ORD10864
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JUN 21 2018
Municipal Boundary Review
Wisconsin Dept. of Admin.

VILLAGE OF COLEMAN

ORDINANCE NO. 2018-02

AN ORDINANCE ANNEXING TERRITORY FROM THE TOWN OF POUND TO THE VILLAGE OF COLEMAN, MARINETTE COUNTY, WISCONSIN

Property Owners: Bieber Investments, LLC and B & D Dairy Farm LLC

WHEREAS, a Petition has been filed with the Clerk of the Village of Coleman requesting the annexation of the hereinafter described territory heretofore located in the Town of Pound, Marinette County, Wisconsin to the Village of Coleman, Marinette County, Wisconsin, pursuant to Section 66.0217(2), Wis. Stats; and

WHEREAS, such matter was referred to the Village Board for review, the Village Board recommending such approval, and finding that the territory is contiguous and that the annexation is not contrary to the public interest; and

WHEREAS, the Village Board finds that the hereinafter described territory is contiguous to the Village of Coleman, that the Petition for Annexation herein is a Petition for direct annexation filed pursuant to Section 66.0217(2), Wis. Stats., that the Petitioners constitute the owners of all real property in such territory and that there are zero (0) electors residing within such territory, that the procedural requirements of Section 66.0217, Wis. Stats., have been complied with, the Village Board specifically finds that such annexation is not against the public interest.

NOW, THEREFORE, the Village Board of the Village of Coleman, Wisconsin, does ordain as follows:

SECTION 1. That the Village Board accepts such Petition for Annexation, thereby ordaining that the following described territory presently in the Town of Pound, Marinette County, Wisconsin, to wit:

See attached Exhibit A.

Tax Parcel No.: 028-00305.002 and 028-00296.004 owned by Bieber Investments, LLC and 028-00315.001 and 028-00316.000 owned by B & D Dairy Farm LLC

be and the same is hereby annexed to and made part of the Village of Coleman, Marinette County, Wisconsin. This annexation includes the right of way along Double R Road. Attached hereto, and identified as Exhibit A, is a legal description and scale map of the territory annexed herein.

SECTION 2. All such annexed territory shall be a part of the Village of Coleman for any and all purposes provided by law, and shall be subject to the laws, ordinances, rules and regulations of the Village of Coleman applicable thereto.

SECTION 3. That the above-described annexed property prior to annexation was part of the Coleman School District and such territory shall remain part of said School District.

SECTION 4. Upon recommendation of the Village Board, the territory annexed by the Village of Coleman by means of this Ordinance is hereby designated to be B-1 for the property owned by Bieber Investments LLC and I-1 for the property owned by B & D Dairy Farm LLC.

SECTION 5. That upon adoption of this Ordinance, the Clerk shall file a certified copy of this Ordinance, a Certificate of Annexation, and a scale map of the property annexed with the Secretary of State, with any utility company currently providing services to such area, with the Register of Deeds of Marinette County, and with the Clerk of the Coleman School District, in accordance with Section 66.0217(9), Wis. Stats., and, further, said Clerk shall give written notice of acceptance of such Petition for Annexation to the Clerk of the Town of Pound by personal service or by registered mail with return receipt requested.

SECTION 6. Pursuant to Wis. Stats. Section 66.0217 (14)(a)(1), the Village of Coleman agrees to pay annually to the Town of Pound, for 5 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 s. 70.65, in the year which the annexation is final.

THIS ORDINANCE SHALL BECOME EFFECTIVE UPON ITS ADOPTION.

Approved this 4th day of June, 2018.

Glenn Woulf
Village President

Julie Nosgovitz
Village Clerk

The population for this property is zero (0).

Exhibit A

Proposed Annexation for the Village of Coleman

Tax Parcel Number: 028-00296.004

Tax Parcel Number 028-00296.004 to be annexed is more particularly described as follows:

All that part of the Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4) of Section Twenty-two (22), Township Thirty (30) North, Range Twenty (20) East, Town of Pound, Marinette County, Wisconsin, described as follows:

Commencing at the East 1/4 corner of said Section 22; thence North 88 deg. 10 min. 10 sec. West along the South line of said SE 1/4 of NE 1/4, 60.00 feet to the West right of way line of Double R Road and the point of beginning; thence continue North 88 deg. 10 min. 10 sec. West 132 +/- feet to the East right of way line of USH "141"; thence Northerly along the said East right of way line of USH "141", 683 +/- feet to the Southeasterly right of way line of County "B"; thence Northeasterly along said Southeasterly right of way line of County "B", 330+/- feet to the Westerly right of way line of Double R Road; thence Southerly along said Westerly right of way line of Double R Road, 944 +/- feet to the point of beginning.

