempealeau County, Wisconsin described as follows: Commencing at a point on the West line of the NW 1/4 of the NW 1/4 of said Section 18 in the center of the forty; thence South 50 rods; thence East 8 rods; thence in a Northwesterly direction to the place of beginning. Parcel # 004-00168-0000, 004-00169-0000
Dennis J. Korpai Rosemary J. Korpai	11	That part of the SE 1/4 of the NE 1/4 of Section 13, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin lying north of Church Hill Road. Parcel # 004-00626-0000
Scott A. Weaver	12	The NW 1/4 of the SE 1/4 of Section 13, T21N, R9W, Town of Arcadia, Trempealeau County, except that part in Certified Survey Map Volume 2, Page 185. The SW 1/4 of the NE 1/4 of Section 13, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin. The NW 1/4 of the NE 1/4 of Section 13, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin except the following described parcels: (1) Certified Survey Map Volume 2, Page 139; (2) Certified Survey Map Volume 2, Page 140; (3) A part of the NW 1/4 of the NE 1/4 of said Section 13 described as follows: Beginning at the Northeast corner of Certified Survey Map Volume 2, Page 139, said point being on the North line of said NW 1/4 of the NW 1/4, S 89°14'48" E, 524.00 feet from the Northwest Corner thereof; thence S 89°14'49" E on said line, 163.34 feet to the Northwest corner of Lot 3 of Certified Survey Map Volume 2, Page 140; thence S 45°47'53" E, 248.68 feet to the North corner of Lot 4 of said CSM 2-140; thence S 44°12'07" W, 278.45 feet to the West corner of said Lot 4; thence S 79°33'04" W, 144.14 feet; thence N 05°13'20" W, 376.40 feet to the Southeasterly line of Lot 2 of said CSM 2-139; thence N 47°11'41" E, 38.91 feet to the point of beginning. (4) A part of the NW 1/4 of the NE 1/4 of said Section 13 described as follows: Beginning at the N 1/4 Corner of

	12 (continued)	<p>said Section 13; thence S 89°14'48" E, along the North line of said NW ¼ of the NE ¼, 687.34 feet; thence S 45°47'53" E, 248.68 feet; thence S 44°12'07" W, 278.45 feet; thence S 78°44'35" W, 358.04 feet; thence S 63°24'16" W, 352.50 feet to the West line of said NW ¼ of the NE ¼; thence N 00°28'37" W along the West line of said NW ¼ of the NE ¼, 609.75 feet to the point of beginning, and</p> <p>That part of the NE ¼ of the NE ¼ contained within Deeds Vol. 755, Page 167.</p> <p>Parcel #004-00638-0000, 004-00625-0005, 004-00625-0000, 004-00624-0000, and 004-00623-0000</p>
Dennis J. Korpai Rosemary I. Korpai	13	<p>The NE ¼ of the SW ¼ of Section 13, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin Parcel # 004-00633-0000</p>
Gregory D. Korpai	14	<p>The NE ¼ of the NW ¼ of Section 13, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin lying North of Grulkowski Lane except the following described parcel; a part of the NE ¼ of the NW ¼ of Section 13, T21N, R9W; Commencing at the Northwest corner of said Section 13; thence N 89°39'36" E, 1306.23 feet; thence S 00°21'47" E, 496.26 feet to the point of beginning; thence N 89°38'13" E, 208.22 feet; thence S 00°21'47" E, 213.40 feet; thence N 88°03'15" W, 208.39 feet; thence N 00°21'47" W, 205.00 feet to the point of beginning, and</p> <p>The NE ¼ of the NW ¼ of Section 13, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin lying south of a line between where the north right-of-way line of Stover Lane crosses the west line of said NE-NW and a point along the east line of said NE-NW located 605.79 feet south of the N ¼ corner of said Section 13 (this parcel may require additional mapping), except for that part of the NE ¼ of the NW ¼ described as commencing at the Southwest corner of said NE ¼ of the NW ¼, thence along the South line of said forty to the Southeast corner thereof; thence in a westerly direction to the West line of said forty to a point 3 rods North of the starting point; thence South 3 rods to the place of beginning.</p> <p>Parcel #004-00627-000</p>
Carmen A. Weaver	15	<p>That part of the NW ¼ of the SE ¼ of Section 13, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin described in Certified Survey Map Volume 2, Page 185.</p> <p>Parcel #004-00638-0005</p>
James R. Kullig Rebecca Kullig	16	<p>The SW ¼ of the SW ¼ of the SW ¼ of Section 1, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin,</p>

	16 (continued)	<p>The S ½ of the SE ¼ of the SE ¼ of Section 2, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin,</p> <p>The S ½ of the SW ¼ of the SE ¼ of Section 2, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin,</p> <p>The southerly 100 feet of the easterly 500 feet of the N ½ of the SW ¼ of the SE ¼ of Section 2, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin, and</p> <p>The S ½ of the SE ¼ of the SW ¼ of Section 2, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin.</p> <p>Parcel # 004-00381-0000, 004-00404-0000, 004-00403-0000, and 004-00398-0000</p>
Schank Family Farms, LLC	17	<p>The S ½ of the SW ¼ of the SW ¼ of Section 2, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin,</p> <p>The S ½ of the SE ¼ of the SE ¼ of Section 3, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin, and</p> <p>That part of the S ½ of the SW ¼ of the SE ¼ of Section 3, T21N, R9W, lying easterly of the thread of the Trempealeau River, Town of Arcadia, Trempealeau County, Wisconsin.</p> <p>Parcel #004-00397-0000, 004-00431-0005, and 004-00430-0000</p>
Edwin J. Maliszewski	18	<p>That part of the S ½ of the SW ¼ of the SE ¼ of Section 3, T21N, R9W, lying westerly of the thread of the Trempealeau River and easterly of the Railroad Right-of-Way, Town of Arcadia, Trempealeau County, Wisconsin.</p> <p>Parcel #004-00430-0005</p>
Kristine Benusa	19	<p>Part of the NE ¼ of the NW ¼ of Section 13, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin, described as follows: Commencing at the Southwest corner of said NE ¼ of the NW ¼, thence along the South line of said forty to the Southeast corner thereof; thence in a westerly direction to the West line of said forty to a point 3 rods North of the starting point; thence South 3 rods to the place of beginning.</p> <p>Parcel # 004-00628-0000</p>
Maliszewski Rail, LLC	20	<p>Part of the E ½ of the NW ¼ of Section 10, T21N, R9W, Town of Arcadia, Trempealeau County, Wisconsin, bounded as follows: On the North by the north line of said Section 10; On the South by the centerline of Wickham Valley Creek; On the West by the easterly right of way line of State Highway 93; On the East by the westerly right of way of the Fox Valley and</p>

	<b>20 (continued)</b>	<b>Western Limited Railway; except that part that lies in the following described parcel; Beginning at the center of the above named Section 10; thence running North, 8.425 chains; thence West, 10 chains to the center of the highway; thence South, 8.425 chains; thence East, 10 chains to the place of beginning. Parcel # 004-00559-0005</b>
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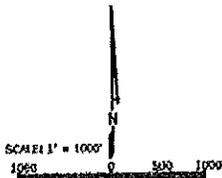
**Exhibit B**

**Proposed Annexation to City of Independence**

Located in Sections 1, 2, 10, 11, 12, 13, and 14,  
T21N, R9W, and Sections 7 & 10, T21N, R8W,  
Town of Arcadia,  
Trempealeau County, Wisconsin.

Town of Independence  
Section 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100

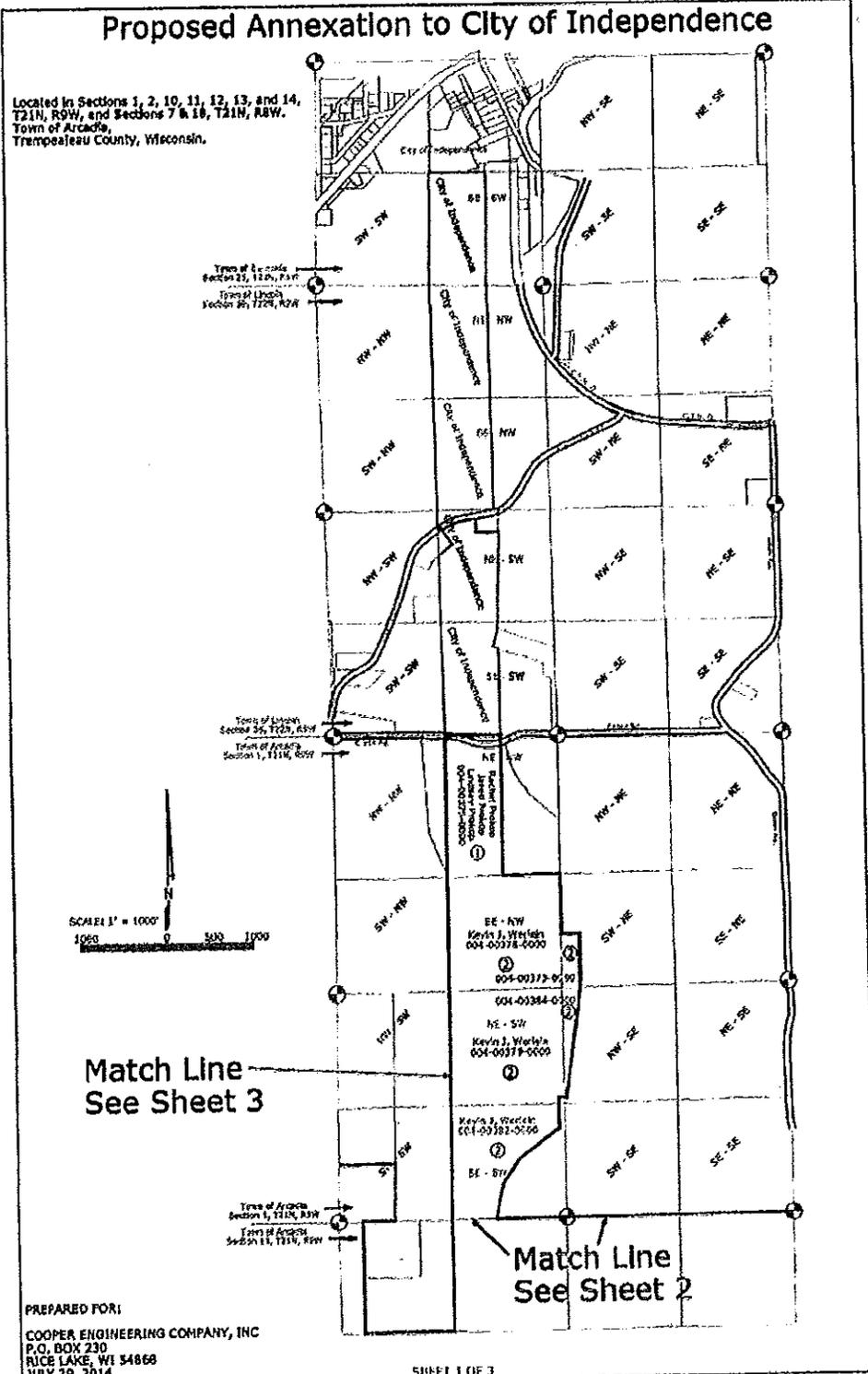
Town of Arcadia  
Section 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100



Match Line  
See Sheet 3

Match Line  
See Sheet 2

PREPARED FOR:  
COOPER ENGINEERING COMPANY, INC  
P.O. BOX 230  
RICE LAKE, WI 54868  
JULY 29, 2014

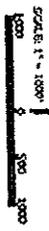
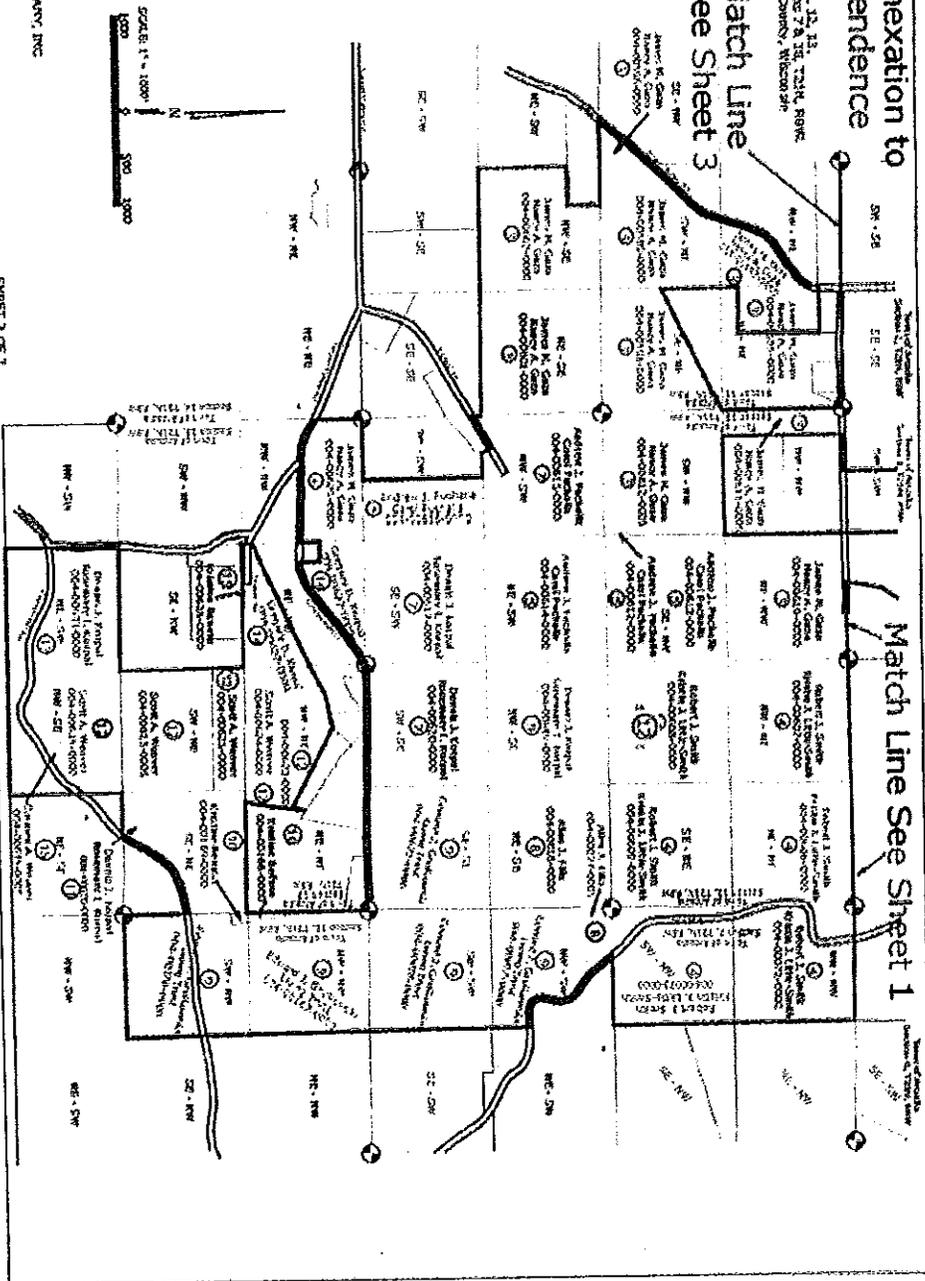


