

City Clerk City of Elkhorn

#### CITY OF ELKHORN 311 SEYMOUR CT P.O. BOX 920 ELKHORN, WISCONSIN 53121

CITY ADMIN 262-723-2219 LIGHT & WATER 262-723-2910 PUBLIC WORKS 262-723-2223 FAX 262-741-5131

I, Lacey L. Reynolds, City Clerk of the City of Elkhorn, Walworth County, WI, hereby certify that the attached "City of Elkhorn Code of Ordinances, Ordinance 23-14 annexation ordinance update", adopted November 20, 2023, has been compared by me with the original Ordinance and is on file in my office and now in my legal custody. The territory annexed into the City of Elkhorn has a population of 0 (zero).

I further certify that this copy is a true and correct copy of the original Ordinance.

In witness whereof, I sign in my office in Elkhorn, WI on December 4, 2023.

ORD11624

RECEIVED 12/04/2023

Municipal Boundary Review Wisconsin Dept. of Administration

#### CITY OF ELKHORN

#### **ORDINANCE NO: 23-14**

AN ORDINANCE AMENDING THE ASSIGNED SUPERVISORY DISTRICT OF WALWORTH COUNTY AND WARD PLACEMENT OF LAND ANNEXED INTO THE CITY OF ELKHORN BY DIRECT ANNEXATION BY UNANIMOUS CONSENT OF ELECTORS AND PROPERTY OWNERS OF TERRITORY PREVIOUSLY LOCATED IN THE TOWN OF GENEVA

WHEREAS, the City previously adopted Ordinance No. 22-12 that approved the Direct Annexation by Unanimous Consent of Electors and Property Owners of Territory located in the Town of Geneva, Walworth County, Wisconsin, to the City of Elkhorn, Walworth County, Wisconsin; and

WHEREAS, after adoption of Ordinance 22-12, the Wisconsin Election Commission staff notified the City that the ordinance contained a scrivener's error and assigned the wrong Supervisory District of Walworth County and Ward Number in the text of the ordinance, which needed to be corrected, but that all other portions of the ordinance were in accord with Wisconsin law;

NOW, THEREFORE, the Common Council of the City does ordain as follows:

- Those lands comprising of the Subject Territory in Ordinance No. 22-12 shall be assigned 1. to and included within Supervisory District 7 of Walworth County and in Ward #8 of the City.
- This Ordinance shall be in full force and effect from and after its passing and posting, and 2. memorialize to relate back to correct the scrivener's error.
- The City Clerk shall immediately, after the final enactment hereof, file such certified copies 3. with all parties to be served, and take such other actions including posting and publication, as may be required by state statute.

APPROVED AND ADOPTED this

im Shiroda, Council President

1stReading: WO

2nd Reading: Nove Adopted: November 20, 2023
Published: November 30, 2023

#### **EXHIBIT A**

#### **TO ORDINANCE NO. 23-14**

Legal Description

#### **LEGAL DESCRIPTION:**

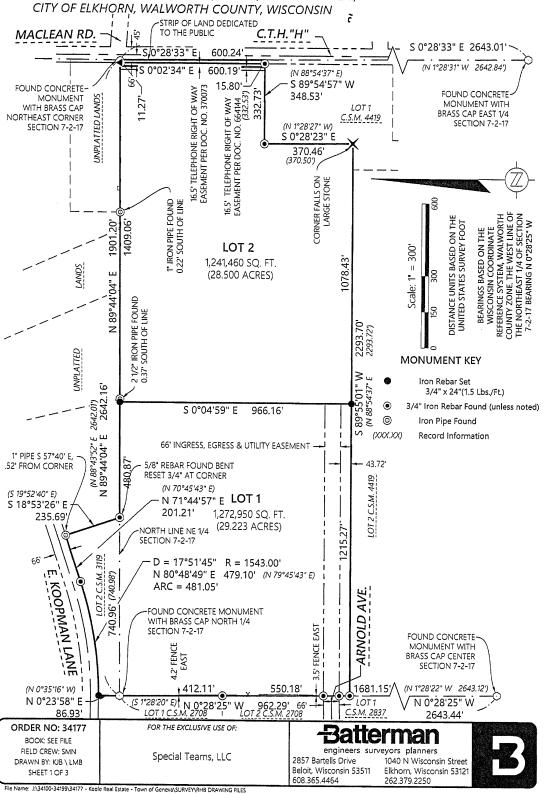
Part of the Northwest 1/4 and the Northeast 1/4 of the Northeast 1/4 of Section 7, Town 2 North, Range 17 East, Town of Geneva, Walworth County, Wisconsin.