Tax Parcel Number: 028-00305.002

Tax Parcel Number 028-00305.002 to be annexed is more particularly described as follows:

The Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) of Section Twenty-two (22), Township Thirty (30) North, Range Twenty (20) East, Town of Pound, Marinette County, Wisconsin; **EXCEPT THEREFROM** that portion thereof described in Certified Survey Map No. 3200; **ALSO EXCEPT THEREFROM** that portion thereof in use as part of public roadway as set forth in Vol. 132, Page 136 and Doc. No. 670337.

Tax Parcel Number: 028-00315.001

Tax Parcel Number 028-00315.001 to be annexed is more particularly described as follows:

The Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) of Section Twenty-three (23), Township Thirty (30) North, Range Twenty (20) East, Town of Pound, Marinette County Wisconsin; **EXCEPT THEREFROM** that portion within public road right-of-way.

Tax Parcel Number: 028-00316.000

Tax Parcel Number 028-00316.000 to be annexed is more particularly described as follows:

The Southeast Quarter of the Southwest Quarter (SE 1/4 of SW 1/4) of Section Twenty-three (23), Township Thirty (30) North, Range Twenty (20) East, Town of Pound, Marinette County Wisconsin; **EXCEPT THEREFROM** that portion within railroad right-of-way.

Double R Road right-of-way

Double R Road right-of-way to be annexed is more particularly described as follows:

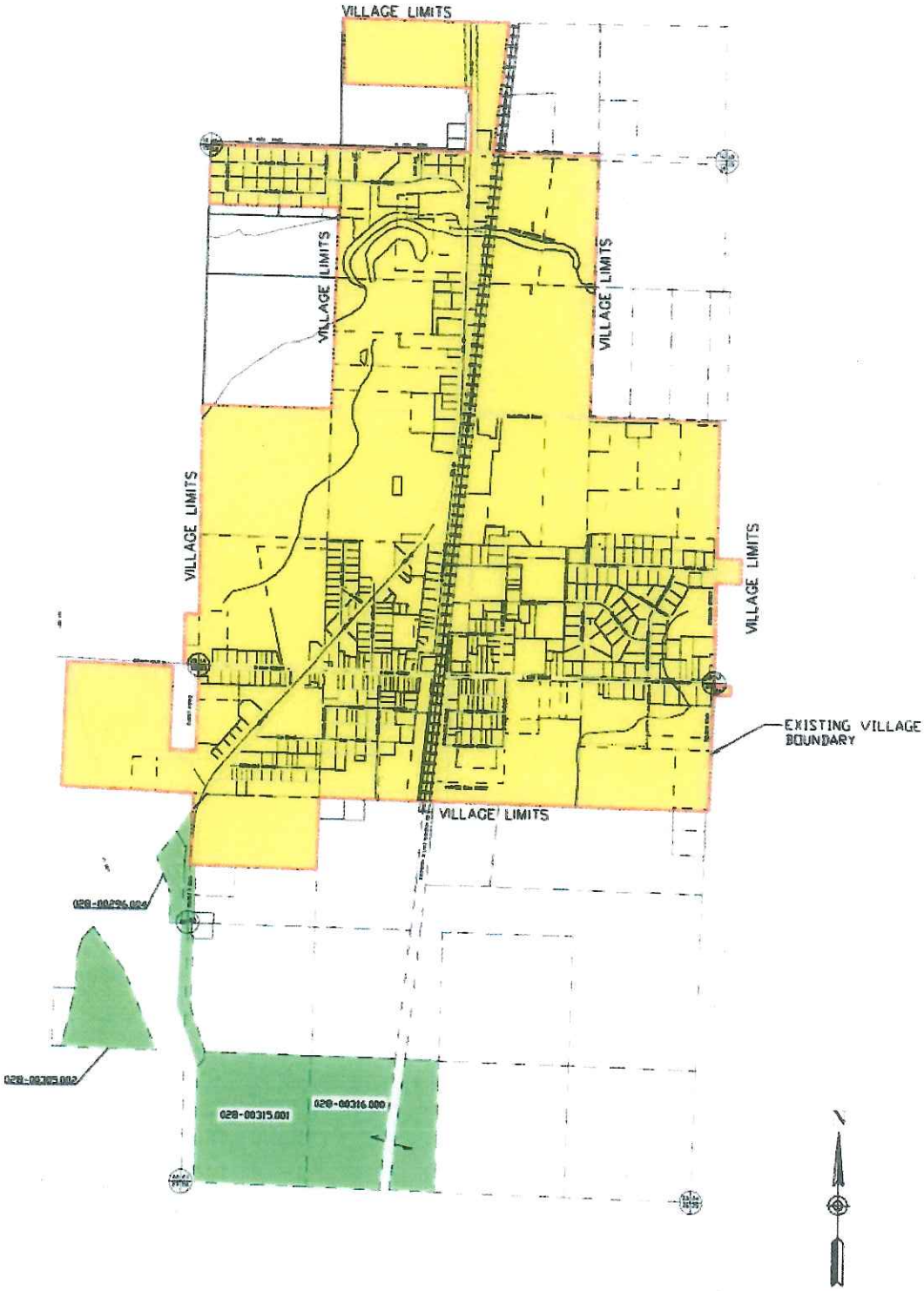
All of Double R Road right-of-way maintained/operated by the Town of Pound being part of the Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4) and the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) all in Section Twenty-two (22); ALSO part of the Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4), the Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4) and the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) all in Section Twenty-three (23); ALL in Township Thirty (30) North, Range Twenty (20) East, Town of Pound, Marinette County Wisconsin; **EXCEPT THEREFROM** that portion within land described in Volume 379, Page 306 and Document Number 741361.