# Proposed Annexation to City of Independence

Located in Sections 1, 2, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, and 50, T24N, R9W, and Section 51, T24N, R9W, Town of Anselma, Thompson County, Missouri

Match Line  
See Sheet 3

Match Line See Sheet 1

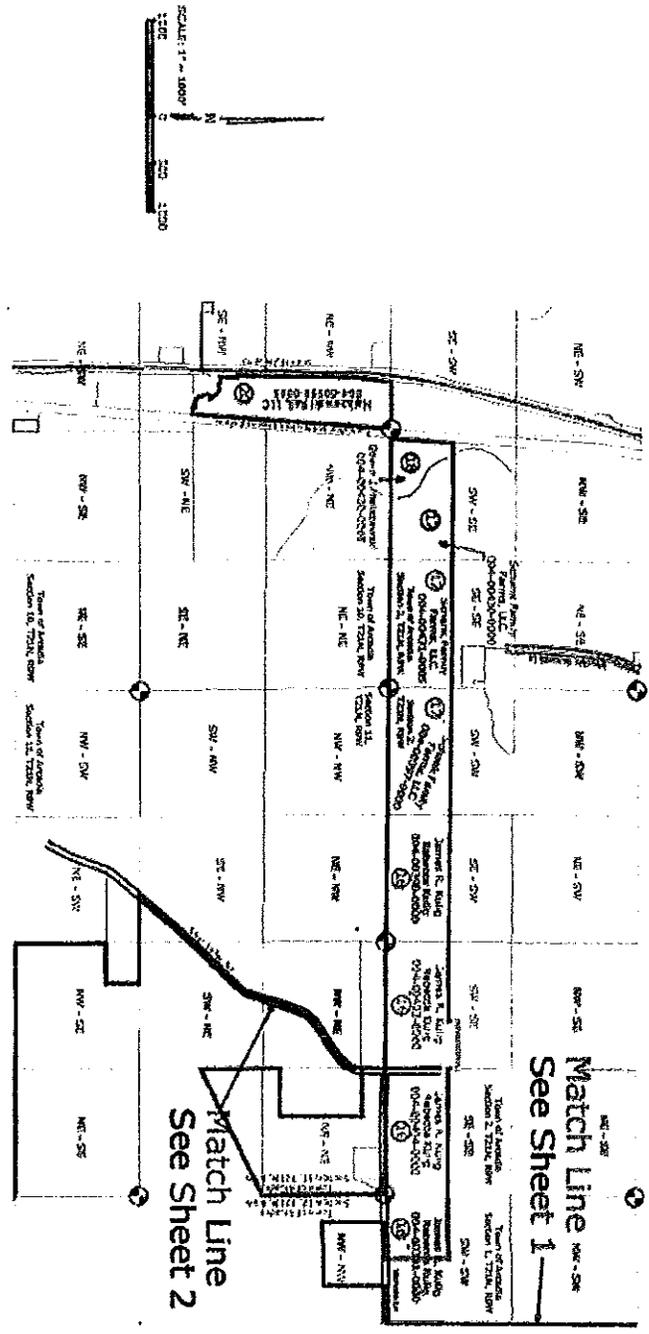


PREPARED FOR:  
COOPER ENGINEERING COMPANY, INC.  
S.O. BOX 222  
RICE LAKE, WI 54609  
MAY 21, 2014

SHEET 2 OF 3

# Proposed Annexation to City of Independence

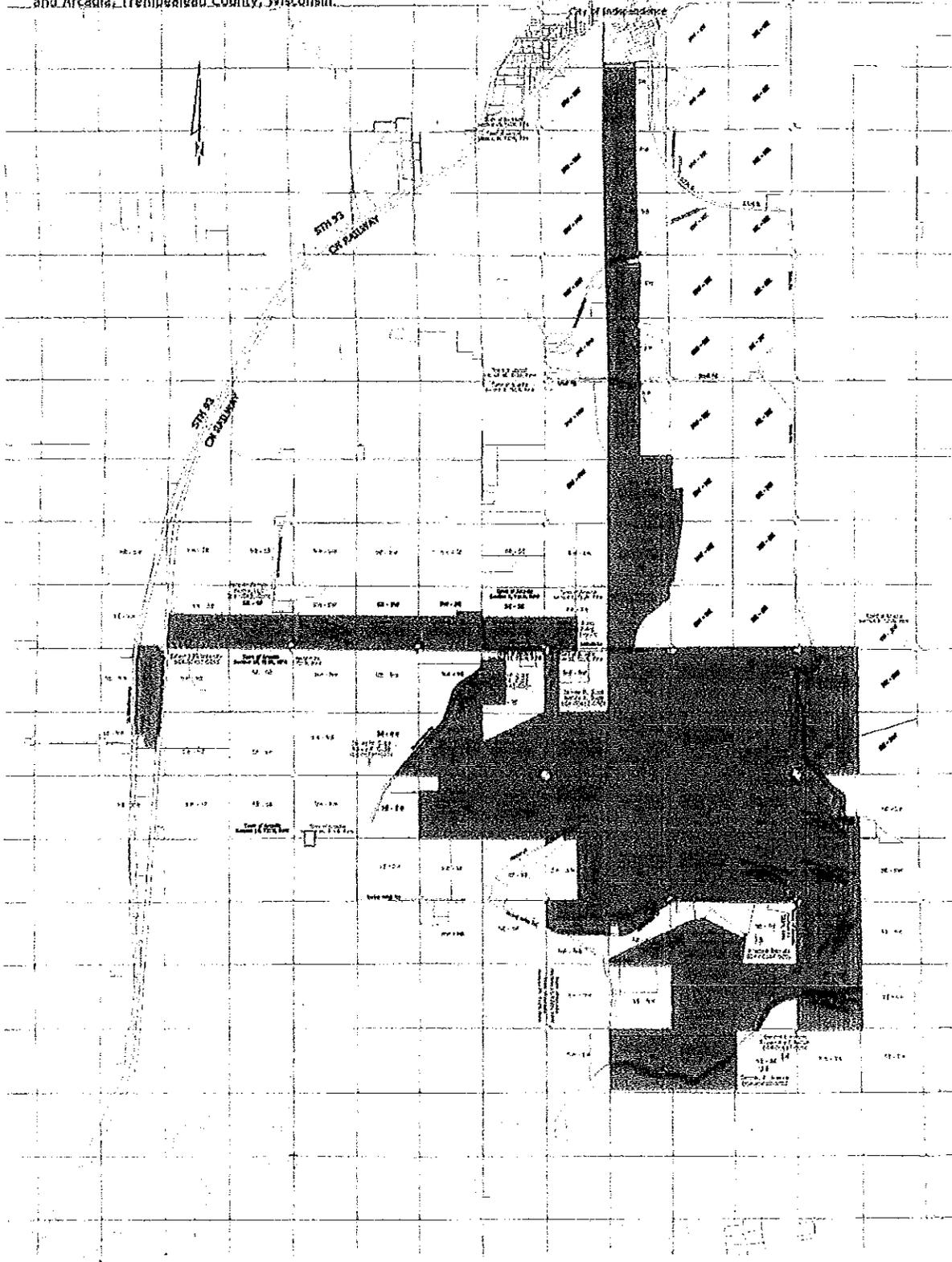
Located in Sections 2, 7, 10, 11, 12, 13, 14, 17, 18, 19, 20, and  
Sections 7 & 10, T23N, R57W,  
Town of Arcadia, Trempealeau County, Wisconsin



PREPARED FOR:  
COOPER ENGINEERING COMPANY, INC.  
P.O. BOX 222  
RICE LAKE, WI 54865  
MAY 29, 2014

# Proposed Annexation to City of Independence

Located in Sections 25 & 36, T22N, R9W, and Sections 1, 2, 10, 11, 12, 13, 14, T21N, R9W, and Sections 7 & 18, T21N, R8W. Part of the Towns of Burnside, Lincoln, and Arcadia, Trempealeau County, Wisconsin.



PROJECT NUMBER: BRH  
 CREATED BY:  
 APPROVED BY:



SUPERIOR SILICA SANDS LLC  
 PETITION FOR UNANIMOUS ANNEXATION

STREET ADDRESS:  
 ANNEXATION MAP

DATE: 6/19/2014  
 TIME: 8:00 AM  
 DRAWN BY: MS  
 PLOT NO: 14365007  
 SHEET NO: 1 OF 1

# Proposed Annexation to City of Independence

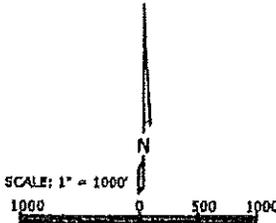
Located in Sections 25 & 36, T22N, R9W, and Sections 1, 2, 10, 11, 12, 13, 14, T21N, R9W, and Sections 7 & 18, T21N, R8W, Part of the Towns of Burnside, Lincoln, and Arcadia, Trempealeau County, Wisconsin.

Town of Burnside  
Section 18, T22N, R9W

Town of Lincoln  
Section 16, T22N, R9W

Town of Lincoln  
Section 36, T21N, R9W

Town of Arcadia  
Section 1, T21N, R9W



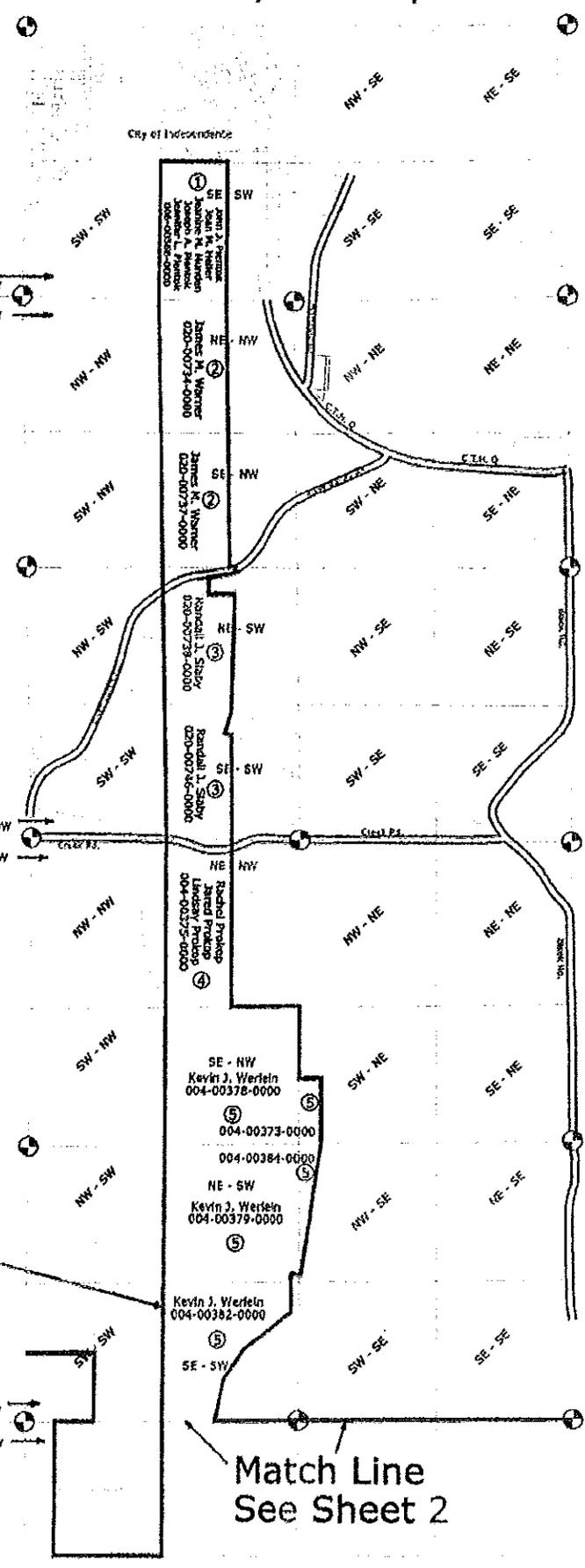
Match Line  
See Sheet 3

Town of Arcadia  
Section 1, T21N, R9W

Town of Arcadia  
Section 12, T21N, R9W

Match Line  
See Sheet 2

PREPARED FOR:  
COOPER ENGINEERING COMPANY, INC  
P.O. BOX 230  
RICE LAKE, WI 54868

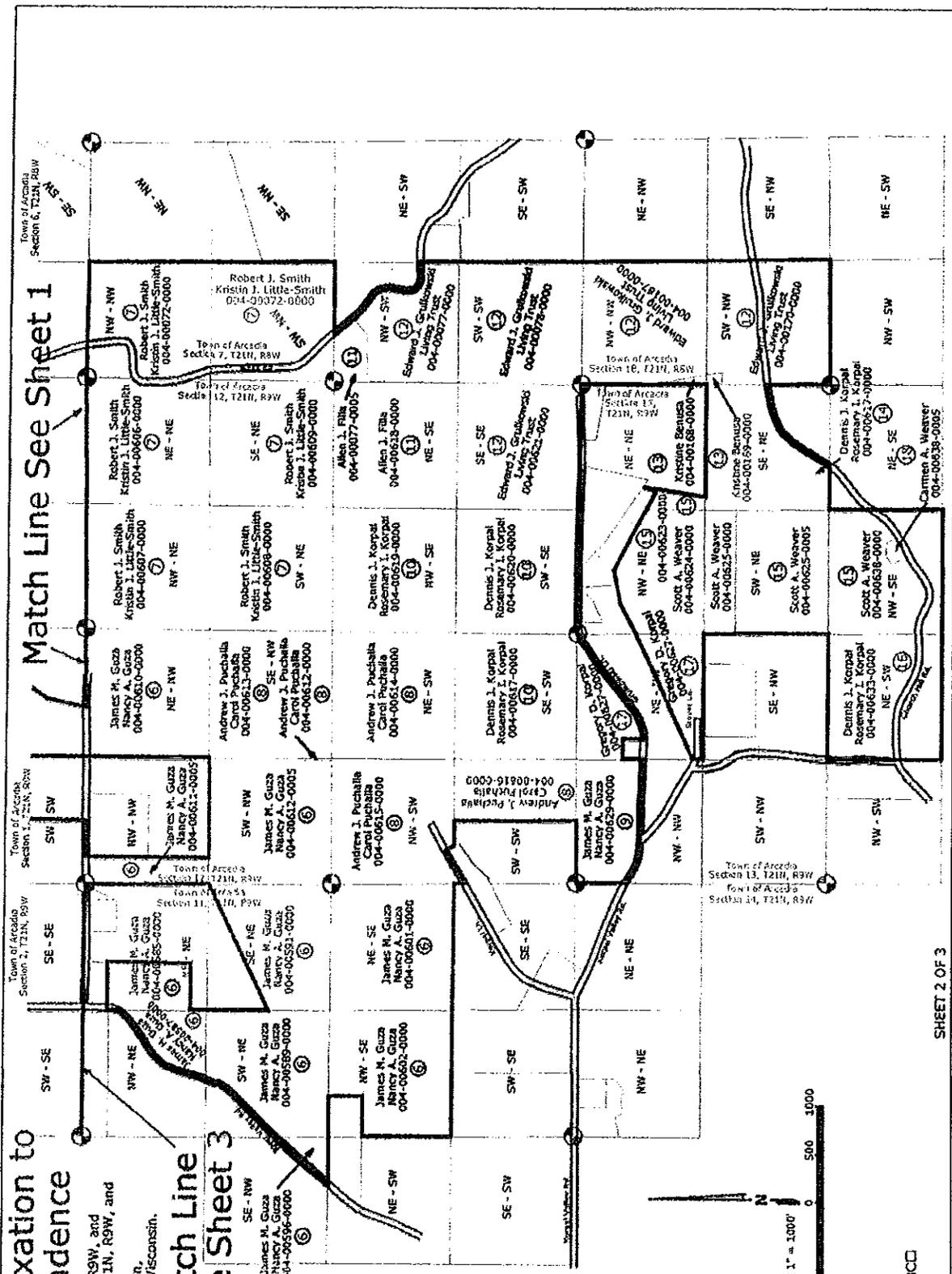


# Proposed Annexation to City of Independence

Located in Sections 25 & 36, T22N, R9W, and  
Sections 1, 2, 10, 11, 12, 13, 14, T21N, R9W, and  
Sections 7 & 18, T21N, R8W,  
Part of the Towns of Burnside, Lincoln,  
and Arcadia, Trempealeau County, Wisconsin.