#### **DESCRIBED AS FOLLOWS:**

Beginning at the Northeast corner of Section 7 (T.2N., R.17E.), thence South 00°28'33" East along the East line of aforesaid Section 7 a distance of 600.24 feet, thence South 89°54'57" West along the North line of Lot 1 of Certified Survey Map No. 4419, recorded as Document No. 839111, a distance of 348.53 feet, thence South 00°28'23" East along the West line of aforesaid Lot 1 a distance of 370.46 feet; thence South 89°55'01" West along the North line of Lots 1 and 2 of aforesaid Certified Survey Map No. 4419 a distance of 2293.70 feet to the West line of the Northeast Quarter of aforesaid Section 7, thence North 00°28'25" West along aforesaid West line a distance of 962.29 feet to the North Quarter corner of aforesaid Section 7; thence North 89°44'04" East along North line of the Northeast Quarter of aforesaid Section 7 a distance of 2642.16 to the point of beginning. Containing 55.66 acres, more or less.

**TAX KEY NO.:** J G 700001B and J G 700001

OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3119 RECORDED AS DOCUMENT NO. 418761 AND PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 7, T. 2 N., R. 17 E., OF THE 4TH P.M.,



OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3119
RECORDED AS DOCUMENT NO. 418761 AND PART
OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF
SECTION 7, T. 2 N., R. 17 E., OF THE 4TH P.M.,
CITY OF ELKHORN, WALWORTH COUNTY,
WISCONSIN

#### SURVEYOR'S CERTIFICATE OF COMPLIANCE WITH STATUTE

State of Wisconsin County of Walworth Sss. I, Kristin J. Belongia, a Professional Land Surveyor, do hereby certify that I have surveyed and mapped Lot 2 of Certified Survey Map No. 3119 recorded as Document No. 418761, also part of the Northwest 1/4 and Northeast 1/4 of the Northeast 1/4 of Section 7, T.2N., R.17E., of the 4th P.M., City of Elkhorn, Walworth County, Wisconsin.

DESCRIBED AS FOLLOWS: Beginning at a found concrete monument with brass cap at the North 1/4 of Section 7-2-17; thence North 0°23'58" East along the West line of Lot 2 of Certified Survey Map No. 3119 a distance of 86.93 feet to a set 3/4" rebar at the Southerly right of way of E. Koopman Lane; thence 481.05 feet along the arc of a curve to the left having a radius of 1543.00 feet and a chord which bears North 80°48'49" East a distance of 479.10 feet to a found 3/4" rebar; thence North 71°44'57" East along the Southerly right of way of E. Koopman Lane a distance of 201.21 feet to a set 3/4" rebar at the Northeast corner of aforesaid Lot 2; thence South 18°53'26" East a distance of 235.69 feet to a set 3/4" rebar at the Southeast corner of aforesaid Lot 2 and the North line of the Northeast 1/4 of aforesaid Section 7; thence North 89°44'04" East along aforesaid North line a distance of 1901.20 feet to a found concrete monument with brass cap at the Northeast corner of aforesaid Section 7; thence South 0°28'33" East along the East line of the Northeast 1/4 of aforesaid Section 7 a distance of 600.24 feet to the Northeast corner of Lot 1 of Certified Survey Map No. 4419; thence South 89°54'57" West a distance of 348.53 feet to a found 3/4" rebar at the Northwest corner of aforesaid Lot 1; thence South 0°28'23" East a distance of 370.46 feet to a found chiseled "x" on stone; thence South 89°55'01" West along the North line of Lot 2 of aforesaid Certified Survey Map No. 4419 a distance of 2293.70 feet to a found 3/4" rebar found at the Northwest corner of aforesaid Lot 2 at West line of the Northeast 1/4 of aforesaid Section 7; thence North 0°28'25" West along aforesaid West line a distance of 962.29 feet to the point of beginning.