ANNEXATION MAP

VILLAGE OF COLEMAN

MARINETTE COUNTY, WISCONSIN

EXHIBIT A



= PROPOSED ANNEXATION OF PARCEL

SCALE:

250 500 1000

Cedar corporation

DATE 06/04/2018

t:\Clients-Gilbar\C\C4815 Coleman Village of\052 2018 Annexation - Village Boundary - Southern Development\100 Cad\DWG\05-18 Annexation Exhibit.dwg

CERTIFICATE OF ANNEXATION

STATE OF WISCONSIN)
) ss.
COUNTY OF MARINETTE)

I, JULIE NOSGOVITZ, Village Clerk of the Village of Coleman, County of Marinette, State of Wisconsin, DO HEREBY CERTIFY that the following described territory was detached from the Town of Pound, Marinette County, by Ordinance passed by the Village Board of the Village of Coleman, at a regular meeting held on the 4th day of June, 2018:

See attached Exhibit A for legal description and map of property.

Tax Parcel No.: 028-00305.002 and 028-00296.004 owned by Bieber Investments, LLC and 028-00315.001 and 028-00316.000 owned by B & D Dairy Farm LLC along with the right of way along Double R Road.

Dated this 14th day of June, 2018.

Julie Nosgovitz, Village Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MARINETTE)

I, JULIE NOSGOVITZ, Village Clerk of the Village of Coleman, County of Marinette, State of Wisconsin, do hereby certify that the attached is a true and correct copy of a certain Ordinance passed by the Village Board of the Village of Coleman at a regular session thereof held on the 4th day of June, 2018.

Julie Nosgovitz, Village Clerk

Robert R. Gagan
Attorney at Law

O'NEIL CANNON
HOLLMAN DEJONG & LAING S.C.
Wisconsin's Premier Lawyers & Litigators

Robert.Gagan@wilaw.com

ORD10864

RECEIVED
FEB 13 2019
Municipal Boundary Review
Wisconsin Dept. of Admin.

February 7, 2019

Wisconsin Department of Administration
Municipal Boundary Review
P.O. Box 1645
Madison, WI 53701

Re: Village of Coleman

Dear Sir or Madam:

I represent the Village of Coleman. The Village of Coleman annexed property from the Town of Pound on June 4, 2018. I am enclosing a copy of the documents that I filed with you with my correspondence to you dated June 15, 2018. The Marinette County Land Information Department informed the Village of Coleman that the highway right of way and railroad right of way should have been included in the legal description for this annexation. The Village of Coleman adopted an Amended Ordinance on February 4, 2019 to include the highway and railroad rights of way in the legal description for this annexation. I am sending this Amended Ordinance to you for your information and pursuant to Wisconsin Statutes 66.0217 (9).