Match Line  
See Sheet 3

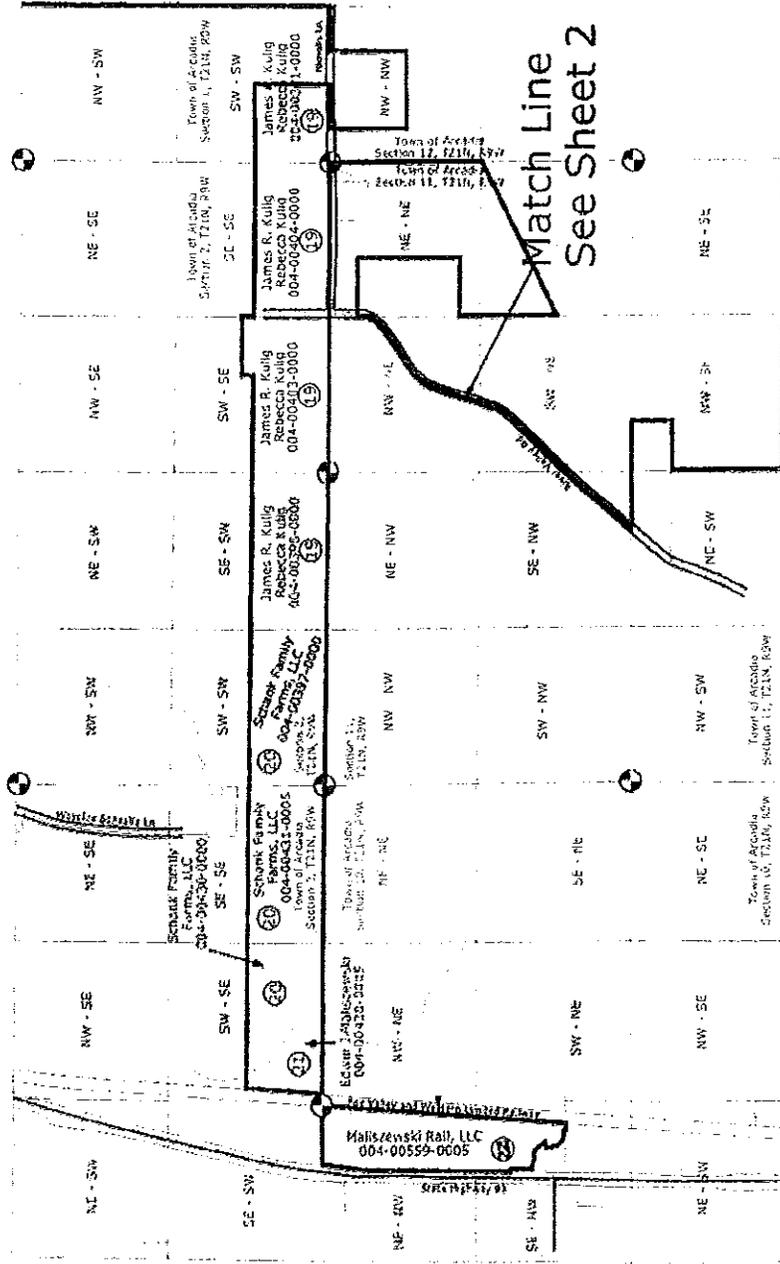
Match Line See Sheet 1



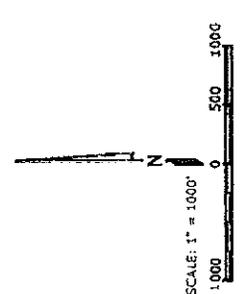
PREPARED FOR:  
COOPER ENGINEERING COMPANY, INC  
P.O. BOX 230  
BAUCE LAKE, WI 54608

# Proposed Annexation to City of Independence

Located in Sections 25 & 36, T22N, R9W, and  
Sections 2, 7, 10, 11, 12, 13, 14, T21N, R9W, and  
Sections 7 & 18, T21N, R9W.  
Part of the Towns of Burmese, Lincoln,  
and Arcadia, Trempealeau County, Wisconsin.



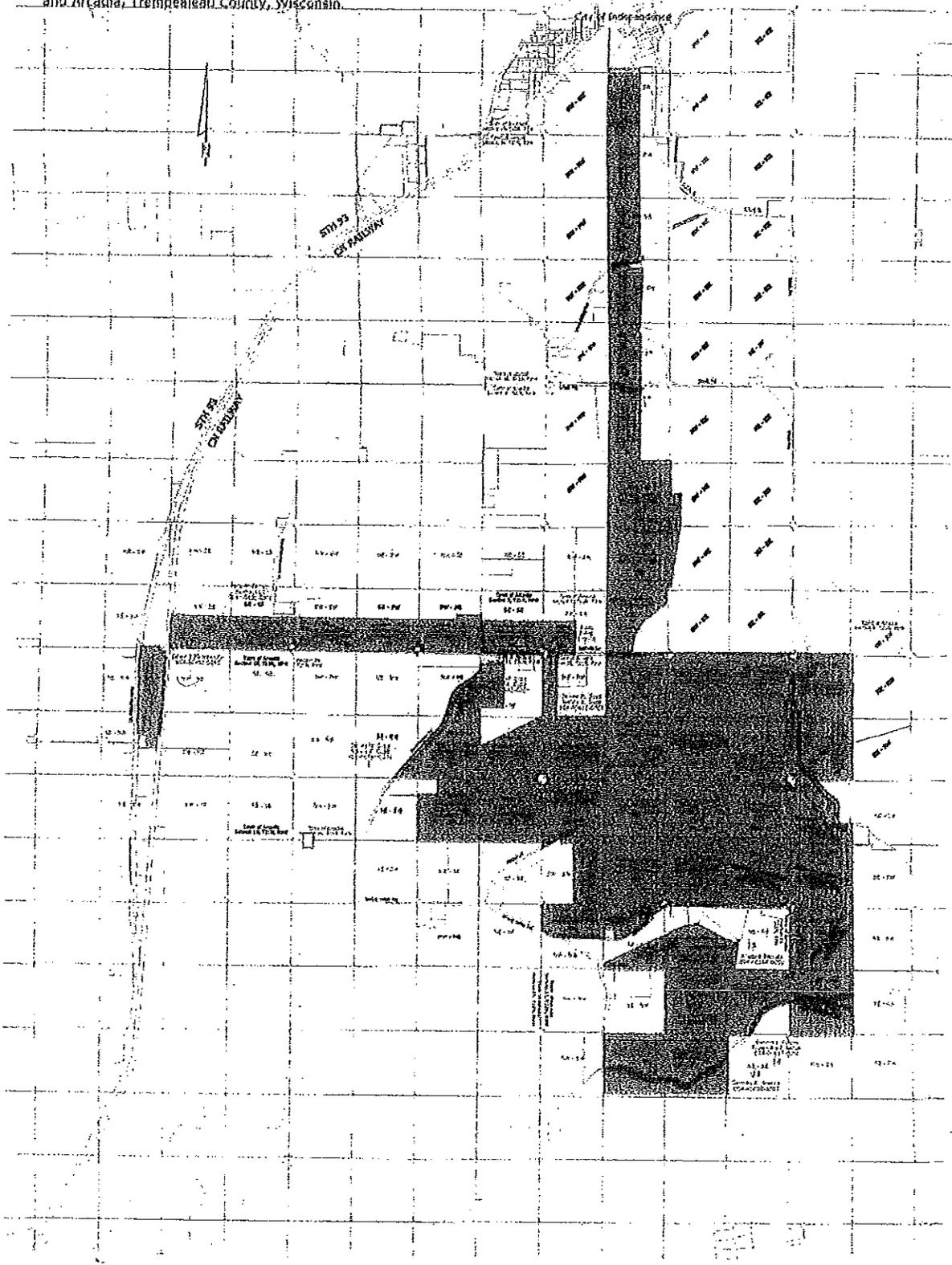
Match Line  
See Sheet 2



PREPARED FOR:  
COOPER ENGINEERING COMPANY, INC  
P.O. BOX 220  
DRIE LAKE, WI 54868

# Proposed Annexation to City of Independence

Located in Sections 25 & 36, T22N, R9W, and  
Sections 1, 2, 10, 11, 12, 13, 14, T21N, R9W, and  
Sections 7 & 18, T21N, R8W,  
Part of the Towns of Burnside, Lintcoln,  
and Arcadia, Trempealeau County, Wisconsin.



<p>PROJECT NUMBER: BRH</p> <p>DATE: 6/18/2014</p> <p>SCALE: 0.500" = 1.000'</p> <p>DRAWN BY: MS</p> <p>PROJECT NO.: 14305009</p> <p>SHEET NO.: 1 OF 1</p>	<p><b>COOPER ENGINEERING</b></p> <p>300 W. WISCONSIN ST., SUITE 100 ST. FRANCIS, WISCONSIN 53593 TEL: 608.785.2244 FAX: 608.785.2245</p>	<p><b>SUPERIOR SILICA SANDS LLC</b></p> <p>PETITION FOR UNANIMOUS ANNEXATION</p> <p>ANNEXATION MAP</p>	<p>DATE: 6/18/2014</p> <p>SCALE: 0.500" = 1.000'</p> <p>DRAWN BY: MS</p> <p>PROJECT NO.: 14305009</p> <p>SHEET NO.: 1 OF 1</p>
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## RESOLUTION

### ADOPTION OF ANNEXATION ORDINANCE

WHEREAS, a petition for annexation of land from the Town of Burnside to the City of Independence was filed with the City Clerk on the 4<sup>th</sup> day of August, 2014, and

WHEREAS, the petition was signed by owners of the land within the proposed area to be annexed, who constitute all of the owners of the land, said land being vacant and unoccupied by any persons, and the petition appears to meet the requirements of Section 66.0217(2) Wis. Stats. for direct annexation by unanimous approval, and

WHEREAS, the City is prepared to provide necessary services to the area and it would be in the best interests of the City to annex the land, and

WHEREAS, the City Council, acting as plan commission for the City, has determined that the appropriate zoning for the land would be A District (agricultural), and

WHEREAS, the proposed annexed territory borders on Ward 2 of the City and would be best served by being designated as a part of Ward 2, and

WHEREAS, the annexation would be compatible with the goals and objectives of the City's current "Smart Growth Plan", and

WHEREAS, Section 66.0217(14) requires that the City pay the Town an amount equal to the property taxes on the annexed land for a period of five years (5).

THEREFORE BE IT RESOLVED, that the attached ordinance for the annexation of the land described in Exhibit "A" of the ordinance be adopted, annexing said territory to the City of Independence.

Dated this 19th day of August, 2014.

The above resolution was adopted by a vote of 4 in favor and 2 opposed this 19th day of August, 2014.



Lenice Pronschinske  
Independence City Clerk

## ORDINANCE

### Annexation of Territory to the City of Independence

An ordinance annexing real estate from the Town of Burnside to the City of Independence.

THE COMMON COUNCIL OF THE CITY OF INDEPENDENCE, WISCONSIN DO ORDAIN AS FOLLOWS:

**SECTION 1. Territory Annexed.** In accordance with Sec. 66.0217 Wis. Stats. and a Petition for Direct Annexation by Unanimous Approval having been filed with the City Clerk on the 4<sup>th</sup> day of August, 2014, signed by all of the owners of the land in area within the territory described in the Petition, such territory described and set out in the attached Exhibit "A" in the Town of Burnside, Trempealeau County, Wisconsin, is annexed to the City of Independence, Wisconsin.

**SECTION 2. Effect of Annexation.** From and after the date of this ordinance, the territory described in Exhibit "A" shall be a part of the City of Independence for any and all purposes provided by law and the land, and all persons coming or residing within such territory, shall be subject to all ordinances, rules, and regulations governing the City of Independence other than any exceptions provided in Wisconsin Statutes.

**SECTION 3. Zoning Classification.** Upon recommendation of the City Council acting as plan commission, the territory annexed to the City of Independence by this ordinance shall be zoned as an A (agricultural) District.

**SECTION 4. Ward Designation.** The territory in Exhibit "A" is hereby made a part of the second ward of the City of Independence, subject to the ordinances, rules and regulations of the City governing Wards. The territory annexed has no residents and no population.

**SECTION 5. Obligation to Town.** The City shall pay annually to the Town of Burnside, for five years, an amount equal to the amount of property taxes that the Town levied on the annexed territory, as shown by the tax roll under Wis. Stats. Section 70.65, in the year in which this annexation is final.

**SECTION 6. County Ordinances.** Pursuant to Section 59.692(7) and 59.693(10) Wis Stats, regulations previously adopted in Trempealeau County Zoning ordinances in respect to shore land zoning and erosion control and storm water management shall remain in effect for the annexed territory to the extent required by State statutes subject to the City reserving rights to assume jurisdiction or amend as permitted.

