

The State of Wisconsin

Office of the Secretary of State

C81

CITY OF BURLINGTON

RACINE and WALWORTH COUNTIES

ANNEXATION ORDINANCE 1988(7)

FILED SEPTEMBER 24, 2014

ORD-107260



C 81

CITY OF BURLINGTON

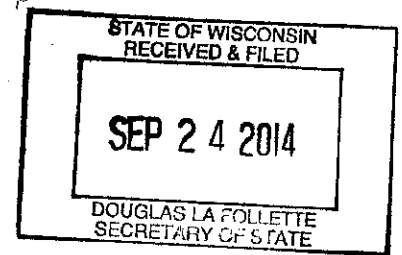
City Clerk

300 N. Pine Street, Burlington, WI, 53105

(262) 342-1161 – (262) 763-3474 fax

www.burlington-wi.gov

CERTIFICATION



Ordinance 1988(7)

I hereby certify that the foregoing ordinance is a true, correct and complete copy of the ordinance duly and regularly passed by the Common Council of the City of Burlington, Racine and Walworth Counties, Wisconsin, on the nineteenth day of September 2014.

Dated this 19th day of September 2014

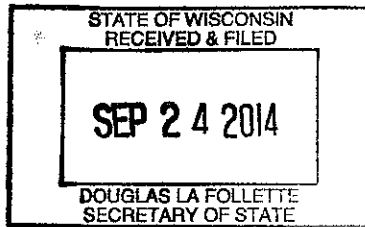


Diahn Halbach

City Clerk

City of Burlington

Racine and Walworth Counties, Wisconsin



Ordinance No. 1988(7)
Introduced by: Committee of the Whole

**AN ORDINANCE ANNEXING TERRITORY LOCATED AT 1062 SPRING VALLEY ROAD TO
THE CITY OF BURLINGTON, RACINE AND WALWORTH COUNTIES, WISCONSIN**

The Common Council of the City of Burlington, Wisconsin, do ordain as follows:

SECTION 1. Territory Annexed. In accordance with §66.021 of the Wisconsin Statutes and the petition for direct annexation by unanimous approval filed with the City Clerk on the 31st day of July, 2014, the following described territory having a population of one (1) person and located in the Town of Lyons, Walworth County, and the Town of Burlington, Racine County, Wisconsin, is annexed to the City of Burlington, Wisconsin:

Town of Lyons Tax Identification Numbers:

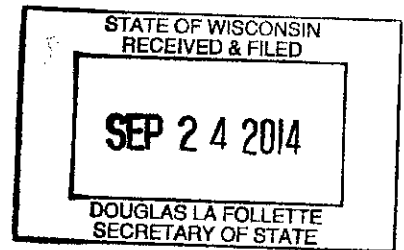
N LY100001A and N LY100002A

Population Total - 1

Legal Description

That part of the Northeast ¼ and the Southeast ¼ of Section 1, Township 2 North, Range 18 East, Town of Lyons, Walworth County and the Southwest ¼ and Northwest ¼ of the Northwest ¼ of Section 6, Township 2 North, Range 19 East, Town of Burlington, Racine County, Wisconsin more fully described as follows:

Commencing at the Northeast corner of said Section 1; thence South 00°55'24" East along the East line of Section 1 aforesaid 214.68 feet to a point on the former centerline of S.T.H. "36" and the point of beginning of the lands described hereinafter; thence southwesterly 557.44 feet along said centerline and arc of a curve having its center to the northwest with a radius of 425.40 feet that bears South 36°36'59" West 518.40 feet to a point; thence South 74°09'23" West along said centerline 991.71 feet to a point; thence South 75°48'21" West along said centerline 744.53 feet to a point; thence South 14°11'39" East 211.31 feet to the south line of S.T.H. "36"; thence South 06°37'48" East 78.47 feet to a point on the South line of the North ½ of said Northeast ¼ Section; thence North 89°00'53" East along said South line 294.73 feet to a point on the West line of the East ½ of the East ½ of the Southwest ¼ of said Northeast ¼ Section; thence South 01°08'12" East along said West line 1317.06 feet to a point on the north line of S.T.H. "11"; thence southeasterly 1225.81 feet along said north line and arc of a curve having its center to the northeast with a radius of 2739.79 feet that bears South 74°00'42" East 1215.61 feet to a point at the intersection of the north line of S.T.H. "11" and the west line of Spring Valley Road; thence South 88°17'54" East 183.45 feet to a point on the east line of Spring Valley Road; thence North 14°07'38" East along said East line 92.12 feet to a point; thence South 88°32'02" East along said East line 80.16 feet to a point; thence North 41°59'05" West along said East line 56.35 feet to a point; thence North 15°10'58" East along said East line 429.81 feet to a point; thence North 13°30'49" East along said East line 361.61 feet to a point; thence North 04°11'12" East along said East line 355.20 feet to a point; thence North 01°12'57" West along said East line 260.77 feet to a point; thence North 06°58'03" East along said East line 167.23 feet to a point; thence North 00°55'24" West along said East line 1128.37 feet to a point; thence South 89°04'36" West 33.09 feet to the point of beginning. Lands contain 3,590,622 square feet (82.4293 acres).



SECTION 2. Effect of Annexation. From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Burlington for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Burlington.

SECTION 3. Zoning Classification. Upon recommendation of the Planning Commission, the territory annexed to the City of Burlington by this ordinance is permanently zoned B-1, Neighborhood Business District.

SECTION 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made part of the tenth ward, upon creation of said ward, of the City of Burlington, subject to the ordinances, rules and regulations of the City of Burlington governing wards. The population of the property is one.

SECTION 5. Pursuant to section 60-4 of the Code of the City of Burlington, the property set forth in Section 1 shall be added to the official map of the City of Burlington, upon the recommendation of the Plan Commission at its August 12, 2014 meeting and the public hearing held by the Common Council at its September 2, 2014 meeting.

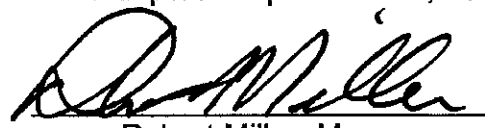
SECTION 6. Payment to Town. Pursuant to Wis. Stat. ss. 66.1105(4)(gm)1 the City of Burlington pledges to pay the Town of Lyons an amount equal to the property taxes levied on the territory that is being annexed for a term of five years.

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 provision or application.

SECTION 8. It is further ordained that the Clerk shall cause this Ordinance to be published as a Class 1 notice. The Clerk shall also perform the filing requirements of Wis. Stat. s. 66.0223(1).

SECTION 9. Effective Date. This ordinance shall take effect upon passage, public hearing and publication as provided by law.

Introduced: September 2, 2014
Adopted: September 19, 2014


Robert Miller, Mayor

Attest:

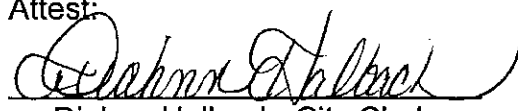
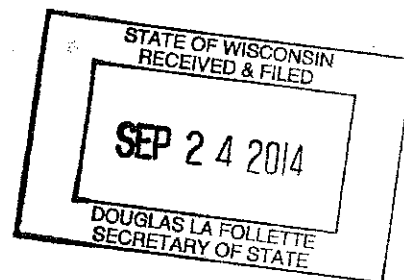

Diahn Halbach, City Clerk

EXHIBIT A

Tax Identification Numbers:

N LY100001A and N LY100002A



Legal Description

That part of the Northeast $\frac{1}{4}$ and the Southeast $\frac{1}{4}$ of Section 1, Township 2 North, Range 18 East, Town of Lyons, Walworth County and the Southwest $\frac{1}{4}$ and Northwest $\frac{1}{4}$ of Section 6, Township 2 North, Range 19 East, Town of Burlington, Racine County, Wisconsin more fully described as follows:

Commencing at the Northeast corner of said Section 1; thence South $00^{\circ}55'24''$ East along the East line of Section 1 aforesaid 214.68 feet to a point on the former centerline of S.T.H. "36" and the point of beginning of the lands described hereinafter; thence southwesterly 557.44 feet along said centerline and arc of a curve having its center to the northwest with a radius of 425.40 feet that bears South $36^{\circ}36'59''$ West 518.40 feet to a point; thence South $74^{\circ}09'23''$ West along said centerline 991.71 feet to a point; thence South $75^{\circ}48'21''$ West along said centerline 744.53 feet to a point; thence South $14^{\circ}11'39''$ East 211.31 feet to the south line of S.T.H. "36"; thence South $06^{\circ}37'48''$ East 78.47 feet to a point on the South line of the North $\frac{1}{2}$ of said Northeast $\frac{1}{4}$ Section; thence North $89^{\circ}00'53''$ East along said South line 294.73 feet to a point on the West line of the East $\frac{1}{2}$ of the East $\frac{1}{2}$ of the Southwest $\frac{1}{4}$ of said Northeast $\frac{1}{4}$ Section; thence South $01^{\circ}08'12''$ East along said West line 1317.06 feet to a point on the north line of S.T.H. "11"; thence southeasterly 1225.81 feet along said north line and arc of a curve having its center to the northeast with a radius of 2739.79 feet that bears South $74^{\circ}00'42''$ East 1215.61 feet to a point at the intersection of the north line of S.T.H. "11" and the west line of Spring Valley Road; thence South $88^{\circ}17'54''$ East 183.45 feet to a point on the east line of Spring Valley Road; thence North $14^{\circ}07'38''$ East along said East line 92.12 feet to a point; thence South $88^{\circ}32'02''$ East along said East line 80.16 feet to a point; thence North $41^{\circ}59'05''$ West along said East line 56.35 feet to a point; thence North $15^{\circ}10'58''$ East along said East line 429.81 feet to a point; thence North $13^{\circ}30'49''$ East along said East line 361.61 feet to a point; thence North $04^{\circ}11'12''$ East along said East line 355.20 feet to a point; thence North $01^{\circ}12'57''$ West along said East line 260.77 feet a point; thence North $06^{\circ}58'03''$ East along said East line 167.23 feet to a point; thence North $00^{\circ}55'24''$ West along said East line 1128.37 feet to a point; thence South $89^{\circ}04'36''$ West 33.09 feet the point of beginning.

Lands contain 3,590,622 square feet (82.4293 acres).

LEGAL DESCRIPTION

That part of the Northeast 1/4 and the Southeast 1/4 of Section 1, Township 2 North, Range 18 East, Town of Lyons, Walworth County and the Southwest 1/4 and Northwest 1/4 of Section 6, Township 2 North, Range 19 East, Town of Burlington, Racine County, Wisconsin more fully described as follows:

Commencing at the Northeast corner of said Section 1; thence South 00°55'24" East along the East line of Section 1 aforesaid 214.69 feet to a point on the former centerline of S.T.H. "36" and the point of beginning of the land described hereinafter; thence southwesterly 557.44 feet along said centerline and arc of a curve having its center to the northwest with a radius of 425.40 feet due bears South 50°30'53" West 518.40 feet to a point; thence South 74°08'23" West along said centerline 991.71 feet to a point; thence South 75°48'21" West along said centerline 744.53 feet to a point; thence South 34°11'39" East 213.31 feet to the south line of S.T.H. "36"; thence South 06°31'48" East 78.47 feet to a point on the South line of the North 1/4 of said Northwest 1/4 Section; thence North 89°00'53" East along said South line 294.73 feet to a point on the West line of the East 1/2 of the East 1/2 of the Southwest 1/4 of said Northwest 1/4 Section; thence South 03°08'22" East along said West line 3317.06 feet to a point on the north line of S.T.H. "11"; thence southeasterly 1225.81 feet along said north line and arc of a curve having its center to the northeast with a radius of 2739.79 feet that bears South 74°08'22" East 1235.81 feet to a point at the intersection of the north line of S.T.H. "11" and the west line of Spring Valley Road; thence South 88°17'54" East 383.45 feet to a point on the east line of Spring Valley Road; thence North 34°07'38" East along said East line 92.12 feet to a point; thence South 88°32'02" East along said East line 80.15 feet to a point; thence North 41°53'05" West along said East line 54.35 feet to a point; thence North 13°00'58" East along said East line 429.81 feet to a point; thence North 13°00'49" East along said East line 341.61 feet to a point; thence North 04°12'57" East along said East line 355.20 feet to a point; thence North 01°12'57" West along said East line 280.77 feet to a point; thence North 06°58'03" East along said East line 347.23 feet to a point; thence North 00°55'24" West along said East line 1328.27 feet to a point; thence South 89°04'56" West 35.08 feet the point of beginning.

Land contains 3,590.622 square feet (82.4293 acres).

CLIENT

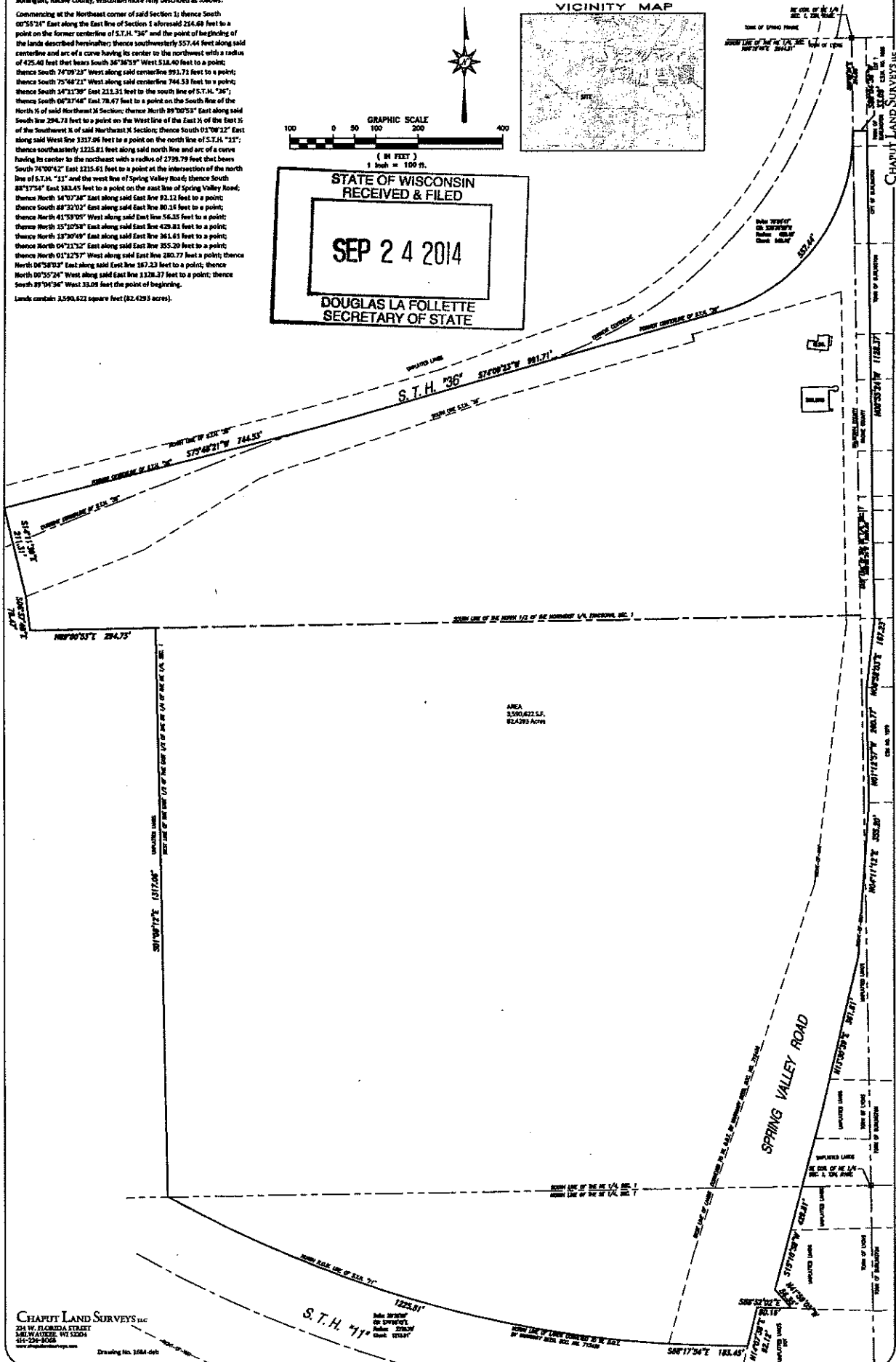
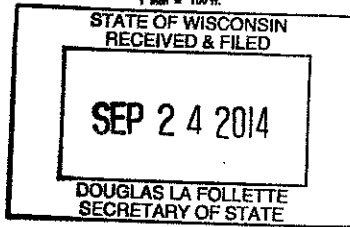
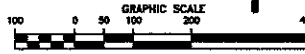
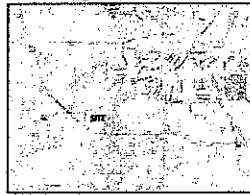
Quarles & Brady LLP