Should you have any questions or comments, please do not hesitate to contact the undersigned.

Sincerely,

O'NEIL, CANNON, HOLLMAN, DEJONG & LAING S.C.

Robert R. Gagan

RRG/caj

Enclosures

cc: Jodi Karas, Village of Coleman Clerk w/o encls.
Thad M. Majkowski, P.E. w/o encls.

VILLAGE OF COLEMAN

AMENDED ORDINANCE NO. 2018-02

AN AMENDED ORDINANCE ANNEXING TERRITORY FROM THE TOWN OF POUND TO THE VILLAGE OF COLEMAN, MARINETTE COUNTY, WISCONSIN

Property Owners: Bieber Investments, LLC and B & D Dairy Farm LLC

WHEREAS, a Petition has been filed with the Clerk of the Village of Coleman requesting the annexation of the hereinafter described territory heretofore located in the Town of Pound, Marinette County, Wisconsin to the Village of Coleman, Marinette County, Wisconsin, pursuant to Section 66.0217(2), Wis. Stats; and

WHEREAS, such matter was referred to the Village Board for review, the Village Board recommending such approval, and finding that the territory is contiguous and that the annexation is not contrary to the public interest; and

WHEREAS, the Village Board finds that the hereinafter described territory is contiguous to the Village of Coleman, that the Petition for Annexation herein is a Petition for direct annexation filed pursuant to Section 66.0217(2), Wis. Stats., that the Petitioners constitute the owners of all real property in such territory and that there are zero (0) electors residing within such territory, that the procedural requirements of Section 66.0217, Wis. Stats., have been complied with, the Village Board specifically finds that such annexation is not against the public interest; and

WHEREAS, the Village of Coleman was informed by the Marinette County Land Information Department that the legal descriptions for the US Highway 141 right of way and the railroad right of way should have been included in this annexation. Therefore, the Village amends the Ordinance adopted on June 4, 2018 to include the US Highway 141 and railroad right of way. The additional legal description for the highway right of way is attached as Exhibit A-1. The additional legal description for the railroad right of way is attached as Exhibit B. A map showing the final annexed area is attached as Exhibit C.

NOW, THEREFORE, the Village Board of the Village of Coleman, Wisconsin, does ordain as follows:

SECTION 1. That the Village Board accepts such Petition for Annexation, thereby ordaining that the following described territory presently in the Town of Pound, Marinette County, Wisconsin, to wit:

See attached Exhibit A, A-1, B and C.

Tax Parcel No.: 028-00305.002 and 028-00296.004 owned by Bieber Investments, LLC and 028-00315.001 and 028-00316.000 owned by B & D Dairy Farm LLC

be and the same is hereby annexed to and made part of the Village of Coleman, Marinette County, Wisconsin. This annexation includes the right of way along Double R Road, US Highway 141 and the railroad. Attached hereto, and identified as Exhibit A, A-1, B and C are legal descriptions and scale maps of the territory annexed herein.

SECTION 2. All such annexed territory shall be a part of the Village of Coleman for any and all purposes provided by law, and shall be subject to the laws, ordinances, rules and regulations of the Village of Coleman applicable thereto.

SECTION 3. That the above-described annexed property prior to annexation was part of the Coleman School District and such territory shall remain part of said School District.

SECTION 4. Upon recommendation of the Village Board, the territory annexed by the Village of Coleman by means of this Ordinance is hereby designated to be B-1 for the property owned by Bieber Investments LLC and I-1 for the property owned by B & D Dairy Farm LLC.

SECTION 5. That upon adoption of this Ordinance, the Clerk shall file a certified copy of this Ordinance, a Certificate of Annexation, and a scale map of the property annexed with the Secretary of State, with any utility company currently providing services to such area, with the Register of Deeds of Marinette County, and with the Clerk of the Coleman School District, in accordance with Section 66.0217(9), Wis. Stats., and, further, said Clerk shall give written notice of acceptance of such Petition for Annexation to the Clerk of the Town of Pound by personal service or by registered mail with return receipt requested.

SECTION 6. Pursuant to Wis. Stats. Section 66.0217 (14)(a)(1), the Village of Coleman agrees to pay annually to the Town of Pound, for 5 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 s. 70.65, in the year which the annexation is final.

THIS AMENDED ORDINANCE SHALL BECOME EFFECTIVE UPON ITS ADOPTION.