**SECTION 7. Severability.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

Adopted this 19th day of August, 2014.

CITY OF INDEPENDENCE



Robert Baecker, Mayor



Lenice Pronschinske, City Clerk

Date Published: \_\_\_\_\_, 2014.

**EXHIBIT "A"**  
**Land Annexed to the City from Town of Burnside**

The West 1/2 of the SE 1/4 of the SW 1/4 of Section 25, T22N, R9W, Trempealeau County, Wisconsin.

R E C E I V E D  
AUG 04 2014

PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS CONSENT  
PURSUANT TO WIS. STAT. §66.0217(2)

TO: City of Independence  
c/o City Clerk  
23688 Adams St.  
Independence, WI 54747

TO: Town of Burnside  
c/o Town Clerk  
W24152 Starwood Lane  
Independence, Wisconsin

The undersigned, constituting all of the owners of and/or electors residing in the real property located within the territory hereinafter described in the Town Burnside, Trempealeau County, do hereby file this Petition for Direct Annexation by Unanimous Consent pursuant to Section 66.0217 of the Wisconsin State Statutes with the City Council of the City of Independence, a municipal corporation located in Trempealeau County, Wisconsin, to annex the territory described below from the Town of Burnside, located Trempealeau County, Wisconsin, to the City of Independence, located in Trempealeau County, Wisconsin.

There are 0 electors residing in the described territory and the population thereof is 0.

The territory proposed for annexation from the Town of Burnside to the City of Independence is approximately 20.4 acres and is more particularly described in Exhibit A attached hereto and incorporated herein, and such territory is shown on the scale map attached hereto and incorporated herein as Exhibit B.

The territory proposed for annexation is contiguous to the City of Independence.

The undersigned do request that this annexation be approved and take effect in the manner provided for by law.

The undersigned request that upon annexation, the land as described in Exhibit A be zoned agricultural pursuant to the City Code of Ordinances.

**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
<i>John J. Pientok</i>	7-31-14	John J. Pientok	Y / N	1
		Jean M. Heller	Y / N	1
		Jeanine M. Munden	Y / N	1
		Joseph A. Pientok	Y / N	1
		Jennifer L. Pientok	Y / N	1

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this 31<sup>st</sup> day of July, 2014, the above-named **John J. Pientok**, known to be the person who executed the foregoing instrument and acknowledged the same.

*Donald Solfero*  
Notary Public, State of Wisconsin  
My commission is permanent/expires 6-24-2017

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this \_\_\_ day of \_\_\_\_\_, 2014, the above-named **Jean M. Heller**, known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this \_\_\_ day of \_\_\_\_\_, 2014, the above-named **Jeanine M. Munden**, known to be the person who executed the foregoing instrument and acknowledged the same.

**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
		John J. Pientok	Y / N	1
<i>Jean M. Heller</i>	<i>7/29/14</i>	Jean M. Heller	Y / N	1
		Jeanine M. Munden	Y / N	1
		Joseph A. Pientok	Y / N	1
		Jennifer L. Pientok	Y / N	1

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2014, the above-named John J. Pientok, known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )  
*Eau Claire*

Personally came before me this *21* day of *July*, 2014, the above-named Jean M. Heller, known to be the person who executed the foregoing instrument and acknowledged the same.

*Merrill J. Lyons*  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires *2/25/2018*

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2014, the above-named Jeanine M. Munden, known to be the person who executed the foregoing instrument and acknowledged the same.

**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
		John J. Pientok	Y / N	1
		Jean M. Heller	Y / N	1
<i>Jeanine M. Munden</i>	<i>7/29/14</i>	Jeanine M. Munden	Y / N	1
		Joseph A. Pientok	Y / N	1
		Jennifer L. Pientok	Y / N	1

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2014, the above-named John J. Pientok, known to be the person who executed the foregoing instrument and acknowledged the same

Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

STATE OF WISCONSIN )  
 ) ss. *9*  
TREMPEALEAU COUNTY )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2014, the above-named Jean M. Heller, known to be the person who executed the foregoing instrument and acknowledged the same

Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this *29* day of *July*, 2014, the above-named Jeanine M. Munden, known to be the person who executed the foregoing instrument and acknowledged the same

*Blenda J. Ryan*

Notary Public, State of Wisconsin  
My commission is permanent/expires 2/25/2018

STATE OF WISCONSIN        )  
                                      ) ss.  
TREMPEALEAU COUNTY     )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2014, the above-named **Joseph A. Pientok**, known to be the person who executed the foregoing instrument and acknowledged the same.

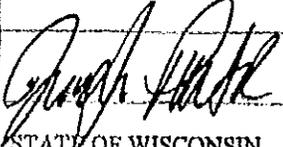
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

STATE OF WISCONSIN        )  
                                      ) ss.  
TREMPEALEAU COUNTY     )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2014, the above-named **Jennifer L. Pientok**, known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

Signature of Petitioner	Date of Signing	Owner	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
		John J. Pientok	Y / N	1
		Jean M. Heller	Y / N	1
		Jeanine M. Munden	Y / N	1
		Joseph A. Pientok	Y / N	1
	7-27-14	Jennifer L. Pientok	Y / N	1

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this \_\_\_ day of \_\_\_\_\_, 2014, the above-named John J. Pientok, known to be the person who executed the foregoing instrument and acknowledged the same

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this \_\_\_ day of \_\_\_\_\_, 2014, the above-named Jean M. Heller, known to be the person who executed the foregoing instrument and acknowledged the same

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this \_\_\_ day of \_\_\_\_\_, 2014, the above-named Jeanine M. Munden, known to be the person who executed the foregoing instrument and acknowledged the same

\_\_\_\_\_

Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

STATE OF WISCONSIN     )  
  ) ss.  
TREMPEALEAU COUNTY    )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2014, the above-named **Joseph A. Pientok**, known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

STATE OF WISCONSIN     )  
  ) ss.  
TREMPEALEAU COUNTY    )  
*Eau Claire County*

Personally came before me this 23 day of July, 2014, the above-named **Jennifer L. Pientok**, known to be the person who executed the foregoing instrument and acknowledged the same.

*Theresa J. Lyons*  
\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires 2-25-2018



Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

STATE OF WISCONSIN )  
Minnesota ) ss.  
TREMPEALEAU COUNTY )  
County of Steele )

Personally came before me this 30 day of July, 2014, the above-named **Joseph A. Pientok**, known to be the person who executed the foregoing instrument and acknowledged the same.



Taylor Herman  
Notary Public, State of Wisconsin Minnesota  
My commission is permanent/expires Jan 31, 2016

STATE OF WISCONSIN )  
 ) ss.  
TREMPEALEAU COUNTY )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2014, the above-named **Jennifer L. Pientok**, known to be the person who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_



**EXHIBIT A**

Owner Name	Exhibit Number	Legal Description
John J. Plentok Jean M. Heller Jeanine M. Munden Joseph A. Plentok Jennifer L. Plentok	1	The W ½ of the SE 1/4 of the SW 1/4 of Section 25, T22N, R9W, Town of Burnside, Trempealeau County, Wisconsin.  Parcel # 006-00566-0000

# Proposed Annexation to City of Independence

Located in Sections 25 & 36, T22N, R9W, and Sections 1, 2, 10, 11, 12, 13, 14, T21N, R9W, and Sections 7 & 18, T21N, R8W, Part of the Towns of Burnside, Lincoln, and Arcadia, Trempealeau County, Wisconsin.

Town of Burnside  
Section 25, T22N, R9W

Town of Lincoln  
Section 36, T22N, R9W

Town of Lincoln  
Section 36, T21N, R9W

Town of Arcadia  
Section 1, T21N, R9W

Town of Arcadia  
Section 1, T21N, R9W

Town of Arcadia  
Section 12, T21N, R9W

City of Independence

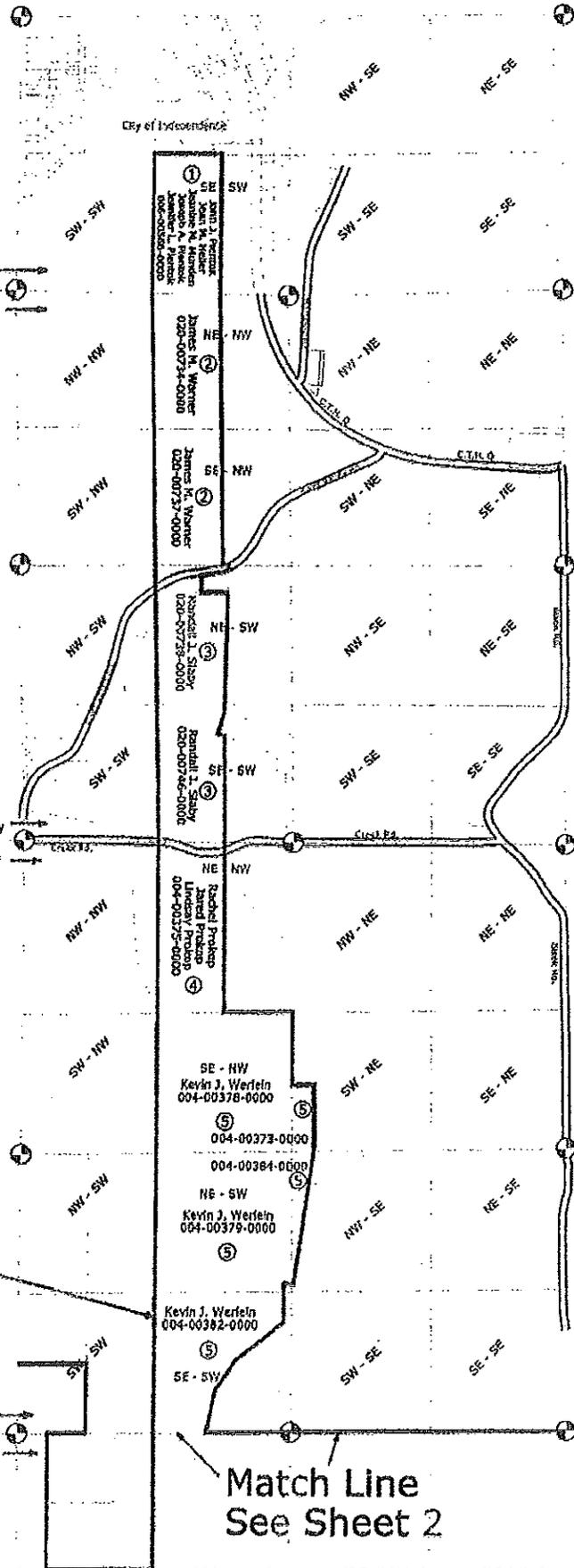
SCALE: 1" = 1000'

1000 0 500 1000

Match Line  
See Sheet 3

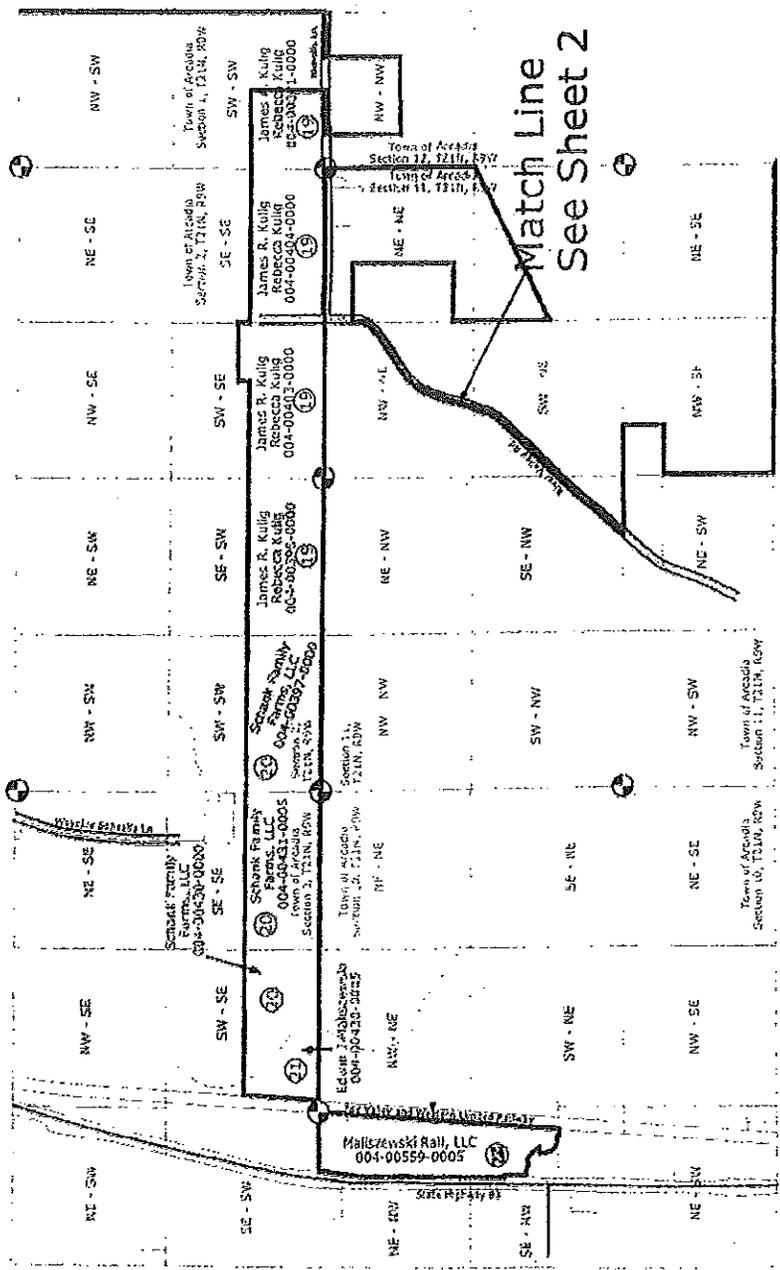
Match Line  
See Sheet 2

PREPARED FOR:  
COOPER ENGINEERING COMPANY, INC  
P.O. BOX 230  
RICE LAKE, WI 54868



# Proposed Annexation to City of Independence

Located in Sections 25 & 36, T22N, R9W, and  
Sections 1, 2, 10, 11, 12, 13, 14, T21N, R9W, and  
Sections 7 & 18, T21N, R8W.  
Part of the Towns of Burnside, Lincoln,  
and Arcadia, Trempealeau County, Wisconsin.