SITE ADDRESS

1062 Spring Valley Road, Town of Lyons, Walworth County, Wisconsin.

ANNEXATION EXHIBIT

VICINITY MAP





**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

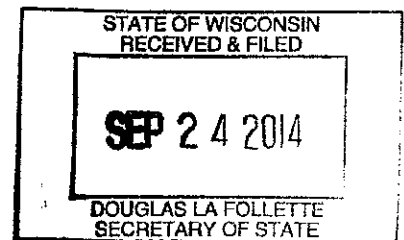
Municipal Boundary Review
PO Box 1645, Madison WI 53701
Voice (608) 264-6102 Fax (608) 264-6104
Email: wimunicipalboundaryreview@wi.gov
Web: <http://doa.wi.gov/municipalboundaryreview/>

September 18, 2014

PETITION FILE NO. 13796

DIAHNN HALBACH, CLERK
CITY OF BURLINGTON
300 N PINE ST
BURLINGTON, WI 53105

KARLA HILL, CLERK
TOWN OF LYONS
PO BOX 337
LYONS, WI 53148



Subject: LORETTE YANNY & COOK PROPERTY LLC ANNEXATION

The proposed annexation submitted to our office on August 4, 2014, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city and any other contiguous village or city...." so as unincorporated-land transitions to city or village status, the resulting boundaries are rational and easy for jurisdictions and residents to follow.

The subject petition is for territory that is reasonably shaped and contiguous to the **CITY OF BURLINGTON**.

Note: Section 66.0217(1) (g), Wis. Stats. requires that the scale map of the territory being annexed clearly depicts and identifies the existing municipal boundary in relation to the territory being annexed. We recommend that the scale map included as part of the annexation ordinance clearly shows how the parcel is contiguous with the City of Burlington.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of state a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

September 18, 2014

LORETTE YANNY & COOK PROPERTY LLC ANNEXATION

PETITION FILE NO. 13796

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13796**
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 this annexation review.

Sincerely,



Erich Schmidtke, Municipal Boundary Review

cc: petitioner