Approved this 4 day of February, 2019.

Glenn Woulf
Village President

Jodi Karas
Village Clerk/Treasurer

The population for this property is zero (0).

Exhibit A

Proposed Annexation for the Village of Coleman

Tax Parcel Number: 028-00296.004

Tax Parcel Number 028-00296.004 to be annexed is more particularly described as follows:

All that part of the Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4) of Section Twenty-two (22), Township Thirty (30) North, Range Twenty (20) East, Town of Pound, Marinette County, Wisconsin, described as follows:

Commencing at the East 1/4 corner of said Section 22; thence North 88 deg. 10 min. 10 sec. West along the South line of said SE 1/4 of NE 1/4, 60.00 feet to the West right of way line of Double R Road and the point of beginning; thence continue North 88 deg. 10 min. 10 sec. West 132 +/- feet to the East right of way line of USH "141"; thence Northerly along the said East right of way line of USH "141", 683 +/- feet to the Southeasterly right of way line of County "B"; thence Northeasterly along said Southeasterly right of way line of County "B", 330+/- feet to the Westerly right of way line of Double R Road; thence Southerly along said Westerly right of way line of Double R Road, 944 +/- feet to the point of beginning.

Tax Parcel Number: 028-00305.002

Tax Parcel Number 028-00305.002 to be annexed is more particularly described as follows:

The Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) of Section Twenty-two (22), Township Thirty (30) North, Range Twenty (20) East, Town of Pound, Marinette County, Wisconsin; **EXCEPT THEREFROM** that portion thereof described in Certified Survey Map No. 3200; **ALSO EXCEPT THEREFROM** that portion thereof in use as part of public roadway as set forth in Vol. 132, Page 136 and Doc. No. 670337.

Tax Parcel Number: 028-00315.001

Tax Parcel Number 028-00315.001 to be annexed is more particularly described as follows:

The Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) of Section Twenty-three (23), Township Thirty (30) North, Range Twenty (20) East, Town of Pound, Marinette County Wisconsin; **EXCEPT THEREFROM** that portion within public road right-of-way.

Tax Parcel Number: 028-00316.000

Tax Parcel Number 028-00316.000 to be annexed is more particularly described as follows:

The Southeast Quarter of the Southwest Quarter (SE 1/4 of SW 1/4) of Section Twenty-three (23), Township Thirty (30) North, Range Twenty (20) East, Town of Pound, Marinette County Wisconsin; **EXCEPT THEREFROM** that portion within railroad right-of-way.

Double R Road right-of-way

Double R Road right-of-way to be annexed is more particularly described as follows:

All of Double R Road right-of-way maintained/operated by the Town of Pound being part of the Southeast Quarter of the Northeast Quarter (SE 1/4 of NE 1/4) and the Northeast Quarter of the Southeast Quarter (NE 1/4 of SE 1/4) all in Section Twenty-two (22); ALSO part of the Southwest Quarter of the Northwest Quarter (SW 1/4 of NW 1/4), the Northwest Quarter of the Southwest Quarter (NW 1/4 of SW 1/4) and the Southwest Quarter of the Southwest Quarter (SW 1/4 of SW 1/4) all in Section Twenty-three (23); ALL in Township Thirty (30) North, Range Twenty (20) East, Town of Pound, Marinette County Wisconsin; **EXCEPT THEREFROM** that portion within land described in Volume 379, Page 306 and Document Number 741361.

EXHIBIT A-1

Proposed Annexation for the Village of Coleman

Being part of the SE 1/4 of the NE 1/4 and the NE 1/4 of the SE 1/4 all in Section 22; the SW 1/4 of the NW 1/4, the NW 1/4 of the SW 1/4 and the SW 1/4 of the SW 1/4 all in Section 23; Township 30 North, Range 20 East, Marinette County, Wisconsin more fully described as follows;

Commencing at the Northwest Corner of said Section 23;

Thence S01°40'26"W 1311.8 feet along the west line of the NW 1/4 to the to the southwest corner of the NW 1/4 of the NW 1/4 of said Section 23;

Thence continuing S01°40'26"W 93 feet more or less along said west line to the west right-of-way line of formerly USH 141 also being the Point of Beginning;

Thence continuing S01°40'26"W 639 feet more or less along said west line;

Thence S88°32'00"E 60 feet more or less to the east right-of-way line of Double R Road (formerly USH 141);