Match Line  
See Sheet 2

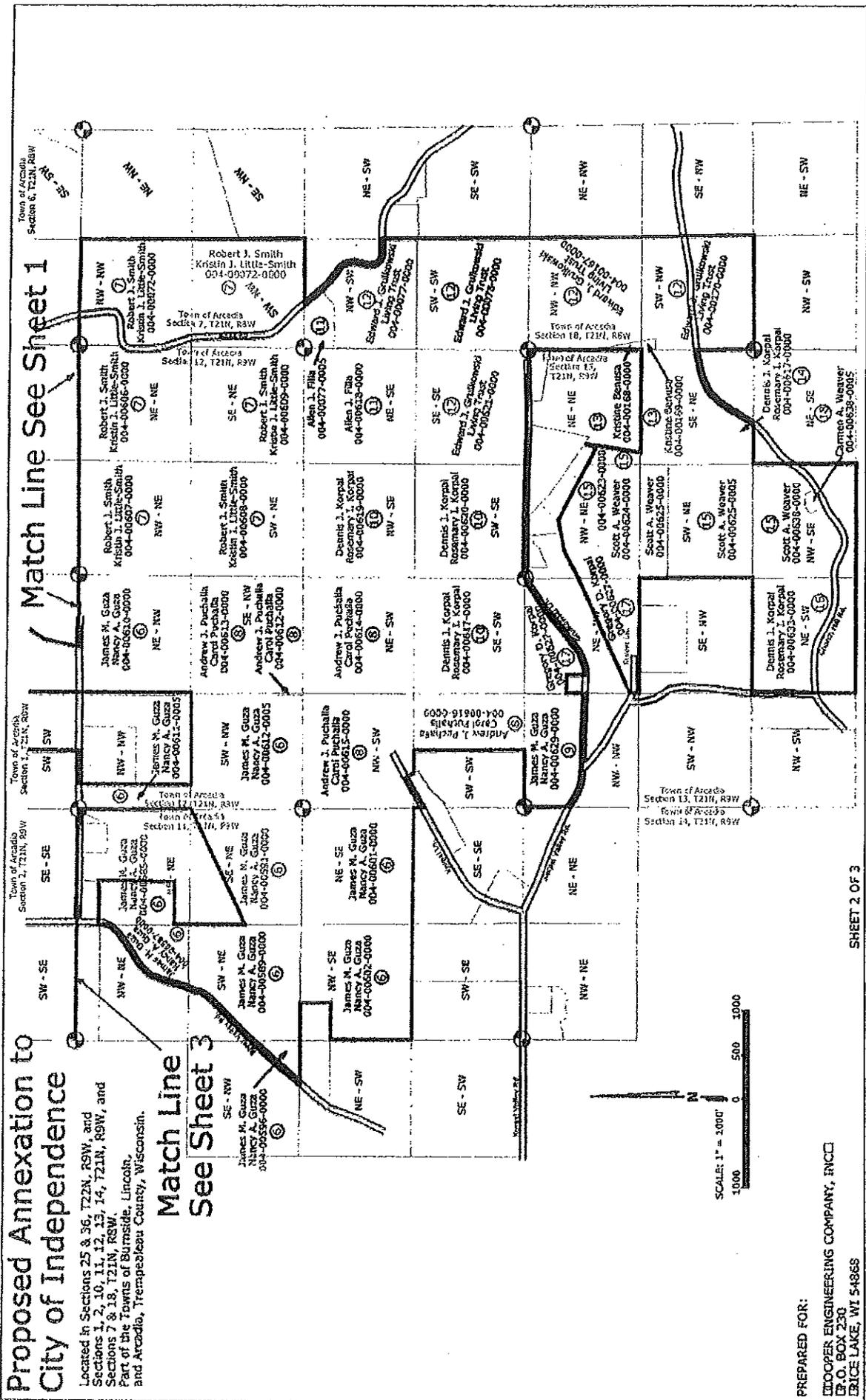
PREPARED FOR:  
COOPER ENGINEERING COMPANY, INC.  
P.O. BOX 230  
BRICE LAKE, WI 54868

# Proposed Annexation to City of Independence

Located in Sections 25 & 36, T22N, R9W, and  
Sections 1, 2, 10, 11, 12, 13, 14, T21N, R9W, and  
Sections 7 & 18, T21N, R9W,  
Part of the Towns of Burdside, Lincoln,  
and Arcadia, Trempealeau County, Wisconsin.

Match Line  
See Sheet 3

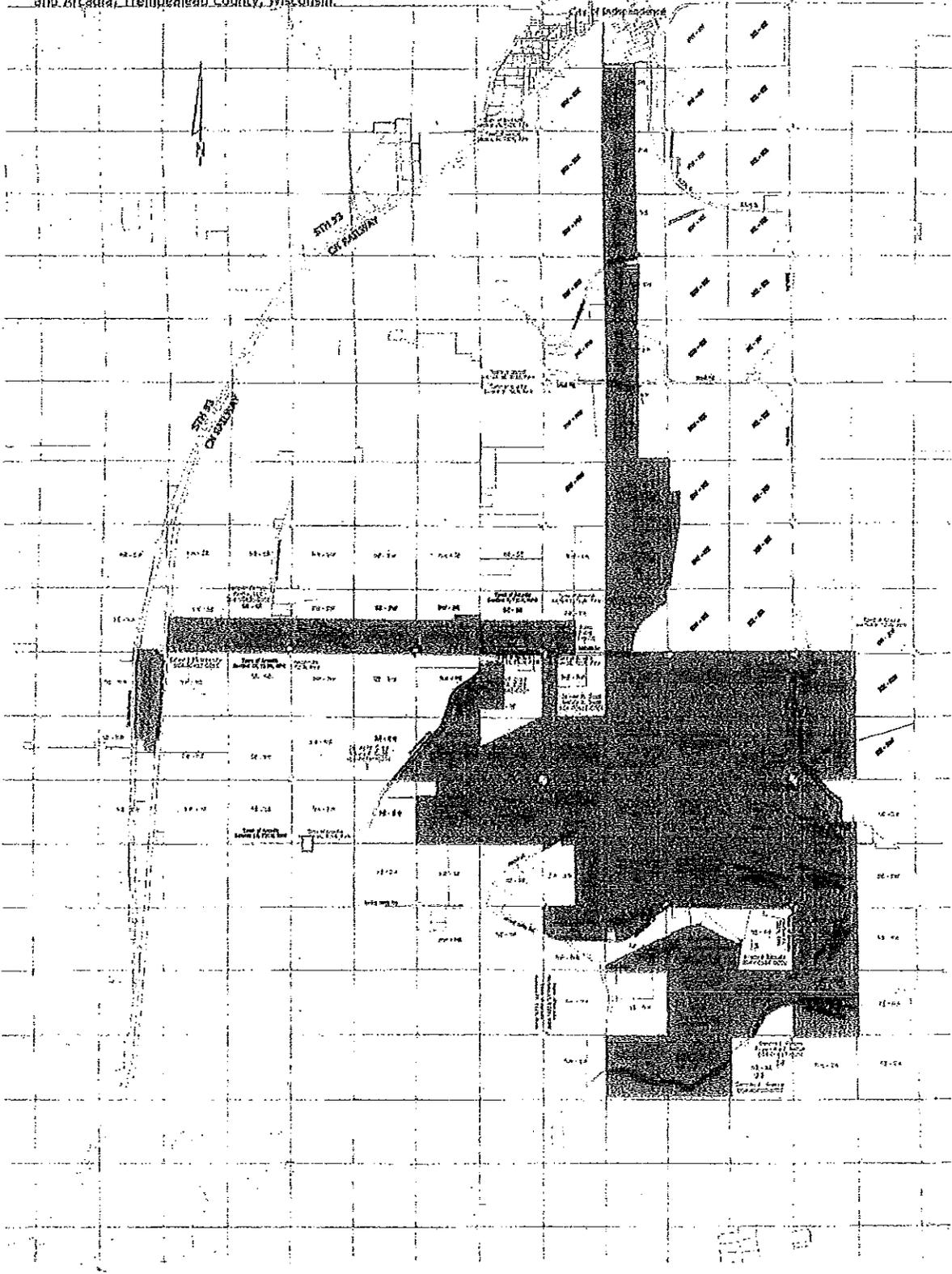
Match Line See Sheet 1



PREPARED FOR:  
LITCOOPER ENGINEERING COMPANY, INC  
P.O. BOX 230  
PRICE LAKE, WI 54865

# Proposed Annexation to City of Independence

Located in Sections 25 & 36, T22N, R9W, and Sections 1, 2, 10, 11, 12, 13, 14, T21N, R9W, and Sections 7 & 18, T21N, R8W. Part of the Towns of Burnside, Lincoln, and Arcadia, Trempealeau County, Wisconsin.



 <p><b>COPPER ENGINEERING</b> 2000 CANTONMENT RD., SUITE 200 MILWAUKEE, WISCONSIN 53211 TEL: 414-224-1100 FAX: 414-224-1101</p>	<p>PROJECT: <b>INDEPENDENCE</b> DATE: <b>08/11/2014</b> DRAWN BY: <b>MS</b></p>	<p><b>SUPERIOR SILICA SANDS LLC</b> <b>PETITION FOR UNANIMOUS ANNEXATION</b></p> <p>SHEET: <b>000003</b> <b>ANNEXATION MAP</b></p>	<p>DATE: <b>08/11/2014</b> SHEET: <b>0 000 1000</b> DRAWN BY: <b>MS</b> PROJECT NO.: <b>14000003</b> SHEET NO.: <b>1 OF 1</b></p>
	<p>SCALE: <b>AS SHOWN</b></p>		

## RESOLUTION

### ADOPTION OF ANNEXATION ORDINANCE

WHEREAS, a petition for annexation of land from the Town of Lincoln to the City of Independence was filed with the City Clerk on the 4<sup>th</sup> day of August, 2014, and

WHEREAS, the petition was signed by owners of the land within the proposed area to be annexed, who constitute all of the owners of the land, said land being vacant and unoccupied by any persons, and the petition appears to meet the requirements of Section 66.0217(2) Wis. Stats. for direct annexation by unanimous approval, and

WHEREAS, the City is prepared to provide necessary services to the area and it would be in the best interests of the City to annex the land, and

WHEREAS, the City Council, acting as plan commission for the City, has determined that the appropriate zoning for the land would be A District (agricultural), and

WHEREAS, the proposed annexed territory borders on Ward 2 of the City and would be best served by being designated as a part of Ward 2, and

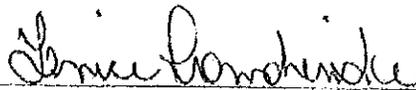
WHEREAS, the annexation would be compatible with the goals and objectives of the City's current "Smart Growth Plan", and

WHEREAS, Section 66.0217(14) requires that the City pay the Town an amount equal to the property taxes on the annexed land for a period of five years (5).

THEREFORE BE IT RESOLVED, that the attached ordinance for the annexation of the land described in Exhibit "A" of the ordinance be adopted, annexing said territory to the City of Independence.

Dated this 19th day of August, 2014.

The above resolution was adopted by a vote of 4 in favor and 2 opposed this 19th day of August, 2014.



Lenice Pronschinske  
Independence City Clerk

## ORDINANCE

### Annexation of Territory to the City of Independence

An ordinance annexing real estate from the Town of Lincoln to the City of Independence.

THE COMMON COUNCIL OF THE CITY OF INDEPENDENCE, WISCONSIN DO ORDAIN AS FOLLOWS:

**SECTION 1. Territory Annexed.** In accordance with Sec. 66.0217 Wis. Stats. and a Petition for Direct Annexation by Unanimous Approval having been filed with the City Clerk on the 4<sup>th</sup> day of August, 2014, signed by all of the owners of the land in area within the territory described in the Petition, such territory described and set out in the attached Exhibit "A" in the Town of Lincoln, Trempealeau County, Wisconsin, is annexed to the City of Independence, Wisconsin.

**SECTION 2. Effect of Annexation.** From and after the date of this ordinance, the territory described in Exhibit "A" shall be a part of the City of Independence for any and all purposes provided by law and the land, and all persons coming or residing within such territory, shall be subject to all ordinances, rules, and regulations governing the City of Independence other than any exceptions provided in Wisconsin Statutes.

**SECTION 3. Zoning Classification.** Upon recommendation of the City Council acting as plan commission, the territory annexed to the City of Independence by this ordinance shall be zoned as an A (agricultural) District.

**SECTION 4. Ward Designation.** The territory in Exhibit "A" is hereby made a part of the second ward of the City of Independence, subject to the ordinances, rules and regulations of the City governing Wards. The territory annexed has no residents and no population.

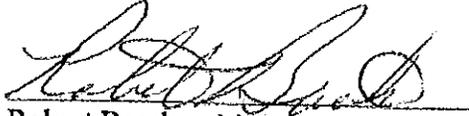
**SECTION 5. Obligation to Town.** The City shall pay annually to the Town of Lincoln, for five years, an amount equal to the amount of property taxes that the Town levied on the annexed territory, as shown by the tax roll under Wis. Stats. Section 70.65, in the year in which this annexation is final.

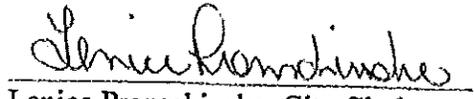
**SECTION 6. County Ordinances.** Pursuant to Section 59.692(7) and 59.693(10) Wis Stats, regulations previously adopted in Trempealeau County Zoning ordinances in respect to shore land zoning and erosion control and storm water management shall remain in effect for the annexed territory to the extent required by State statutes subject to the City reserving rights to assume jurisdiction or amend as permitted.

**SECTION 7. Severability.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

Adopted this 19th day of August, 2014.

CITY OF INDEPENDENCE

  
Robert Baecker, Mayor

  
Lenice Pronschinske, City Clerk

Date Published: \_\_\_\_\_, 2014.

**EXHIBIT "A"**  
**Land Annexed to the City from Town of Lincoln**

**Parcel No. 1:**

The W ½ of the NE ¼ of the NW ¼ and the W ½ of the SE ¼ of the NW ¼ of Section 36, T22N, R9W, Trempealeau County, Wisconsin.

**Parcel No. 2:**

A parcel of land in the NE ¼ of the SW ¼ of Section 36, T22N, R9W, described as follows: Commencing at the NE corner of the NE ¼ of the SW ¼; thence West 37 rods to the place of beginning and the Northeast corner of that property described in Volume 970, Page 754; thence due South, along the East line of said Volume 970, Page 754, 206 feet to the Southeast corner of said Volume 970, Page 754; thence Southerly to the Southeast corner of the W ½ of the NE ¼ of the SW ¼; thence Easterly along the South line of said W ½ of the NE ¼ of the SW ¼ to the Southwest corner of said NE ¼ of the SW ¼; thence Northerly along the West line of said NE ¼ of the SW ¼ to the Northwest corner of said NE ¼ of the SW ¼; thence Easterly along the North line of said NE ¼ of the SW ¼ to the place of beginning; except the following described parcel of land in the NE ¼ of the SW ¼ of Section 36, T22N, R9W, described as follows: Commencing at the NE corner of the NE ¼ of the SW ¼; thence West 37 rods to the place of beginning; thence due South 206 feet; thence West at right angles 16 rods; thence due North to the South edge of the town road; thence Northeasterly along the South edge of the town road to the place of beginning; and except the following described parcel within said NE ¼ of the SW ¼ of Section 36, T22N, R9W: Commencing at the Northwest corner; thence 13 rods more or less southerly to the centerline of the town road running through the forty which is the point of beginning (and also the point of beginning for the parcel described in Deeds Vol. 690, Page 631); thence northeasterly along said centerline 3 rods; thence 15 rods southeasterly perpendicular to said town road centerline, thence southwesterly 13 rods more or less to a point located on the west line of said NE ¼ of the SW ¼ which is also 15 rods measured perpendicularly to said town road centerline; thence northerly along said westerly line 19 rods more or less to the point of beginning.

