

ORD11347



City of Delavan  
123 S Second Street  
PO Box 465  
Delavan, WI 53115

RECEIVED  
07/22/2021  
Municipal Boundary Review  
WI Dept. of Administration

### CERTIFICATE OF CITY CLERK

STATE OF WISCONSIN     )  
  )  
COUNTY of WALWORTH    )

I, Andrea White, hereby certify that I am the duly appointed City Clerk for the City of Delavan, Walworth County, Wisconsin, and as such, have charge of the official records of the City.

I further certify that the attached is a true and correct copy of Ordinance RC-444 as adopted by the City of Delavan Common Council on July 20, 2021, and the original is on file in the City Clerk's office. Said Ordinance annexes property from the Town of Delavan into the City of Delavan upon Unanimous Petition for Direct Annexation of Lands pursuant to Wis. Stats. §66.0217(2). A Boundary Agreement pursuant to Wis. Stats. §66.0301 between the Town of Delavan and City of Delavan, dated June 27, 2016, waives certain rights for annexations from within the City Growth Area. The population of the territory being annexed is one (1) person. The MBR number is 14413. The 267.86-acre annexation includes all of parcel F D 1500002.

I further certify that, prior to the annexation, these lands were within the Delavan Darien School District, and after said annexation, remain in the same school district.

In witness whereof, I have hereunto set my hand and the seal of the City of Delavan, this 22<sup>nd</sup> day of July, 2021.

  
\_\_\_\_\_  
Andrea White, City Clerk

**ORDINANCE RC-444**  
**An ordinance annexing certain contiguous land located**  
**in the Town of Delavan, Walworth County, Wisconsin.**  
**MBR 14413**

**WHEREAS**, KSP Family, LLC has filed with the City Clerk of the City of Delavan a Unanimous Petition for Direct Annexation of lands situated in the Town of Delavan, as the sole owner of said land proposed for annexation, and said petition containing a description of the territory proposed to be annexed, sufficiently accurate to determine its location, and having attached thereto scale maps reasonably showing the boundaries of such territory and the relation of the territory to the municipalities involved, subject to approval and execution of the Annexation Agreement; and

**WHEREAS**, KSP Family, LLC owns the real property described in said petition attached hereto, all of said described land being referred to herein as the “territory proposed to be annexed”; and

**WHEREAS**, the parcel of land described herein, and comprising territory proposed to be annexed, is contiguous to the City; and

**WHEREAS**, said petition is a Unanimous Petition for Direct Annexation pursuant to Wis. Stats. §66.0217(2); and

**WHEREAS**, the land described lies within an area subject to a boundary agreement between the Town of Delavan and City of Delavan created pursuant to Wis. Stats. §66.0301 and dated June 27, 2016; and

**WHEREAS**, said petition states that there is one elector residing in said territory proposed to be annexed, that said elector has joined in the petition; and

**WHEREAS**, said Unanimous Petition for Direct Annexation, together with legal description and attached scale maps showing the boundaries of such territory to be annexed and the relation of the territory to the City to which annexation is requested, were filed on May 28, 2021 with the City Clerk of the City of Delavan, and said petition together with legal description and attached scale map, were also delivered to the Town Clerk of the Town of Delavan on June 28, 2021; and

**WHEREAS**, copy of said Petition for Direct Annexation, together with the legal description and attached scale maps were received by the Wisconsin Department of Administration on June 29, 2021; and

**WHEREAS**, the Wisconsin Department of Administration has responded by letter dated July 19, 2021, and stated that it has reviewed the proposed annexation and found it to be in the public interest, which letter has been duly considered and reviewed by the Council; and

**WHEREAS**, the proposed annexation, including the proposed temporary zoning classification of Rural Holding (RH-35ac) for the subject territory have been referred to the Plan Commission of this City and said Commission has on June 28, 2021 recommended annexing said territory and giving the same the requested temporary zoning classification of Rural Holding (RH-35ac); and

**WHEREAS**, the Common Council makes the following findings with respect to the territory proposed to be annexed, to-wit:

1. That the annexation of said property to the City of Delavan is in the public interest.
2. That said contiguous lands of the territory proposed to be annexed and the future use thereof will be important to the future quality of life of this City.