Thence South 580 feet more or less along said east right-of-way line to the south line of the NW 1/4 of said Section 23;

Thence West 18.75 feet along the south line of the NW 1/4 of said Section 23 also being said east right-of-way line;

Thence South 138.5 feet along said east right-of-way line;

Thence East 18.75 feet along said east right-of-way line;

Thence South 715 feet more or less along said east right-of-way line;

Thence S19°17'37"E 481.37 feet along the easterly right-of-way line of USH 141;

Thence S01°11'44"W 90.44 feet along said easterly right-of-way line;

Thence S47°59'39"W 98.50 feet along said easterly right-of-way line;

Thence S01°15'44"W 1165.78 feet along said easterly right-of-way line;

Thence N88°22'31"W 169.49 feet along the south line of the SW 1/4 of said Section 23

Thence N01°38'44"E 1313.68 feet along the west line of the SW 1/4 of said Section 23;

Thence N88°11'21"W 1228 feet more or less along the south line of the NE 1/4 of the SE 1/4 of said Section 22 to the southeast corner of Lot 1 of CSM Number 3200 recorded in Volume 21 CSM Page 280 as Document Number 715061;

Thence N12°51'23"E 610.26 feet along the east line of said Lot 1;

Thence N88°25'19"W 220.99 feet along the north line of said Lot 1 also being the right-of-way line of USH 141;

Thence N01°25'16"E 716.64 feet along the west line of the NE 1/4 of the SE 1/4 of said Section 22;

Thence S88°10'11"E 1142.45 feet along the north line of the NE 1/4 of the SE 1/4 of said Section 22 to the easterly right-of-way line of USH 141;

Thence N01°40'26"E 299.04 feet along said easterly right-of-way line;

Thence N22°00'43"W 383.02 feet along said easterly right-of-way line;

Thence N38°16'22"E 332.10 feet along a southerly right-of-way line of USH 141;

Thence continuing N38°16'22"E 181 feet more or less along the extended line of said southerly right-of-way line to its intersection with the west right-of-way line of formerly USH 141;

Thence Northeasterly 161 feet more or less along said west right-of-way line also being an arc of a curve, to the to the Point of Beginning.

EXHIBIT B

Proposed Annexation for the Village of Coleman

Being all railroad right-of-way located in the SE 1/4 of the SW 1/4 of Section 23, Township 30 North, Range 20 East, Town of Pound, Marinette County, Wisconsin more fully described as follows:

Commencing at the Southwest Corner of said Section 23;

Thence S88°22'31"E 2031.10 feet along the south line of the SW 1/4 of said Section 23 to the westerly right-of-way line of Escanaba & Lake Superior (ELS) railroad also being the Point of Beginning;

Thence continuing S88°22'31"E 100.28 feet along said south line;