Containing 2,522,523 Sq. Ft. (57.909 acres) more or less.

Subject to any easements, agreements, covenants and restrictions, recorded or unrecorded.

That such map is a correct representation of all exterior boundaries of the land surveyed and the division of that land. That I have made such survey, division and map by the direction of the Owner(s) of said land, and that I have complied fully with the provisions of Section 236.34 of the Wisconsin Statutes in surveying, dividing and mapping the same.

Given under my hand and seal this	day of		2022 at Elkhorn,	Wisconsin.
Last day of field work		2022		

ORDER NO: 34177

BOOK:SEE FILE

FIELD CREW: SMN

DRAWN BY: KJB \ LMB

SHEET 2 OF 3

FOR THE EXCLUSIVE USE OF:

Special Teams, LLC

-Batterman

 engineers
 surveyors
 planners

 2857 Bartells Drive
 1040 N Wisconsin Street

 Beloit, Wisconsin S5511
 Elkhorn, Wisconsin 53121

 608.365,4464
 262.379,2250



OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3119
RECORDED AS DOCUMENT NO. 418761 AND PART
OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF
SECTION 7, T. 2 N., R. 17 E., OF THE 4TH P.M.,
CITY OF ELKHORN, WALWORTH COUNTY,
WISCONSIN

#### **CORPORATE OWNERS CERTIFICATE OF DEDICATION**

Special Teams, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as Owner of the land described in the foregoing description, does hereby certify that said limited liability company caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on the map.

OWNER does further certify that this map is required by Sections 236.10 and 236.12 of the Wisconsin Statues to be submitted to the following for approval or objection: City of Elkhorn.

representative, this	day of	
Kieran Moran, Represento	ative	
person(s) who executed i	the foregoing certific Iged that they execut	before me, this day of 2022,  If the above-named limited liability company, to me known to be the cate, and to me known to be such representative of said limited liability ted the foregoing certificate as such officers as the deed of such limited
		Notary Public, County, Wisconsin  My Commission Expires
	CITY OF ELK	HORN APPROVAL CERTIFICATE
pursuant to Chapter 18, that this a true copy of	Subdivisions of the a resolution duly add	y of Elkhorn, is hereby approved by the Common Council, Code of Ordinances for the City of Elkhorn. I hereby certify opted by the Common Council of the City of Elkhorn on this
day of	, 2022.	
Ву:		
	City Clerk or Deputy	