**Parcel No. 3:**

The W ½ of the SE ¼ of the SW ¼ of Section 36, T22N, R9W, excepting therefrom part of the SE ¼ of the SW ¼, Section 36, T22N, R9W described as follows: Beginning at the Southeast corner of said SE ¼ of the SW ¼; thence along the South line of said SE ¼ of the SW ¼, N 89°47'43" W, 60.01 feet; thence N 0°55'16"W, parallel to the East line of said SE ¼ of the SW ¼, 663.90 feet; thence N 76°45'31" W, 90.80 feet; thence N 00°35'46"E, 150.31 feet; thence N71°18'42" W, 617.21 feet; thence N 16°27'10" E, 221.51 feet; thence S 72°16'32 E, 695.85 feet to said East line; thence S 00°55'16" E, 1033.62 feet to the point of beginning.

**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS CONSENT  
PURSUANT TO WIS. STAT. §66.0217(2)**

**R E C E I V E D**  
AUG 04 2014

**TO: City of Independence  
c/o City Clerk  
23688 Adams St.  
Independence, WI 54747**

**TO: Town of Lincoln  
c/o Town Clerk  
W20774 State Road 121  
Whitehall, WI 54773**

The undersigned, constituting all of the owners of and/or electors residing in the real property located within the territory hereinafter described in the Town of Lincoln, Trempealeau County, do hereby file this Petition for Direct Annexation by Unanimous Consent pursuant to Section 66.0217 of the Wisconsin State Statutes with the City Council of the City of Independence, a municipal corporation located in Trempealeau County, Wisconsin, to annex the territory described below from the Town of Lincoln located in Trempealeau County, Wisconsin, to the City of Independence, located in Trempealeau County, Wisconsin.

There are zero (0) electors residing in the described territory and the population thereof is zero (0).

The territory proposed for annexation from the respective Town of Lincoln to the City of Independence is approximately 78.9 acres and is more particularly described in Exhibit A attached hereto and incorporated herein, and such territory is shown on the scale map attached hereto and incorporated herein as Exhibit B.

The territory proposed for annexation is contiguous to the City of Independence upon annexation of a separate parcel of territory which was filed via a separate annexation petition for territory in the Town of Burnside.

The undersigned do request that this annexation be approved and take effect in the manner provided for by law.

The undersigned request that upon annexation, the land as described in Exhibit A be zoned agricultural pursuant to the City Code of Ordinances.

**PETITION FOR DIRECT ANNEXATION  
BY UNANIMOUS APPROVAL  
PURSUANT TO WIS. STAT. §66.0217(2)**

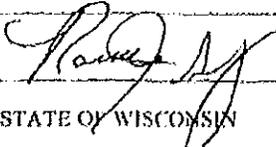
<b>Signature of Petitioner</b>	<b>Date of Signing</b>	<b>Owner/Elector</b>	<b>Elector</b>	<b>Address or Description of Property (Reference Para. Number per Exhibit A)</b>
		James M. Warner	Y / N	1

STATE OF WISCONSIN        )  
  ) ss.  
TREMPEALEAU COUNTY     )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2014, the above-named James M. Warner, known to be the person who executed the foregoing instrument and acknowledged the same.

\_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is permanent/expires \_\_\_\_\_

PETITION FOR DIRECT ANNEXATION  
 BY UNANIMOUS APPROVAL  
 PURSUANT TO WIS. STAT. §66.0217(2)

Signature of Petitioner	Date of Signing	Owner/Elector	Elector	Address or Description of Property (Reference Para. Number per Exhibit A)
		Randall J. Slaby	Y/N	2

STATE OF WISCONSIN )  
 ) ss.  
 TREMPLEAU COUNTY )

Personally came before me this 30 day of July, 2014, the above-named **Randall J. Slaby**, known to be the person who executed the foregoing instrument and acknowledged the same.

  
 Notary Public, State of Wisconsin  
 My commission is permanent/expires 5/29/18



**EXHIBIT A**

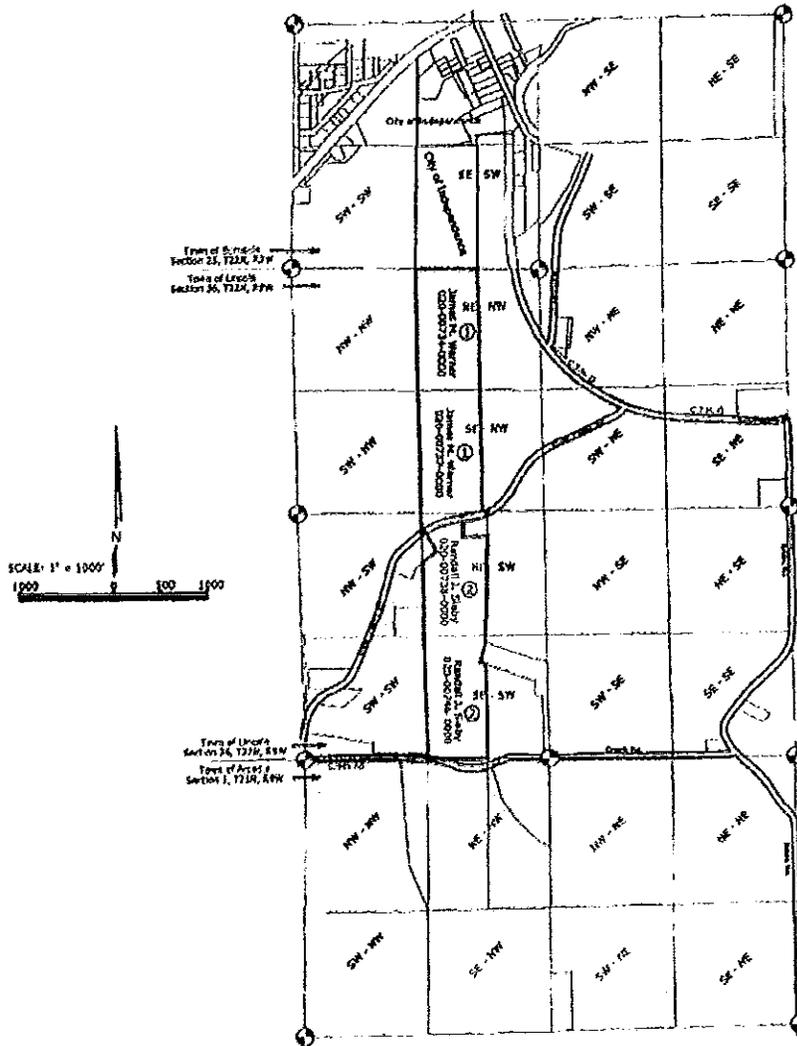
Owner Name	Exhibit Number	Legal Description
James M. Warner	1	<p>The W ½ of the NE ¼ of the NW ¼ of Section 36, T22N, R9W, Town of Lincoln, Trempealeau County, Wisconsin.</p> <p>The W ½ of the SE ¼ of the NW ¼ of Section 36, T22N, R9W, Town of Lincoln, Trempealeau County, Wisconsin.</p> <p>Parcel # 020-00734-0000 and 020-00737-0000</p>
Randall J. Slaby	2	<p>A parcel of land in the NE ¼ of the SW ¼ of Section 36, T22N, R9W, Town of Lincoln, Trempealeau County, Wisconsin described as follows: Commencing at the NE corner of the NE ¼ of the SW ¼; thence West 37 rods to the place of beginning and the Northeast corner of that property described in Volume 970, Page 754; thence due South, along the East line of said Volume 970, Page 754, 206 feet to the Southeast corner of said Volume 970, Page 754; thence Southerly to the Southeast corner of the W ½ of the NE ¼ of the SW ¼; thence Easterly along the South line of said W ½ of the NE ¼ of the SW ¼ to the Southwest corner of said NE ¼ of the SW ¼; thence Northerly along the West line of said NE ¼ of the SW ¼ to the Northwest corner of said NE ¼ of the SW ¼; thence Easterly along the North line of said NE ¼ of the SW ¼ to the place of beginning; except the following described parcel of land in the NE ¼ of the SW ¼ of Section 36, T22N, R9W, Town of Lincoln, Trempealeau County, Wisconsin described as follows: Commencing at the NE corner of the NE ¼ of the SW ¼; thence West 37 rods to the place of beginning; thence due South 206 feet; thence West at right angles 16 rods; thence due North to the South edge of the town road; thence Northeasterly along the South edge of the town road to the place of beginning; and except the following described parcel within said NE ¼ of the SW ¼ of Section 36, T22N, R9W: Commencing at the Northwest corner; thence 13 rods more or less southerly to the centerline of the town road running through the forty which is the point of beginning (and also the point of beginning for the parcel described in Deeds Vol. 690, Page 631); thence northeasterly along said centerline 3 rods; thence 15 rods southeasterly perpendicular to said town road centerline, thence southwesterly 13 rods more or less to a point located on the west line of said NE ¼ of the SW ¼ which is also 15 rods measured perpendicularly to said town road centerline; thence northerly along said westerly line 19 rods more or less to the point of beginning.</p>

	2 (continued)	<p>The W ¼ of the SE ¼ of the SW ¼ of Section 36, T22N, R9W, Town of Lincoln, Trempealeau County, Wisconsin, excepting therefrom part of the SE ¼ of the SW ¼, Section 36, T22N, R9W described as follows: Beginning at the Southeast corner of said SE ¼ of the SW ¼; thence along the South line of said SE ¼ of the SW ¼, N 89°47'43" W, 60.01 feet; thence N 0°55'16" W, parallel to the East line of said SE ¼ of the SW ¼, 663.90 feet; thence N 76°45'31" W, 90.80 feet; thence N 00°35'46" E, 150.31 feet; thence N 71°18'42" W, 617.21 feet; thence N 16°27'10" E, 221.51 feet; thence S 72°16'32 E, 695.85 feet to said East line; thence S 00°55'16" E, 1033.62 feet to the point of beginning. Parcel #020-00738-0000 and 020-00746-0000</p>
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Exhibit B

Proposed Annexation to City of Independence

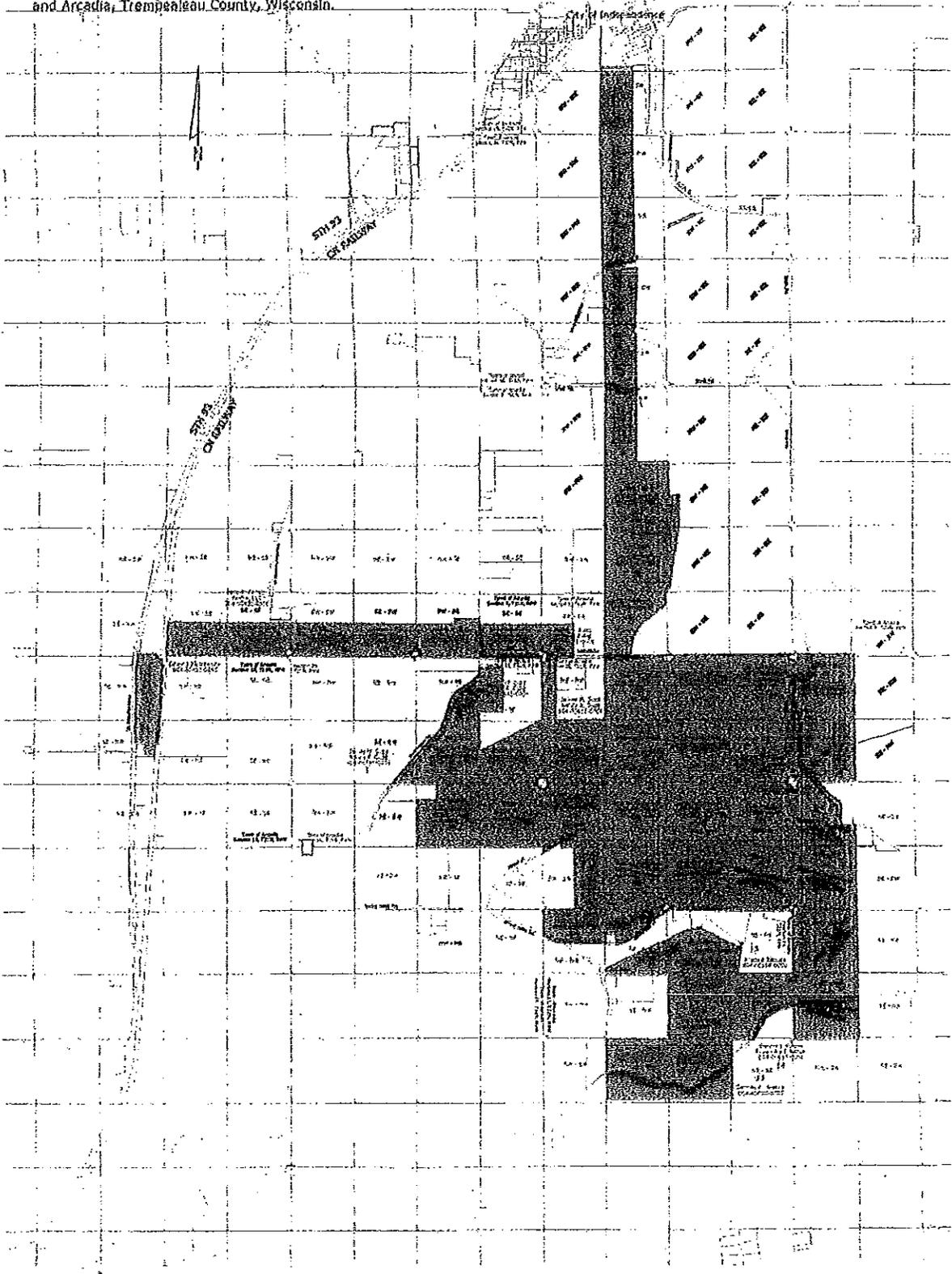
Located in Section 36, T22N, R9W,  
Town of Lincoln, Trempealeau County, Wisconsin



PREPARED FOR:  
COOPER ENGINEERING COMPANY, INC  
P.O. BOX 230  
RICE LAKE, WI 54868  
JULY 25, 2014

# Proposed Annexation to City of Independence

Located in Sections 25 & 36, T22N, R9W, and  
Sections 1, 2, 10, 11, 12, 13, 14, T21N, R9W, and  
Sections 7 & 18, T21N, R8W.  
Part of the Towns of Burnside, Lincoln,  
and Arcadia, Trempealeau County, Wisconsin.