**NOW, THEREFORE**, The Common Council of the City of Delavan, Walworth County, Wisconsin, does ordain as follows:

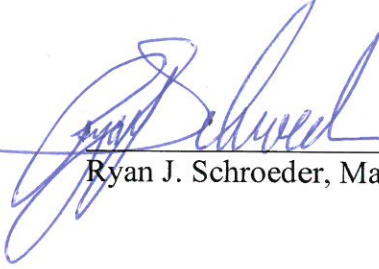
1. The described lands located in the Town of Delavan, Walworth County, Wisconsin, comprising the territory to be annexed, as described as follows, be and the same is hereby annexed to the City of Delavan:

All that part of the west half of Section 15, Town 2 North, Range 16 East, of the 4<sup>th</sup> Principal Meridian, lying north of the highway leading from the City of Delavan to the City of Lake Geneva, in the Town of Delavan, County of Walworth and State of Wisconsin; more specifically described as: Beginning at the Northwest Corner of Section 15, T2N, R16E; thence N87°23'26"E along the north line of said section 2632.78 feet to the North ¼ Corner of said section 15; thence S01°24'12"E along the north-south one-quarter section line 2618.64 feet to the center of section monument of said section 15; thence continuing S01°24'16"E along the said north-south one-quarter section line 1914.62 feet to a point; thence S88°16'00"W along the north line of State Trunk Highway 50 (as now laid out) 2643.37 feet to the west line of said section 15; thence N01°14'42"W along the said west line 1860.95 feet to the West ¼ Corner of said section 15; thence continuing N01°16'26"W along the said west line 2632.16 feet to the Northwest Corner of said section 15 and the point of ending. Containing about 267.86 acres of land exclusive of road right-of-ways.

2. That the land described is hereby annexed to and made part of the fourteenth Ward in the Third Aldermanic District of the City of Delavan.
3. Upon recommendation of the Planning Commission, the territory annexed to the City of Delavan by this Ordinance is temporarily zoned pursuant to Wis. Stats. §66.0217(8)(a) as Rural Holding (RH-35ac).

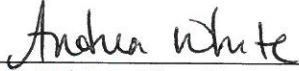
4. That the Town of Delavan and the City of Delavan have a boundary agreement pursuant to Wis. Stats. §66.0301 waiving certain rights for annexations from within the City Growth Area.
5. That the land described is hereby annexed to and made part of the Lake Comus Protection and Rehabilitation District.
6. The annexation hereby effected is and shall be effective upon the final enactment of this annexation ordinance.
7. 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.
8. The Clerk shall file immediately with the Secretary of Administration 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 the of the Delavan-Darien School District, describing the territory which is hereby annexed and the associated population of one (1).

Adopted this 20<sup>th</sup> day of July, 2021.



Ryan J. Schroeder, Mayor

Attest:



Andrea White, City Clerk

PETITION FOR DIRECT ANNEXATION

BY

UNANIMOUS APPROVAL

TO: The Honorable City Council of the City of Delavan, Walworth County, Wisconsin c/o City Clerk.


The undersigned Owner of land or real property (the "Owner") and Electors (the "Electors") hereby petition the Common Council of the City of Delavan, Wisconsin (the "City"), pursuant to section 66.0217 (2) of the Wisconsin statutes for the direct annexation by unanimous approval of the City of certain Territory located in the Town of Delavan, Walworth County, Wisconsin (the "Town"), the legal description of which Territory (the "Territory to be Annexed") is set out on the attached Exhibit "A", and incorporated herein by reference. In this regard, the Owner and Electors make the following representations and request:

1. The Owners own all of the land within the Territory to be Annexed.
2. All electors residing in the Territory to be Annexed have joined in the Petition.
3. A scale map reasonably showing the boundaries of the Territory to be Annexed and its relation to the City and the Town is attached hereto as Exhibit "B" and incorporated herein by reference.
4. The population of the Territory to be Annexed is one.
5. The Territory to be Annexed is contiguous to the City and has a reasonable and unexceptional shape.
6. The proposed annexation is necessary for the development of the Territory to be Annexed as a mixed-use development of residential, commercial/industrial and recreational purposes with municipal services for water and sanitary sewer as can be provided by the City.
7. The Owner and Electors request that the Territory to be Annexed be detached from the Town and annexed to the City by direct annexation by unanimous approval.
8. The Owners request that the Territory to be Annexed be assigned a zoning classification of Rural Holding District.

Dated this 28 day of May, 2021.


OWNER:  
KSP Family, LLC.