ORDER NO: 34177

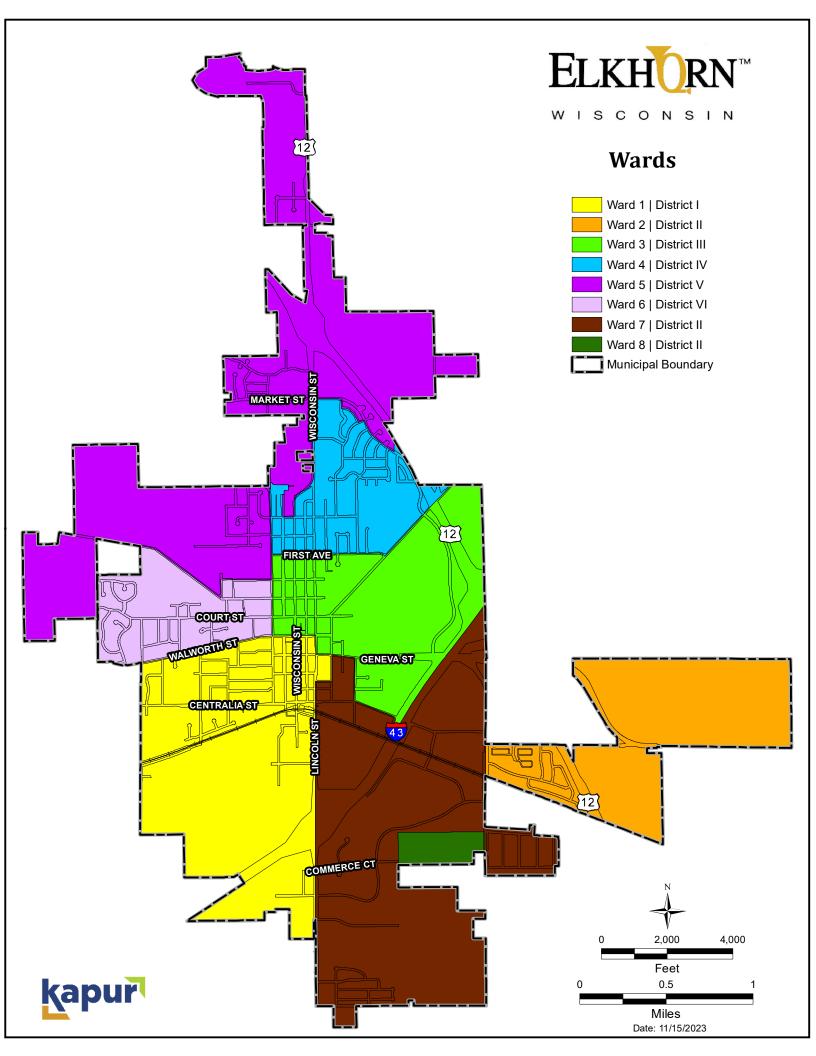
BOOK:SEE FILE FIELD CREW: SMN DRAWN BY: KJB \ LMB SHEET 3 OF 3 FOR THE EXCLUSIVE USE OF:

Special Teams, LLC

-Batterman

engineers surveyors planners 2857 Bartells Drive 1040 N Wisconsin Street Beloit, Wisconsin 53511 Elkhorn, Wisconsin 53121 608.365.4464 262.379.2250







Lacey L. Rèynolds

City of Elkhorn

City Clerk

#### CITY OF ELKHORN 311 SEYMOUR CT P.O. BOX 920 ELKHORN, WISCONSIN 53121

CITY ADMIN 262-723-2219 LIGHT & WATER 262-723-2910 PUBLIC WORKS 262-723-2223 FAX 262-741-5131

I, Lacey L. Reynolds, City Clerk of the City of Elkhorn, Walworth County, WI, hereby certify that the attached "City of Elkhorn Code of Ordinances, Ordinance 22-12 direct annexation", adopted December 5, 2022, has been compared by me with the original Ordinance and is on file in my office and now in my legal custody. The territory annexed into the City of Elkhorn has a population of 0 (zero).

I further certify that this copy is a true and correct copy of the original Ordinance.

In witness whereof, I sign in my office in Elkhorn, WI on February 27, 2023.

ORD11624

RECEIVED 02/27/2023

Municipal Boundary Review
Wisconsin Dept. of Administration

#### CITY OF ELKHORN

#### **ORDINANCE NO. 22-12**

AN ORDINANCE PROVIDING FOR DIRECT ANNEXATION BY UNANIMOUS CONSENT OF ELECTORS AND PROPERTY OWNERS OF TERRITORY LOCATED IN THE TOWN OF GENEVA, WALWORTH COUNTY, WISCONSIN, TO THE CITY OF ELKHORN, WALWORTH COUNTY, WISCONSIN

WHEREAS, Special Teams, LLC and US 52 Cherry, LLC (collectively, "Petitioner") has made and filed with the City Clerk of the City of Elkhorn, Walworth County, Wisconsin ("City") a Petition for Direct Annexation ("Annexation Petition") by unanimous consent of electors and property owners of territory located in the Town of Geneva, Walworth County, Wisconsin, to the City, pursuant to Wis. Stats. §66.0217(2) on the 8<sup>th</sup> day of August, 2022, requesting the annexation to the City of lands described in Exhibit A attached hereto and incorporated herein by reference ("Subject Territory"), which such lands are contiguous to the City; and