<p>PROJECT NUMBER: 09100001 DATE: 05/20/14</p> <p><b>COOPER ENGINEERING</b></p> <p>2500 WISCONSIN DRIVE, SUITE 200 MILWAUKEE, WISCONSIN 53212 TEL: 414.224.2700 FAX: (414) 224.2710</p>	<p>DATE: 05/20/14 SHEET: 1 OF 1 DRAWN BY: MS CHECKED BY: SALTERS PROJECT NO.: 09100001</p>	<p>PROJECT: SUPERIOR SILICA SANDS LLC PETITION FOR UNANIMOUS ANNEXATION</p> <p>SHEET NUMBER: 1 ANNEXATION MAP</p>	<p>DATE: 05/20/14 SHEET: 1 OF 1 DRAWN BY: MS CHECKED BY: SALTERS PROJECT NO.: 09100001</p>
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# Proposed Annexation to City of Independence

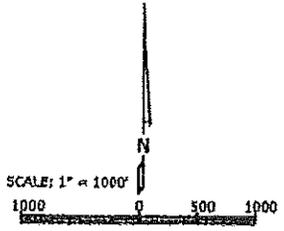
Located in Sections 25 & 36, T22N, R9W, and Sections 1, 2, 10, 11, 12, 13, 14, T21N, R9W, and Sections 7 & 18, T21N, R8W, Part of the Towns of Burnside, Lincoln, and Arcadia, Trempealeau County, Wisconsin.

Town of Burnside  
Section 15, T22N, R9W

Town of Lincoln  
Section 36, T22N, R9W

Town of Lincoln  
Section 36, T22N, R9W

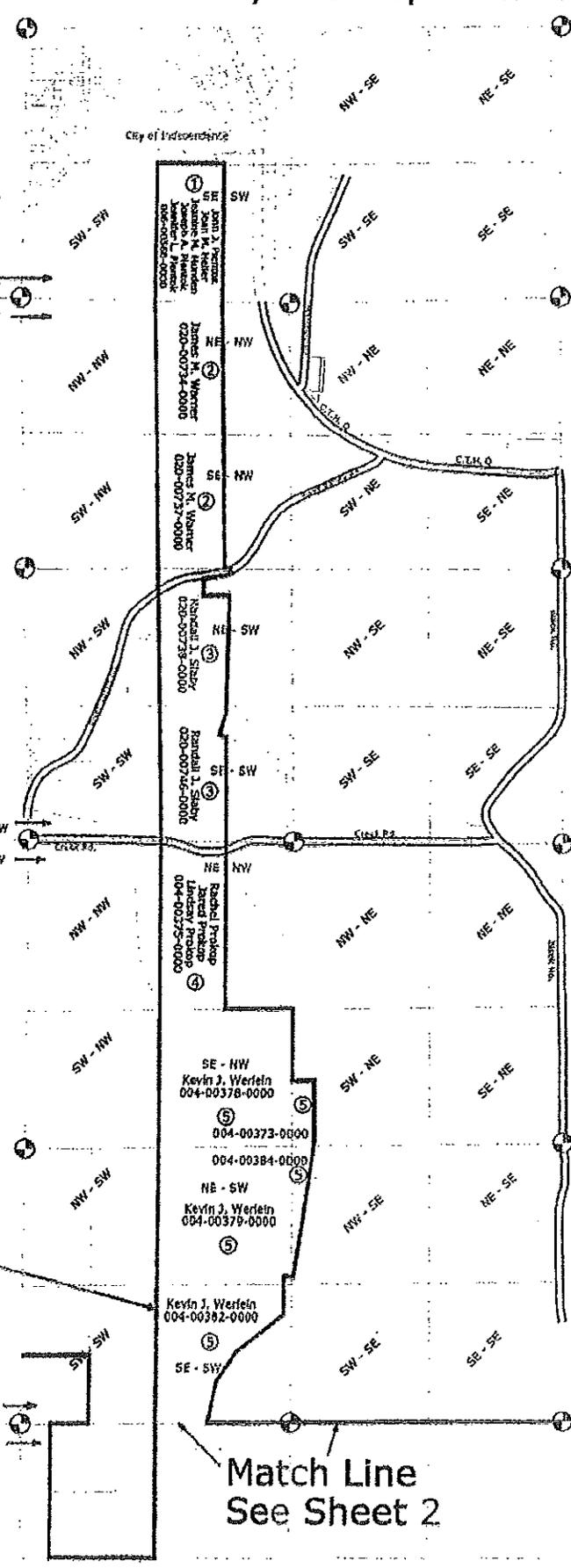
Town of Arcadia  
Section 1, T21N, R9W



Match Line  
See Sheet 3

Match Line  
See Sheet 2

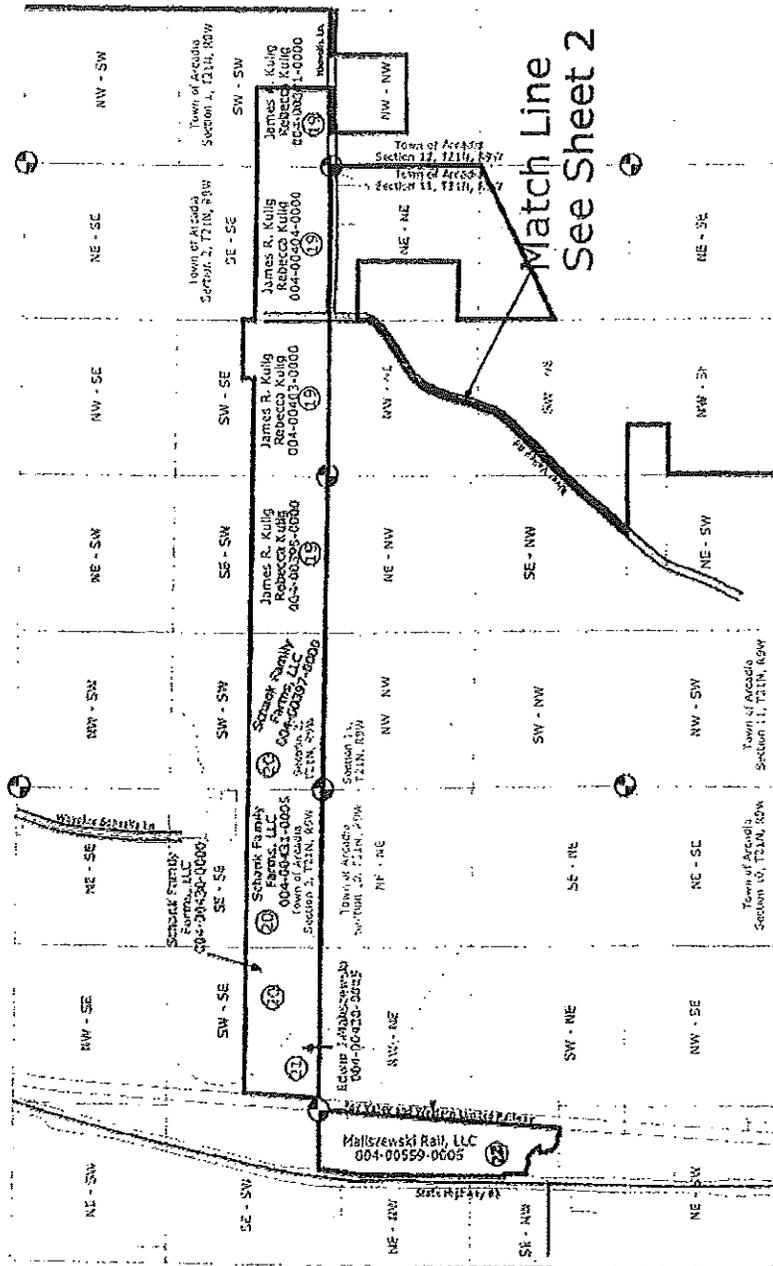
PREPARED FOR:  
COOPER ENGINEERING COMPANY, INC  
P.O. BOX 230  
RICE LAKE, WI 54868





# Proposed Annexation City of Independence

Located in Sections 25 & 36, T22N, R9W, and Sections 2, 7, 10, 11, 12, 13, 14, T21N, R9W, and Sections 7 & 18, T21N, R9W. Part of the Towns of Burnside, Lincoln, and Arcadia, Trempealeau County, Wisconsin.



PREPARED FOR:

COOPER ENGINEERING COMPANY, INC  
P.O. BOX 230  
CRICE LAKE, WI 54868

## Sime, Don R - DOA

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**From:** Sime, Don R - DOA  
**Sent:** Tuesday, September 16, 2014 1:51 PM  
**To:** 'ddiehn@diehnlaw.com'; 'moostra@hotmail.com'; 'fboe@tri-west.net'  
**Subject:** City of Independence Annexation

Greetings

Today the Department of Administration - Municipal Boundary Review received fees and materials related to the City of Independence annexation of lands from the Towns of Lincoln and Burnside. As requested, the Department will review the materials per s. 66.0217 (6)(d), and will issue our findings on or prior to October 6, 2014. Please contact the Department if you have questions or concerns regarding our review.

Don Sime, PLS  
Plat Review/MBR  
608-266-3200

## Schmidtke, Erich J - DOA

---

**From:** Eberle, Ed - DOA  
**Sent:** Wednesday, September 24, 2014 2:06 PM  
**To:** Powers, Renee M - DOA; Schmidtke, Erich J - DOA  
**Cc:** Herman, Mark - DOA  
**Subject:** FW: Annexation Review by Towns of Lincoln and Burnside  
**Attachments:** Eberle, Ed ltr-9-24-14.doc

FYI.

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**From:** LaVerne Michalak [<mailto:lmichalak@kmfindee.com>]  
**Sent:** Wednesday, September 24, 2014 12:14 PM  
**To:** Eberle, Ed - DOA  
**Subject:** Annexation Review by Towns of Lincoln and Burnside

**KULIG, MICHALAK & FRANKLIN**

Attorneys at Law  
23664 Washington Street  
P.O. Box 400  
Independence, WI 54747

TEL (715)985-3091  
FAX (715) 985-2582

Edward J. Kulig (1913-2001)  
LaVerne Michalak  
Mark R. Franklin

October 7, 2014

Wisconsin Department of Administration  
c/o Ed Eberle  
**\*\*SENT VIA E-MAIL ONLY\*\***  
**ed.eberle@wisconsin.gov**

**RE: Annexation Review by Towns of Lincoln and Burnside**

Dear Mr. Eberle:

My name is LaVerne Michalak, and I am the City Attorney for the City of Independence in Trempealeau County, Wisconsin. I write to you regarding the request for review by the Towns of Lincoln and Burnside to examine the contiguity of the parcels annexed on August 19, 2014 in the City of Independence. It is my opinion, as a City Attorney, that the annexations are legal and the requested review by the Towns of Lincoln and Burnside for territory in the Town of Arcadia exceeds the permissible scope of review allowed under applicable Wisconsin law.

By way of background, three separate annexations occurred on August 19, adopted via three separate annexation ordinances, via separate votes by the Independence Common Council. Your office already received the respective resolutions and ordinances passed separately for the Towns of Burnside, Lincoln, and Arcadia. During the Common Council meeting on August 19, the Council voted in successive order by adopting the Town of Burnside Annexation Ordinance first, followed by the Town of Lincoln Annexation Ordinance, followed by the Ordinance covering territory in the Town of Arcadia. The adoption in the above-noted order ensured contiguity of the parcels to the City. When considering each of the separate petitions for annexation by unanimous approval, the Council properly enacted the respective and separate annexation ordinances by the two-thirds majority required under state law.

In a direct annexation petition through unanimous approval such as those separate annexations adopted by the City, the town that is impacted by the annexation is the only entity which can challenge the annexation's validity.

Towns, as you know, have a very limited ability to challenge a unanimous approval annexation. "Except as provided in sub. (6)(d)2., no action on any grounds, whether procedural or jurisdictional, to contest the validity of an annexation under sub. (2) [unanimous approval annexation], may be brought by any town." (Wis. Stats. §66.0217(11)(c)).

Regarding the Town's limited ability to challenge an annexation under sub. (6)(d)2., Section 66.0217(d), Wis. Stats., provides in relevant part:

(d) Direct annexation by unanimous approval.

1. Upon the request of the town affected by the annexation, the department shall review an annexation under sub. (2) [unanimous annexation] to determine whether the annexation violates any of the following:

- a. The requirement under sub. (2) regarding the contiguity of the territory to be annexed with the annexing city or village. (emphasis added).
- b. The requirement under sub. (14)(b). (This is inapplicable to the City of Independence annexations because the annexed territories are all in Trempealeau County.)

2. ...If the department finds that an annexation violates any requirement specified in sub. (d)(1) [i.e. contiguity], the town from which territory is annexed may, within 45 days of its receipt of the department's findings, challenge the annexation in circuit court. (emphasis added).

The plain and clear language of the statute provides a very limited review by the Department when so requested by the Towns of Burnside and Lincoln. The Department does not look at other issues such as the shape of the proposed annexation or the homogeneity of the territory. Those additional considerations are ones that the Department only considers if it reviews whether an annexation is in the "public interest" in counties with a population greater than 50,000 persons (Trempealeau County's population is under 30,000). The only lawfully-allowed review topic by the Department is "regarding the contiguity" of the territory annexed into the City, by "the town affected by the annexation."

As such, based on the circumstances of the separate unanimous annexation petitions for Burnside and Lincoln, the only review the Department may conduct under the present request is the question regarding contiguity of the territory annexed into the City of Independence from the Towns of Burnside and Lincoln,

respectively. Wisconsin law is unambiguous on that point.

The Town of Arcadia did not request a review of the annexation involving its territory. Therefore a request from the “town affected” by the annexation of territory in Arcadia did not occur. The Towns of Burnside and Lincoln are not affected by the annexation of territory from the Town of Arcadia, and they have not shown how they are affected by a separate annexation in the Town of Arcadia.<sup>1</sup> They cannot obtain a binding review from the Department as a result.

Our interpretation that the Department’s contiguity review for the Towns of Burnside and Lincoln is limited to the territories of those Towns is lent further support when examining additional statutory language and the legislature’s intent in drafting such language. Under state law, after the Town’s timely request and the Department’s review, “if the Department finds that an annexation violates any requirements specified in subd. 1. [i.e., contiguity], the town from which the territory is annexed may, within 45 days of its receipt of the Department’s findings, challenge the annexation in circuit court.” (Wis. Stats. § 66.0217(6)(d)2.) (emphasis added).

