

ORD11026



RECEIVED

June, 28, 2019

Municipal Boundary Review
Wisconsin Dept. of Admin.

VILLAGE OF RICHFIELD

**4128 Hubertus Road
Hubertus, WI 53033
262-628-2260**

Certification:

I, Donna Cox, Deputy Clerk for the Village of Richfield, a Wisconsin Municipality, do hereby certify that I am the legal custodian of the original document, that I have compared the copy attached hereto with the original, and that the copy attached hereto is a true and correct copy of the original document, to wit:

**ORDINANCE NO.
2019-06-04**

An Ordinance to attach property to the Village of Richfield from the Town of Erin pursuant to an Intergovernmental Agreement

Certified and sealed this 28th, day of June 2019.

OFFICE OF THE VILLAGE OF RICHFIELD
DEPUTY CLERK

Donna Cox, Deputy Clerk

ORDINANCE 2019-06-04

**AN ORDINANCE TO ATTACH PROPERTY TO THE VILLAGE OF RICHFIELD
FROM THE TOWN OF ERIN PURSUANT TO AN
INTERGOVERNMENTAL AGREEMENT**

WHEREAS, in January of 2007, a Boundary Agreement between Richfield, the City and Town of Hartford and the Town of Erin was formed as a part of the Village of Richfield's incorporation; and

WHEREAS, the parties bound themselves to the Agreement and stipulated to an Order from the Circuit Court (Case No. 06CV487) under Wis. States 66.0225; and

WHEREAS, the Agreement contained a "savings clause" to allow municipalities to waive objection to annexations if mutually agreed upon otherwise the boundaries would be fixed for a period of 20 years; and

WHEREAS, in August of 2018, the Town of Erin and the Village of Richfield signed a "Jurisdictional Road Transfer Agreement" between the Town of Erin, Town of Hartford, and Town of Polk regarding County Trunk Highway CC. In said agreement, it states that the communities desire to delete portions of CTH CC and transfer portions to the Village of Richfield and to the Town of Hartford; and

WHEREAS, on April 15, 2019, the Town of Erin and Village had a joint Public Hearing regarding the transfer. After consideration of the public comments, both the Town and Village Board passed an Intergovernmental Agreement; and

WHEREAS, as required by the Department of Administration, the Village must now pass an "Attachment Ordinance" to formally attach the described lands into our jurisdictional boundaries.

NOW, THEREFORE BE IT RESOLVED, the Village Board of the Village of Richfield, Washington County, Wisconsin, DO HEREBY ORDAIN AS FOLLOWS:

SECTION I

Pursuant to Wis. Stat. § 66.0301(6), and having first conducted duly noticed public hearings, the Village of Richfield adopted a resolution on April 15, 2019 and the Town of Erin adopted a resolution on April 15, 2019 approving an Intergovernmental Agreement between the parties regarding the changing of municipal boundary lines and revenue sharing. The Intergovernmental Agreement was published as a Class I Public Hearing notice by the Town of Erin on April 6, 2019 and also by the Village of Richfield on April 6, 2019.

The Intergovernmental Agreement is attached hereto and made a part hereof as Exhibit A.

The Village of Richfield, by the adoption of this ordinance, accepts real property from the Town of Erin into the Village of Richfield through a boundary line adjustment pursuant to the Intergovernmental Agreement. Accordingly, the real property which was formerly a part of the Town of Erin, now a part of the Village of Richfield pursuant to the Intergovernmental Agreement, is attached to and incorporated into the Village of Richfield and detached from the Town of Erin pursuant to Wis. Stat. § 66.0301 (6) (a) 1. The attached real property is all that property that is now part of the Village of Richfield pursuant to the municipal boundary change set forth in the Intergovernmental Agreement and described below:

Beginning at the Northeast corner of Section 1, T09N, R18E, thence along the section line

S0°10'38"W 3034.07

S0°06'53"E 2644.91

S0°25'02"E 2640.83

S0°49'24"E 2655.72 to the SE corner of Section 12, T09N, R18E, thence

S88°24'56"W 33.00

N0°49'40"W 33.00; to the western right of way, thence along the western right of way