WHEREAS, it appears by acknowledgment of receipt on file herein that Petitioner has filed a duplicate original of the Annexation Petition, including a legal description and scale map of the Subject Territory, with the Town Clerk of the Town of Geneva, Walworth County, Wisconsin, and with State of Wisconsin Department of Administration, within five (5) days after filing the Annexation Petition with the City Clerk; and

WHEREAS, it further appears that all of the requirements of Wis. Stat. § 66.0217(2) have been fully complied with, and that the State of Wisconsin Department of Administration has reviewed the proposed annexation and, by letter, found it to be in the public interest, as described in Exhibit B, and said letter has been duly considered and reviewed by the City and/or City's Counsel; and

WHEREAS, the proposed annexation was referred to the Plan Commission of the City and said Plan Commission has recommended annexing the Subject Territory to the City; and

WHEREAS, the Common Council of the City makes the following findings with respect to the Subject Territory:

 That the annexation of the Subject Territory to the City is in the best interest of the City.

- 2. That the annexation of the Subject Territory will enable the City to regulate and control development of these lands which are contiguous to the City.
- 3. That, upon annexation, the whole of the Subject Territory shall be zoned M-1 Light Manufacturing District.
- 4. That the annexation of the Subject Territory does not create a town island under the provisions of Wis. Stat. § 66.0221.
- 5. That the City is in need of additional lands suitable for industrial development, as herein described, as and for this Subject Territory.

NOW, THEREFORE, the Common Council of the City does ordain as follows:

- 1. Those lands comprising the Subject Territory to be annexed, as described in Exhibit A attached hereto and incorporated herein by reference, be, and the same hereby are, annexed to the City.
- 2. Those lands comprising the whole of the Subject Territory shall be zoned M-1 Light Manufacturing District.
- 3. Those lands comprising of the Subject Territory shall be included within Supervisory District 6 of Walworth County and in Ward #7 of the City.
- 4. This Ordinance, and the annexation hereby effected, shall be in full force and effect from and after its passing and posting.
- 5. The City Clerk shall immediately, after the final enactment hereof, file such certified copies with all parties to be served, and take such other actions, as required by state statute.
- 6. All ordinances or parts of ordinances inconsistent with or contravening the provisions of this Ordinance are hereby repealed.

APPROVED AND ADOPTED this 5th day of 1

2022.

Bruce Lechner, Mayor

EST:

1stReading: W 2<sup>nd</sup> Reading: 12 Adopted: 12

Published: 16

## EXHIBIT A TO ORDINANCE NO. 22-12

#### Legal Description

#### LEGAL DESCRIPTION:

Part of the Northwest 1/4 and the Northeast 1/4 of the Northeast 1/4 of Section 7, Town 2 North, Range 17 East, Town of Geneva, Walworth County, Wisconsin.

#### **DESCRIBED AS FOLLOWS:**

Beginning at the Northeast corner of Section 7 (T.2N., R.17E.), thence South 00°28'33" East along the East line of aforesaid Section 7 a distance of 600.24 feet, thence South 89°54'57" West along the North line of Lot 1 of Certified Survey Map No. 4419, recorded as Document No. 839111, a distance of 348.53 feet, thence South 00°28'23" East along the West line of aforesaid Lot 1 a distance of 370.46 feet; thence South 89°55'01" West along the North line of Lots 1 and 2 of aforesaid Certified Survey Map No. 4419 a distance of 2293.70 feet to the West line of the Northeast Quarter of aforesaid Section 7, thence North 00°28'25" West along aforesaid West line a distance of 962.29 feet to the North Quarter corner of aforesaid Section 7; thence North 89°44'04" East along North line of the Northeast Quarter of aforesaid Section 7 a distance of 2642.16 to the point of beginning. Containing 55.66 acres, more or less.