Because the only challenge in circuit court can come from “the town from which the territory is annexed,” based on the clear statutory language, the Town of Lincoln for example, can only challenge in circuit court the territory in the annexation ordinance where Town of Lincoln territory is annexed. The Town cannot reach outside its territorial boundaries and challenge an annexation adopted via a separate ordinance involving territory that is wholly outside the Town and in which ordinance the Town has no territory.

With that issue resolved, the question then turns to whether the territory in the Towns of Burnside and Lincoln were contiguous to the City of Independence. They are clearly contiguous.

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<sup>1</sup> In furtherance of the discussion regarding the Towns of Burnside and Lincoln being “affected” by the territory annexed from the Town of Arcadia, a potentially relevant, and parallel discussion on other annexation challenges by persons outside of annexed territory may demonstrate how the Towns of Burnside and Lincoln are not “affected.” Similar to the cases stating that taxpayers must have standing, i.e., a “risk of pecuniary loss or substantial injury” in challenging an annexation, the Towns such as Burnside and Lincoln in this case, cannot be deemed to have been “affected” by an annexation which occurs outside of their territorial boundaries. Village of Slinger v. City of Hartford, 2002 Wi. App. 187, 256 Wis.2d 859. Some nebulous or abstract idea of being “affected” surely cannot allow the Towns to reach outside of their territorial boundaries into another Town’s borders and claim, in good faith, that they are “affected” by an annexation which is one or two towns away. Further, none of the proposed business activities occurring as a result of this annexation are occurring in the Towns of Lincoln or Burnside.

As you are well aware, Wisconsin law states annexed territory must be "contiguous" to the annexing city. See Wis. Stats. § 66.0217(2) ("No territory may be annexed...under this subsection unless the territory to be annexed is contiguous to the annexing city or village"). "Whatever else it means, 'contiguous' plainly includes properties that are in physical contact...." In re Annexation of Smith Property, 2001 WI App 201, 247 Wis.2d 946, 953, 634 N.W.2d 840, 843. However, the law does not always require that the properties be in physical contact. Additionally, the statute does not always require "direct physical contact," and minor gaps created by obstacles such as streets can be overlooked. See In re the Annexation of Smith Property, 2001 WI App 201, 247 Wis. 2d 946, 634 N.W.2d 840; Town of Lyons v. City of Lake Geneva, 56 Wis.2d 331, 202 N.W.2d 228 (Wis. 1972). The relevant Burnside and Lincoln parcels have direct, physical, border-to-border or parcel-to-parcel connections to the City and are certainly contiguous. Any town roads separating those parcels do not break contiguity.

As noted earlier, the Council first adopted the Burnside petition, then the Lincoln petition, and then the Arcadia petition. Because an annexation is effective immediately upon adoption by the Council (Wis. Stats. § 66.0217(8)(c)), all parcels were properly contiguous to the City at the time of their adoption.

Thank you for your review and consideration of this letter. We respectfully request the Department recognize it has no binding or legal authority to issue a contiguity ruling on the Town of Arcadia annexation absent the Town of Arcadia making such a request. We also request the Department find the Town of Burnside and Lincoln parcels are contiguous.

After your review, please contact me if you have any additional questions or desire further analysis from the City as to why we believe the separate annexations in the Town of Burnside, Town of Lincoln, and Town of Arcadia are all legal.

Sincerely,

LaVerne Michalak  
City of Independence Attorney

September 23, 2014

Wisconsin Department of Administration  
c/o Ed Eberle  
101 E Wilson Street  
Madison, Wisconsin

**RE: City of Independence Annexation Review**

Dear Mr. Eberle:

I am the Town Board chairman for the Town of Arcadia in Trempealeau County. This letter is in response to the request by the Town of Lincoln and the Town of Burnside to review a series of three annexations involving separate territory in the Towns of Burnside, Lincoln, and Arcadia.

When reviewing the request sent by the Town of Lincoln and Town of Burnside, I noticed they requested the Department to review property annexed from the Town of Arcadia. Please know that Arcadia has not taken any action to, and will not sign on to, or consent to the Department reviewing the territory annexed from the Town of Arcadia's boundaries.

As a Town Board, we unanimously passed agreements with the proposed business entity who will engage in responsible business practices in the territory that used to be in the Town of Arcadia's boundaries. The Town also unanimously passed an intergovernmental cooperation agreement with the City of Independence to maintain the roads that used to be in the Town.

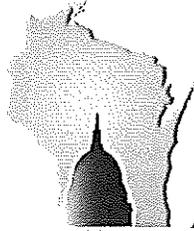
Based on my understanding of Wisconsin law, with Wisconsin Statutes 66.0217(6)(d)1, it seems the Department can only review an annexation in Trempealeau County when asked by the "town affected by the annexation." The Towns of Lincoln and Burnside are not affected by a separate annexation that occurred outside of their Town boundaries. The Town of Arcadia is the only "town affected" by the annexation of our territory.

To reiterate, the Town of Arcadia is not seeking your department's review of the annexation of Town of Arcadia territory to the City of Independence.

Thank you again for your time and consideration and we trust the Department will follow the Town of Arcadia's local decision to not request review of the annexation that occurred within our boundaries. The Town of Burnside or the Town of Lincoln can request a review of annexed territory from their own towns, but not ours.

Sincerely,

  
Ron Tuschner  
Chairman Town of Arcadia  
Trempealeau County



**WISCONSIN DEPARTMENT OF  
ADMINISTRATION**

**SCOTT WALKER**  
GOVERNOR  
**MIKE HUEBSCHE**  
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/>

October 6, 2014

JACK SPEERSTRA, CHAIRPERSON  
TOWN OF LINCOLN  
N35677 CTH D  
WHITEHALL, WI 54773

FREDERICK A. BOE, CHAIRPERSON  
TOWN OF BURNSIDE  
W28138 CISZAKE LANE  
INDEPENDENCE, WI 54747

Subject: City of Independence Annexation Ordinance 10314, 10315 & 10316,

On September 16, 2014 the Department received a request per Wis. Stats. s. 66.0217 (6)(d) from the Towns of Lincoln and Burnside to review the annexation ordinances that were adopted by the City of Independence on August 19, 2014. Based upon the analysis detailed below, the Department of Administration finds that the territory annexed from the Towns of Burnside, Lincoln and Arcadia are not "contiguous" to the City of Independence.

In determining whether an annexation ordinance complies with s. 66.0217(6)(d), Wis. Stats., the Department considers:

- 1) Contiguity requirement - the annexation territory must be contiguous to the annexing city or village.
- 2) Same-County requirement – if no part of the annexing city or village is located within the same county as the annexation territory, then the town board whose territory is being annexed must first adopt a resolution approving the proposed annexation.

The Department finds that the City of Independence Annexation Ordinances 10314, 10315 & 10316 meet the same-county requirement but do not meet the contiguity requirement.

The submissions from the Towns of Lincoln and Burnside included detailed maps of the territory annexed from each town, as well as an overview map showing the totality of the territory annexed by the City from all three towns on August 19<sup>th</sup>. The territory annexed from the Town of Burnside appears rectangular in shape, and is immediately adjacent to the Town on its North side. The territory annexed from the Town of Lincoln is best described as a corridor, at times appearing to be less than 500' in width, but generally being approximately 1000' feet in width and with a length of over 8000'. Prior to the annexation of territory from the Town of Burnside, there was no apparent contact between the territory annexed and the City. The territory annexed from the Town of Arcadia generally consists of an irregular "g" shape, with a corridor to the west in addition to a connection to the corridor-shaped area annexed from the Town of Lincoln. Prior to the annexations of territory from the Towns of Burnside and Lincoln, there was no apparent contact between the territory annexed from the Town of Arcadia and the City.

The Town of Arcadia has written to the Department to make clear that it is not requesting review of the annexation of territory from within its boundaries to the City. Specifically, the Town of Arcadia takes the position that, "The Towns of Lincoln and Burnside are not affected by a separate annexation that occurred outside of their Town boundaries. The Town of Arcadia is the only 'town affected' by the annexation of our territory."

The City has also written to the Department with its positions. They can be summarized as follows. First, "The adoption (of the three annexation ordinances) in the above-noted order ensured contiguity of the parcels to the City." Second, "the only review the Department may conduct under the present request is the question regarding the contiguity of the territory annexed into the City of Independence from the Towns of Burnside and Lincoln, respectively." Third, "The towns of Burnside and Lincoln are not affected by the annexation of territory from the Town of Arcadia." Fourth, "the only challenge in circuit court (is) from the town from which the territory is annexed'." Fifth, the territories annexed from the Towns of Burnside and Lincoln "are clearly contiguous" to the City. And Sixth, "Whatever else it means, 'contiguous' plainly includes properties that are in physical contact...."

The Department is an administrative agency, and has what authority is given to it by statute. Such authority is, by necessity, limited in nature, and should not unduly infringe upon the role of the judiciary. As applied to this matter, the Department's charge under Wis. Stats. s. 66.0217 (6) (d) 1. a. is to determine whether, "The requirement... regarding the contiguity of the territory to be annexed with the annexing city or village" has been met.

The word "contiguity" is not defined by Wis. Stats. ch. 66. However, the term "contiguity" has been used in predecessor statutes, and has been interpreted by decisions of the Supreme Court of Wisconsin and the Wisconsin Court of Appeals. The legislature is presumed to be aware of prior judicial decisions when passing legislation.

One of the seminal cases in this field of law is the decision of the Supreme Court of Wisconsin in *Mt. Pleasant v. Racine*, 24 Wis.2d 41, (1963). There, the Court opined that, "application of the rule of reason... compels us to conclude that the annexation of the area in question does not meet the statutory requirement of contiguity." 24 Wis.2d at 47. The rule of reason is a three-pronged judicial doctrine, the application of which involves a judicial determination, "(1) that no arbitrary exclusions or irregularities appear in the boundary lines, (2) that some reasonable present or demonstrable future need exists for the property, and (3) that the municipality commits no other misuse of discretion in the process." *Town of Sugar Creek v. City of Elkhorn*, 231 Wis. 2d 473 (Ct. App. 1999).

In determining what task the legislature has assigned to the Department, the Department makes the following observations. First, the Department is given 20 days to review a town's request for review of an annexation. Such a limited amount of time suggests that the legislature does not intend for the Department to undertake the tasks of a court in receiving evidence, potentially to include expert witness evidence. Second, the right of a town to judicial review of contiguity under the rule of reason as discussed in the above-noted cases was taken away from towns for a period of years, presumably due to the filing of lawsuits without merit, and was only restored by an act of the Legislature in 2011. From this the Department concludes that its role in reviewing annexations is to act as a gatekeeper, not a judicial body.

The first matter to be decided is the scope of "the territory to be annexed" within the meaning of Wis. Stats. s. 66.0217 (6) (d) 1. a. In the view of the Town of Arcadia and the City neither the Town of Burnside nor the Town of Lincoln is impacted by the annexation of territory from the Town of Arcadia, and, therefore, neither has standing to challenge territory annexed from the Town of Arcadia. Indeed, one could infer that the City and Town of Arcadia see the annexation of territory from the Town of Arcadia to be entirely irrelevant. The Department respectfully disagrees.

The Department concludes that the language of Wis. Stats. s. 66.0217 (6) (d) is ambiguous as applied to an annexation of territory across multiple towns. When interpreting an ambiguous statute courts will generally seek to avoid doing so in such a way that creates an absurd result. What the City has sought to accomplish in this case is to create an annexation that is, in its shape, not materially distinguishable from the type of "balloon-on-a-string" annexation that the Supreme Court found to be not contiguous in the *Mt. Pleasant* case. To limit any administrative inquiry or judicial challenge to the annexation due to the fact this particular balloon-on-a-string takes in territory from three towns, instead of just one, would be to put form over substance. Lacking clearer guidance from the judiciary and the Legislature, the Department is unwilling to place form over substance and thereby deny all possibility of judicial review.

Additionally, the Department is not convinced by arguments of the City and the Town of Arcadia that the Towns of Burnside and Lincoln have no interest in the annexation of territory from the Town of Arcadia. In attempting to further this argument the City wrote, "...none of the proposed business activities occurring as a result of this annexation are occurring in the Towns of Lincoln or Burnside." The City's argument says too much; it suggests that but for the need for contiguity to the City with the area of proposed business activity, the City would have had no need to annex territory from the Towns of Lincoln or Burnside at all. Consequently, the annexation of territory from the Town of Arcadia apparently does indeed have a direct and material impact on the interests of the Towns of Burnside and Lincoln. For these reasons the Department declines to interpret the scope of "the territory to be annexed" under s. 66.0217 (6) (d) 1. a. as consisting solely of the territories within the boundaries of the Towns of Burnside and Lincoln.

Having determined the scope of the territory subject to review, the Department must review whether the territory is contiguous. As guided by case law, we must determine whether the boundaries are irregular. The Department is mindful that, "Where direct annexation proceedings are initiated by petitioning landowners, the general rule is that the annexing municipality is not to be charged with arbitrary action in the drawing of boundary lines." *Town of Sugar Creek*, 231 Wis. 2d at 479, citing *Town of Pleasant Prairie*, 75 Wis. 2d 322, 339 (1977). However, in this case the general rule is overcome by the balloon-on-a-string shape of the annexed territory, as well as the apparent use of territory from the Towns of Burnside and Lincoln merely as a string. The only apparent need of the City for the land annexed from the Towns of Lincoln and Burnside is to serve as a string between the prior boundaries of the City and the area of proposed business activity.

Based upon the foregoing it is the finding of the Department of Administration that the territory annexed from the Towns of Burnside, Lincoln and Arcadia are not "contiguous" to the City of Independence. As noted above the Department's inquiry is limited in nature, and is not "binding" upon any party. However, the Department's finding does entitle the Towns of Burnside and Lincoln to challenge the annexation in circuit court, pursuant to Wis. Stats. s. 66.0217 (6) (d) 2., should they choose to do so.

If the Towns of Burnside and Lincoln do in fact decide to contest this annexation in court, the Department reminds the City of Independence of its statutory obligation to file notice of the pending litigation with the Secretary of State's Office, as required by s. 66.0231 Wis. Stats.

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October 6, 2014  
City of Independence Annexations 10314, 10315 & 10316

The address of the Office of the Secretary of State is:

Annexations and Railroads  
Division of Government Records  
Office of the Secretary of State  
PO Box 7848  
Madison WI 53707-7848

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

Sincerely,



Erich Schmidtke, Municipal Boundary Review

cc: Lenice Pronschinske, Clerk, City of Independence  
Melissa Kono, Clerk, Town of Burnside  
Sharon Sosalla, Clerk, Town of Lincoln  
Beth Killian, Clerk, Town of Arcadia  
Lindsay Prokop  
Jack Prokop  
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