N0°46'55"W 233.00

N0°54'44"W 135.67

N0°46'51"W 132.00

N0°49'53"W 390.48

N0°45'57"W 403.67

N0°51'55"W 528.00

N0°49'26"W 115.25

N0°49'29"W 651.55

N0°37'28"W 66.00

N0°25'02"W 387.77

N0°25'02"W 208.71

N0°25'02"W 690.97

S88°18'05"W 17.00

N0°25'02"W 567.05

N0°25'03"W 66.02

N0°25'02"W 317.00

N0°25'02"W 337.46

N88°35'37"E 17.00

N0°16'12"W 66.00

N0°06'53"W 590.82

S88°40'40"W 17.00

N0°06'54"W 400.16

N0°06'53"W 300.00

N88°45'20"E 17.00

N0°06'52"W 1290.95

N0°01'41"E 66.00

N0°10'33"E 580.83

N0°24'18"E 66.00

N88°41'49"E 8.25

N0°08'04"E 648.98

N0°19'32"E 191.63

N0°08'15"E 233.04

N81°11'11"W 8.08

N0°09'33"E 150.00

N0°11'12"E 305.22

N0°11'17"E 11.00

N0°12'44"E 350.00

N0°10'01"E 460.04

N88°29'57"E 33.00 to the point of beginning.

SECTION II

The population of the attached real property is zero (0).

SECTION III

No temporary or permanent zoning classification of the real property shall be necessary as the entirety is right-of-way used for highway purposes.

SECTION IV

The attachment shall be deemed effective as of the effective date of the Intergovernmental Agreement.

SECTION IV

The Village Clerk shall file one (1) certified copy of this ordinance with the Office of the Secretary of the Department of Administration, together with one (1) map of the territory attached hereinunder, and shall additionally provide copies thereof to each company providing utility services in the attached territory as well as to the Clerk of the Holy Hill Area School District and shall cause it to be recorded by the Washington County Register of Deeds. The Village Clerk is also instructed to file with the Washington County Clerk the report required by Wis. Stat. § 5.15 (4) (bg).

Signed by the Village of Richfield 20th day of June, 2019.

VILLAGE OF RICHFIELD

By: Daniel W Neu

Dan Neu, Village Trustee

ATTEST:

By: [Signature]