TAX KEY NO.: J G 700001B and J G 700001

# EXHIBIT B TO ORDINANCE NO. 22-12

Wisconsin Department of Administration Municipal Boundary Review Letter



TONY EVERS

**GOVERNOR** 

KATHY BLUMENFELD

SECRETARY-DESIGNEE

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 06, 2022

PETITION FILE NO. 14524

LACEY L. REYNOLDS, CLERK CITY OF ELKHORN PO BOX 920 ELKHORN, WI 53121-0920 DEBRA KIRCH, CLERK TOWN OF GENEVA N3496 COMO RD LAKE GENEVA, WI 53147-2617

Subject: SPECIAL TEAMS ANNEXATION

The proposed annexation submitted to our office on August 17, 2022, 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...." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the City of Elkhorn, which is able to provide needed municipal services.

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 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 any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. Please include your MBR number 14524 with your ordinance. Ordinance filing checklist available at <a href="http://mds.wi.gov/">http://mds.wi.gov/</a>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to <a href="mailto:mds.wi.gov">mds.@wi.gov</a> or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

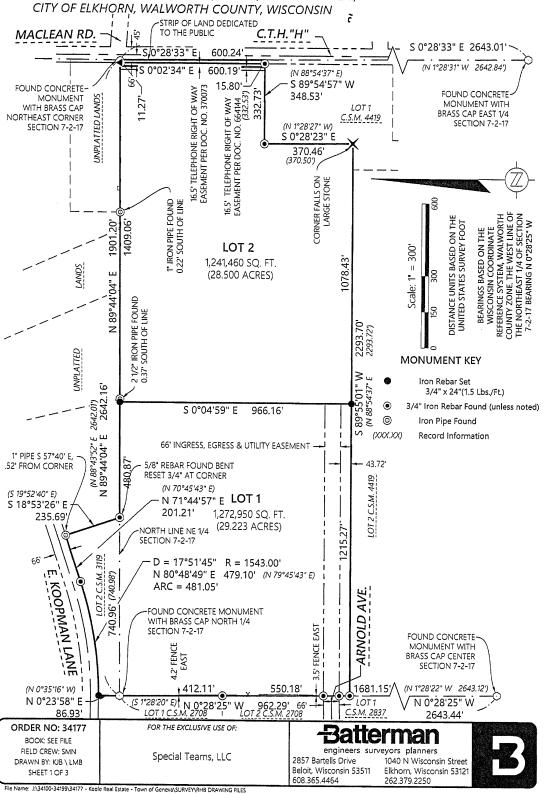
The petition file is available for viewing at: <a href="http://mds.wi.gov/View/Petition?1D=2598">http://mds.wi.gov/View/Petition?1D=2598</a></a>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner

OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3119 RECORDED AS DOCUMENT NO. 418761 AND PART OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF SECTION 7, T. 2 N., R. 17 E., OF THE 4TH P.M.,



OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3119
RECORDED AS DOCUMENT NO. 418761 AND PART
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CITY OF ELKHORN, WALWORTH COUNTY,
WISCONSIN

#### SURVEYOR'S CERTIFICATE OF COMPLIANCE WITH STATUTE

State of Wisconsin County of Walworth Sss. I, Kristin J. Belongia, a Professional Land Surveyor, do hereby certify that I have surveyed and mapped Lot 2 of Certified Survey Map No. 3119 recorded as Document No. 418761, also part of the Northwest 1/4 and Northeast 1/4 of the Northeast 1/4 of Section 7, T.2N., R.17E., of the 4th P.M., City of Elkhorn, Walworth County, Wisconsin.