By

  
Gregg E. Kunes, Member

ELECTORS:

By

  
Ronald Martin

## Exhibit A

### Legal Description

All that part of the west half of Section 15, Town 2 North, Range 16 East, of the 4<sup>th</sup> Principal Meridian, lying north of the highway leading from the City of Delavan to the City of Lake Geneva, in the Town of Delavan, County of Walworth and State of Wisconsin; more specifically described as: Beginning at the Northwest Corner of Section 15, T2N, R16E; thence N87°23'26"E along the north line of said section 2632.78 feet to the North ¼ Corner of said section 15; thence S01°24'12"E along the north-south one-quarter section line 2618.64 feet to the center of section monument of said section 15; thence continuing S01°24'16"E along the said north-south one-quarter section line 1914.62 feet to a point; thence S88°16'00"W along the north line of State Trunk Highway 50 (as now laid out) 2643.37 feet to the west line of said section 15; thence N01°14'42"W along the said west line 1860.95 feet to the West ¼ Corner of said section 15; thence continuing N01°16'26"W along the said west line 2632.16 feet to the Northwest Corner of said section 15 and the point of ending. Containing about 267.86 acres of land exclusive of road right-of-ways.





# Walworth County, WI - OneView

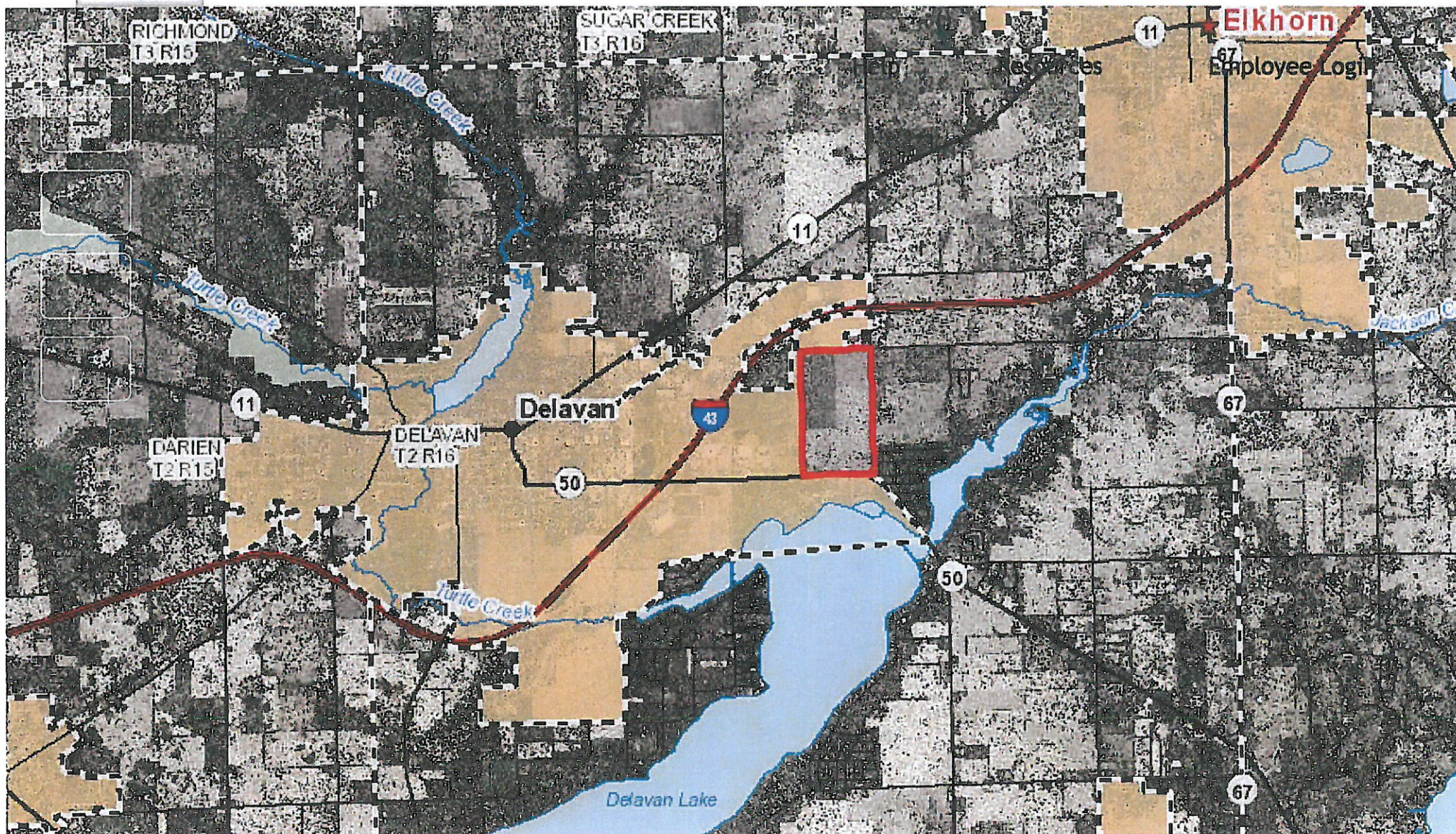


Exhibit B