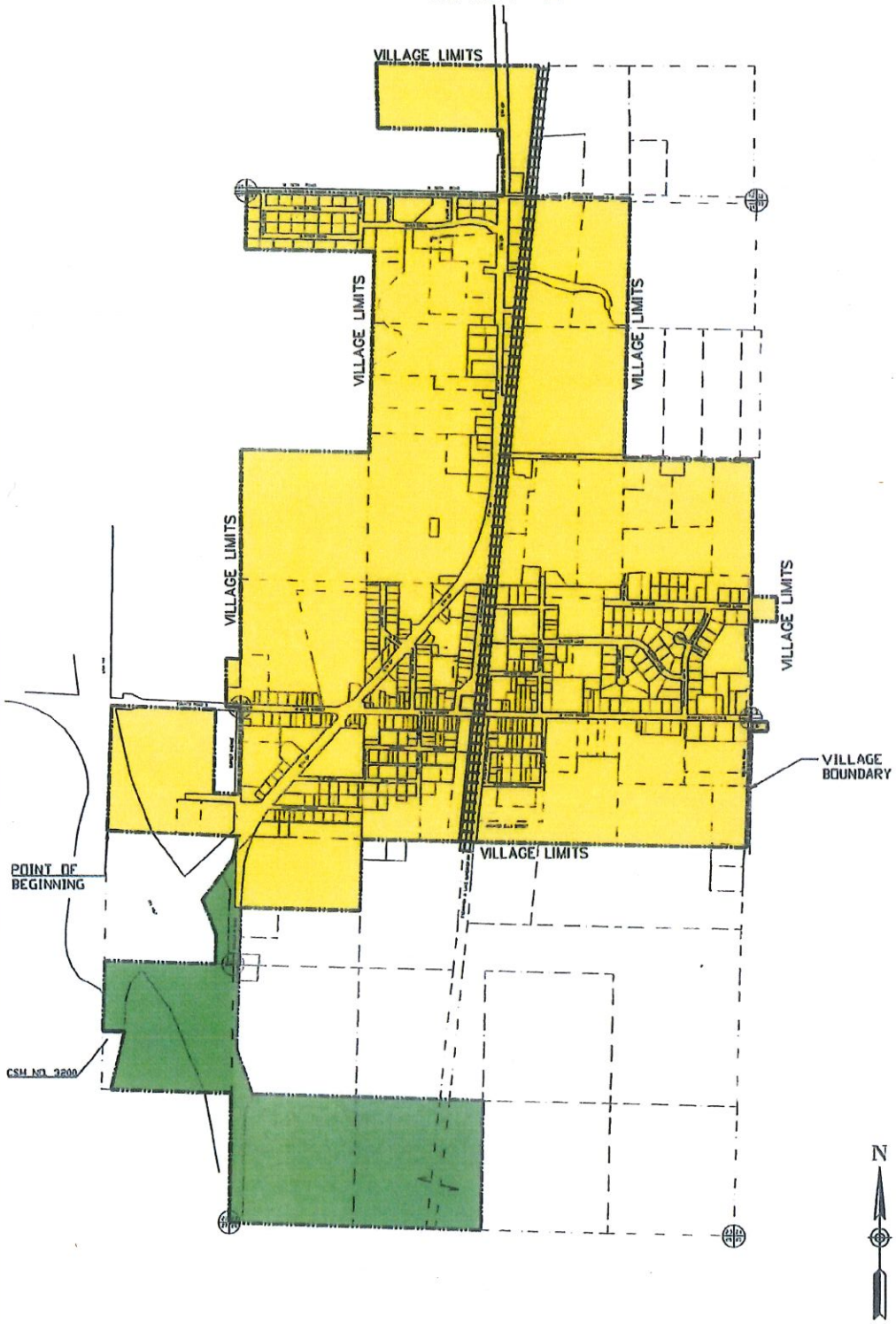
Thence N05°55'37"E 1322.05 feet along the easterly right-of-way line of ELS railroad;

Thence N88°29'41"W 100.30 feet along the north line of the SW 1/4 of said Section 23;

Thence S05°55'37"W 1321.84 feet along the westerly right-of-way line of ELS railroad to the Point of Beginning.

EXHIBIT C

Village of Coleman
Marinette County, Wisconsin
VILLAGE BOUNDARY MAP
EXHIBIT "A"



= PROPOSED ADDITION TO VILLAGE

SCALE: 0 125 250 500

Cedar corporation

DATE: 06/12/2018

I:\Clients-GrBay\C\C4915 Coleman Village of\032 2018 Annexation - Village Boundary - Southern Development\100 Cad\DWG\Village Boundary Exhibit.dwg

CERTIFICATE OF ANNEXATION

STATE OF WISCONSIN)
) ss.
COUNTY OF MARINETTE)

I, JODI KARAS, Village Clerk of the Village of Coleman, County of Marinette, State of Wisconsin, DO HEREBY CERTIFY that the following described territory that includes the highway and railroad rights of way was detached from the Town of Pound, Marinette County, by Amended Ordinance passed by the Village Board of the Village of Coleman, at a regular meeting held on the 4th day of February, 2019:

> See attached Exhibit A, A-1, B and C for legal description and map of property.

Tax Parcel No.: 028-00305.002 and 028-00296.004 owned by Bieber Investments, LLC and 028-00315.001 and 028-00316.000 owned by B & D Dairy Farm LLC along with the right of way along Double R Road.

Dated this 4 day of February, 2019.

Jodi Karas
Jodi Karas, Village Clerk

STATE OF WISCONSIN)
) ss.
COUNTY OF MARINETTE)

I, JODI KARAS, Village Clerk of the Village of Coleman, County of Marinette, State of Wisconsin, do hereby certify that the attached is a true and correct copy of a certain Amended Ordinance No. 2018-02 passed by the Village Board of the Village of Coleman at a regular session thereof held on the 4th day of February, 2019.

Jodi Karas
Jodi Karas, Village Clerk