DESCRIBED AS FOLLOWS: Beginning at a found concrete monument with brass cap at the North 1/4 of Section 7-2-17; thence North 0°23'58" East along the West line of Lot 2 of Certified Survey Map No. 3119 a distance of 86.93 feet to a set 3/4" rebar at the Southerly right of way of E. Koopman Lane; thence 481.05 feet along the arc of a curve to the left having a radius of 1543.00 feet and a chord which bears North 80°48'49" East a distance of 479.10 feet to a found 3/4" rebar; thence North 71°44'57" East along the Southerly right of way of E. Koopman Lane a distance of 201.21 feet to a set 3/4" rebar at the Northeast corner of aforesaid Lot 2; thence South 18°53'26" East a distance of 235.69 feet to a set 3/4" rebar at the Southeast corner of aforesaid Lot 2 and the North line of the Northeast 1/4 of aforesaid Section 7; thence North 89°44'04" East along aforesaid North line a distance of 1901.20 feet to a found concrete monument with brass cap at the Northeast corner of aforesaid Section 7; thence South 0°28'33" East along the East line of the Northeast 1/4 of aforesaid Section 7 a distance of 600.24 feet to the Northeast corner of Lot 1 of Certified Survey Map No. 4419; thence South 89°54'57" West a distance of 348.53 feet to a found 3/4" rebar at the Northwest corner of aforesaid Lot 1; thence South 0°28'23" East a distance of 370.46 feet to a found chiseled "x" on stone; thence South 89°55'01" West along the North line of Lot 2 of aforesaid Certified Survey Map No. 4419 a distance of 2293.70 feet to a found 3/4" rebar found at the Northwest corner of aforesaid Lot 2 at West line of the Northeast 1/4 of aforesaid Section 7; thence North 0°28'25" West along aforesaid West line a distance of 962.29 feet to the point of beginning.

Containing 2,522,523 Sq. Ft. (57.909 acres) more or less.

Subject to any easements, agreements, covenants and restrictions, recorded or unrecorded.

That such map is a correct representation of all exterior boundaries of the land surveyed and the division of that land. That I have made such survey, division and map by the direction of the Owner(s) of said land, and that I have complied fully with the provisions of Section 236.34 of the Wisconsin Statutes in surveying, dividing and mapping the same.

Given under my hand and seal this	day of		2022 at Elkhorn,	Wisconsin.
Last day of field work		2022		

ORDER NO: 34177

BOOK:SEE FILE

FIELD CREW: SMN

DRAWN BY: KJB \ LMB

SHEET 2 OF 3

FOR THE EXCLUSIVE USE OF:

Special Teams, LLC

-Batterman

 engineers
 surveyors
 planners

 2857 Bartells Drive
 1040 N Wisconsin Street

 Beloit, Wisconsin S53511
 Elkhorn, Wisconsin 53121

 608.365.4464
 262.379.2250



OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3119
RECORDED AS DOCUMENT NO. 418761 AND PART
OF THE NW 1/4 AND NE 1/4 OF THE NE 1/4 OF
SECTION 7, T. 2 N., R. 17 E., OF THE 4TH P.M.,
CITY OF ELKHORN, WALWORTH COUNTY,
WISCONSIN

#### **CORPORATE OWNERS CERTIFICATE OF DEDICATION**

Special Teams, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as Owner of the land described in the foregoing description, does hereby certify that said limited liability company caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on the map.

OWNER does further certify that this map is required by Sections 236.10 and 236.12 of the Wisconsin Statues to be submitted to the following for approval or objection: City of Elkhorn.

representative, this day of	
Kieran Moran, Representative	
person(s) who executed the foregoing cer	me before me, this day of, 2022, n of the above-named limited liability company, to me known to be the rtificate, and to me known to be such representative of said limited liability ecuted the foregoing certificate as such officers as the deed of such limited
	Notary Public, County, Wisconsin  My Commission Expires
CITY OF	ELKHORN APPROVAL CERTIFICATE
This Certified Survey Map, located in the pursuant to Chapter 18, Subdivisions of	e City of Elkhorn, is hereby approved by the Common Council, the Code of Ordinances for the City of Elkhorn. I hereby certify adopted by the Common Council of the City of Elkhorn on this
By:City Clerk or Depu	nty

ORDER NO: 34177

BOOK:SEE FILE FIELD CREW: SMN DRAWN BY: KJB \ LMB SHEET 3 OF 3 FOR THE EXCLUSIVE USE OF:

Special Teams, LLC

-Batterman

engineers surveyors planners 2857 Bartells Drive 1040 N Wisconsin Street Beloit, Wisconsin 53511 Elkhorn, Wisconsin 53121 608.365.4464 262.379.2250