Jim Healy, Administrator

CTH CC

Jurisdictional Transfer

— WASHINGTON COUNTY TO TOWN OF HARTFORD/POLK

— WASHINGTON COUNTY TO VILLAGE OF RICHFIELD

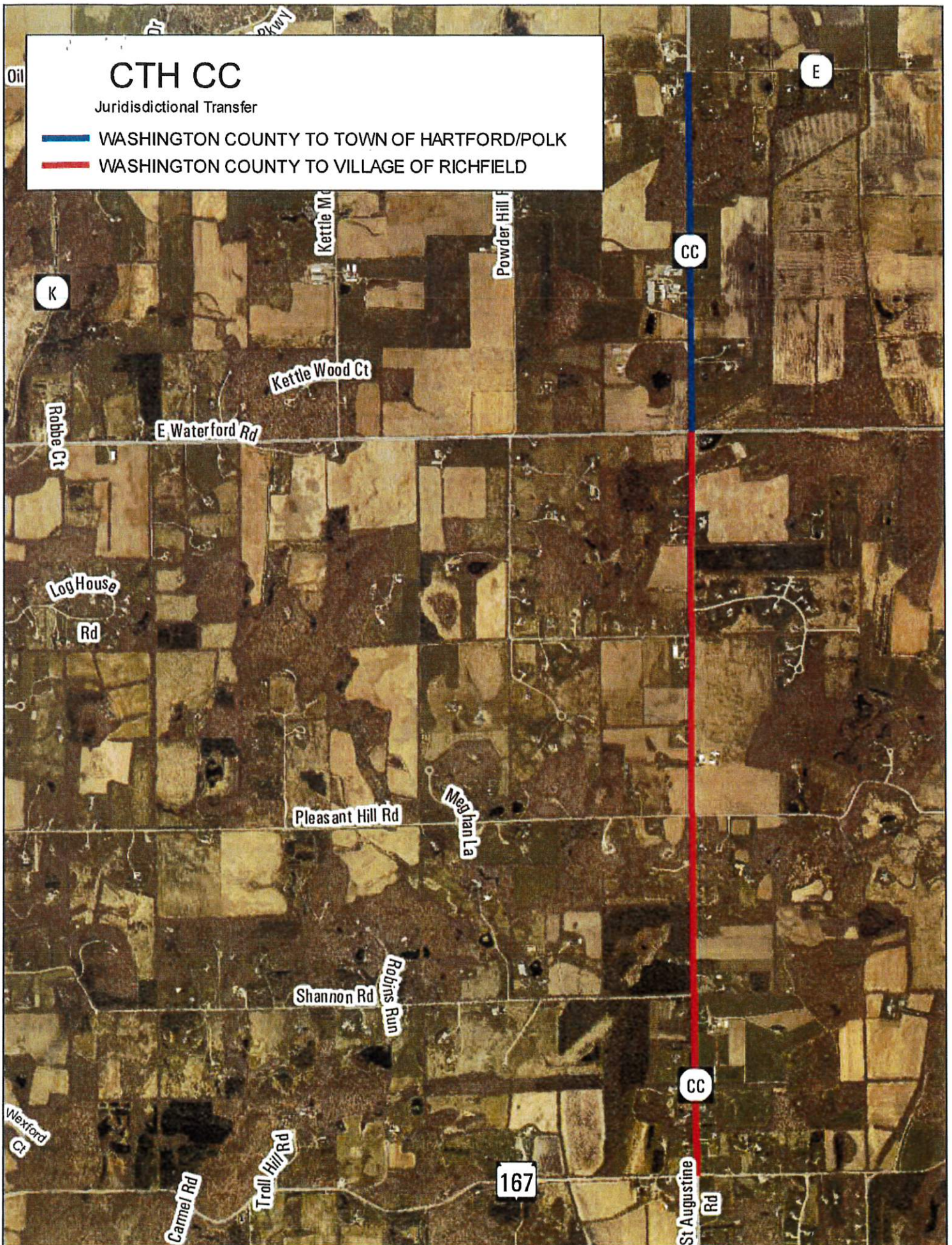


EXHIBIT A – INTERGOVERNMENTAL AGREEMENT

**INTERMUNICIPAL AGREEMENT BETWEEN AND JOINT RESOLUTION OF
THE TOWN OF ERIN AND THE VILLAGE OF RICHFIELD**

This Agreement and Resolution entered into this 15th day of April, 2019, by and between the Town of Erin, hereinafter referred to as "Erin", a municipal corporation organized and existing under the laws of the State of Wisconsin, and the Village of Richfield, hereinafter referred to as "Richfield", a municipal corporation organized and existing under the laws of the State of Wisconsin.

WITNESSETH:

WHEREAS, Richfield and Erin have negotiated and intermunicipal boundary agreement pursuant provisions of section 66.0225 of the Wisconsin statutes which provides, in part, for the establishment of fixed boundaries between the municipalities for a period of 20 years, said agreement dated January 18, 2007 (the 2007 Agreement); and

WHEREAS, Section V of the of the 2007 Agreement allows the parties to waive enforcement of the 2007 Agreement by subsequent mutual written agreement; and

WHEREAS, Erin and Richfield desire to allow for the transfer of County Trunk Highway CC located in the Town to the Village; and

WHEREAS, Wis. stats. section 66.0301(6)(a) provides any 2 municipalities whose boundaries are immediately adjacent at any point may enter into a written agreement determining all or a portion of a common boundary line between the municipalities; and

WHEREAS, Wis. stats. section 66.0301(6)(c) provides that before this Agreement may take effect, it must be approved by the governing body of each municipality by the adoption of a resolution and before each municipality may adopt a resolution, a public hearing on the agreement must be held after due notice; and

WHEREAS, on the 15th day of April, 2019, after due notice, a joint public hearing on this Agreement was held at the Erin Town Hall.

WHEREAS, pursuant to sec. 66.0301(6) of the Wisconsin Statutes and based upon the mutual covenants and agreements of the parties contained herein and the mutual benefits to be derived from this Agreement, the parties hereto agree as follows:

A. **Detachment of Town Territory.**

The common boundary line between Erin and Richfield shall be altered as follows:

That portion of the Town of Erin located within County Trunk Highway CC, more particularly described on Exhibit A, shall be detached from the Town of Erin and attached to the Village of Richfield.

B. **Effective Date.**

This Agreement and joint resolution is effective upon posting and publication.

C. **2007 Agreement.**

All provisions of the 2007 Agreement not inconsistent with this Agreement remain in full force and effect.

D. **Term.**

Pursuant to Wis. stats. section 66.0301(6)(b), this boundary change shall remain in effect until subsequently changed pursuant to Wisconsin law.

E. **Severability.**

If any clause, provision, or section of this Agreement is declared to be invalid by any Court of competent jurisdiction, the invalidity of such clause, provision or section shall not affect any of the remaining provisions of this Agreement.

F. **Binding Agreement.**

This Agreement is binding upon the parties hereto and their respective successors and assigns.

Signed by the Village of Richfield 15th day of April, 2019.

VILLAGE OF RICHFIELD

By: John Jeffords
John Jeffords, President

ATTEST:

By: Jim Healy
Jim Healy, Administrator

Signed by the Town of Erin this 15th day of April, 2019.

TOWN OF ERIN

By: Dennis Kenealy
Dennis Kenealy, Chair

ATTEST:

By: Julie Kriewaldt
Julie Kriewaldt, Clerk