

Request for Annexation Review

Wisconsin Department of Administration

13796
WI Dept. of Administration
Municipal Boundary Review
101 E. Wilson Street, 9th Floor
Madison WI 53703
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview/>

Petitioner Information

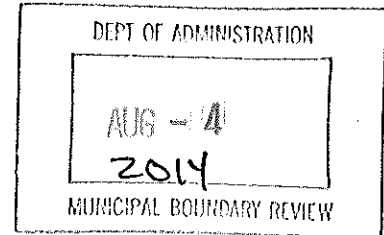
Name: **LORETTE YANNY AND COOK PROPERTY LLC**

Address: **1062 SPRING VALLEY ROAD**

LYONS, WI

Email:

Office use only:



1. Town where property is located: **LYONS**

2. Petitioned City or Village: **BURLINGTON**

3. County where property is located: **WALWORTH**

4. Population of the territory to be annexed: **ONE**

5. Area (in acres) of the territory to be annexed: **70.9**

6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel): **NLY 100002A**
NLY 100001A

Petitioners phone:

COOK: 262-741-1540

YANNY: 262-877-8484

Town clerk's phone:

262-763-9936

City/Village clerk's phone:

262.342.1161

Contact Information if different than petitioner:

Representative's Name and Address:

FOR COOK: TED N. JOHNSON, ESQ.
GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH S.C.
354 SEYMOUR COURT
ELKHORN, WI 53121

FOR YANNY: DAVID T. SMITH
SMITH & JANIK LAW OFFICES
326 E. MAIN STREET
TWIN LAKES, WI 53181

Phone: **FOR COOK: 262-741-1540**

FOR YANNY: 262-877-8484

E-mail: **FOR COOK:**

TJOHNSON@GODFREYLAW.COM

FOR YANNY: LODTS@YAHOO.COM

Surveyor or Engineering Firm's Name & Address:

CHAPUT LAND SURVEYS

234 W. FLORIDA STREET

SUITE 306

MILWAUKEE, WI 53204

Phone: **414-224-8068**

E-mail:

DON@CHAPUTLANDSURVEYS.COM

ANNEXATION SUBMITTAL GUIDE

13796

s. 66.0217 (5) THE PETITION

- ☒ State the purpose of the petition:
- Direct annexation by unanimous approval; OR
 - Direct annexation by one-half approval; OR
 - Annexation by referendum.
- ☒ Petition must be signed by:
- All owners and electors, if by unanimous approval.
 - See 66.0217 (3) (a), if by one-half approval.
 - See 66.0217 (3) (b), if by referendum.
- ☒ State the population of the land to be annexed.

[It is beneficial to include Parcel ID or Tax numbers, the parcel area, and identify the annexee (Town) and annexor (Village or City) in the petition.]

s. 66.0217 (1) (c) THE DESCRIPTION

☒ The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR

☒ If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.

☒ The land may NOT be described by:

- Aliquot part;
- Reference to any other document (plat of survey, deed, etc.);
- Exception or Inclusion;
- Parcel ID or tax number.

s. 66.0217 (1) (g) THE MAP

☒ The map shall be an *accurate reflection* of the legal description of the parcel being annexed. As such, it must show:

- A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
- Bearings and distances along all parcel boundaries as described.
- All adjoining as referenced in the description.

☒ The map must include a **graphic scale**.

☒ The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

[It is beneficial to include a North arrow, and identify adjacent streets and parcels on the map.]

s. 66.0217 FILING

☒ The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.

☐ If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by s. 66.0217 (4).

☒ If the lands being annexed are within a County of 50,000 or greater population, the petition must also be filed with the Department of Administration for review



411 East Wisconsin Avenue
Milwaukee, Wisconsin 53202-4497
Tel 414.277.5000
Fax 414.271.3552
www.quarles.com

Attorneys at Law in:
Phoenix and Tucson, Arizona
Naples, Florida
Chicago, Illinois
Milwaukee and Madison, Wisconsin

Direct Dial: (414) 277-5355
E-Mail: bkearney@quarles.com
Direct/RightFax: (414) 978-8737

August 1, 2014

Municipal Boundary Review
Wisconsin Department of Administration
101 East Wilson Street, 9th Floor
Madison, WI 53703
wimunicipalboundaryreview@wi.gov

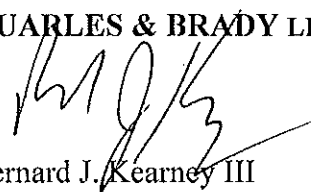
RE: Request for Annexation Review

To whom it may concern:

Enclosed herewith is a copy of the annexation petition that was filed on July 31st containing a scale map and legal description of the area to be annexed. Also enclosed is the completed Request for Annexation Review form and check for the \$1,350.00 review fee. If you have any questions, please do not hesitate to call me at 414-277-5355.

Sincerely,

QUARLES & BRADY LLP



Bernard J. Kearney III

BKearney:emb
Enclosures

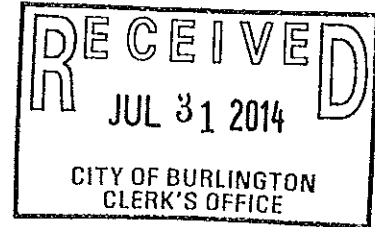
cc: Diahn Halbach, City of Burlington Clerk
Karla Hill, Town of Lyons Clerk

13796

PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL

TO: The Honorable Common Council of the City of Burlington

c/o Diahn Halbach, City Clerk
30 North Pine Street
Burlington, Wisconsin 53105



Lorette Yanny and Cook Property, LLC, a Wisconsin limited liability company (collectively, "Petitioners") hereby respectfully petition the Honorable Common Council of the City of Burlington pursuant to Section 66.0217 of the Wisconsin Statutes, for the direct annexation to the City of Burlington, Racine County, Wisconsin (the "City"), and the detachment from the Town of Lyons (the "Town"), of the territory described below in Paragraph 6 (the "Territory"). In support of this petition, the Petitioners allege and represent the following:

1. The Petitioners are the sole owner of all the land within the Territory.
2. Lorette Yanny is the sole elector residing in the Territory.
3. The population of the Territory is one (1).
4. The purpose of this petition for direct annexation of the Territory to the City is to obtain the benefits to be derived from owning land located within the limits of the City, including, but not limited to having access to municipal services. The Petitioners believe it to be in their own best interests and the best interests of the surrounding area to have the Territory annexed to the City.
5. The Territory is contiguous to the City.
6. The address of the Territory is 1062 Spring Valley Road, Lyons, Wisconsin. The legal description of the Territory is as follows:

Parcel I

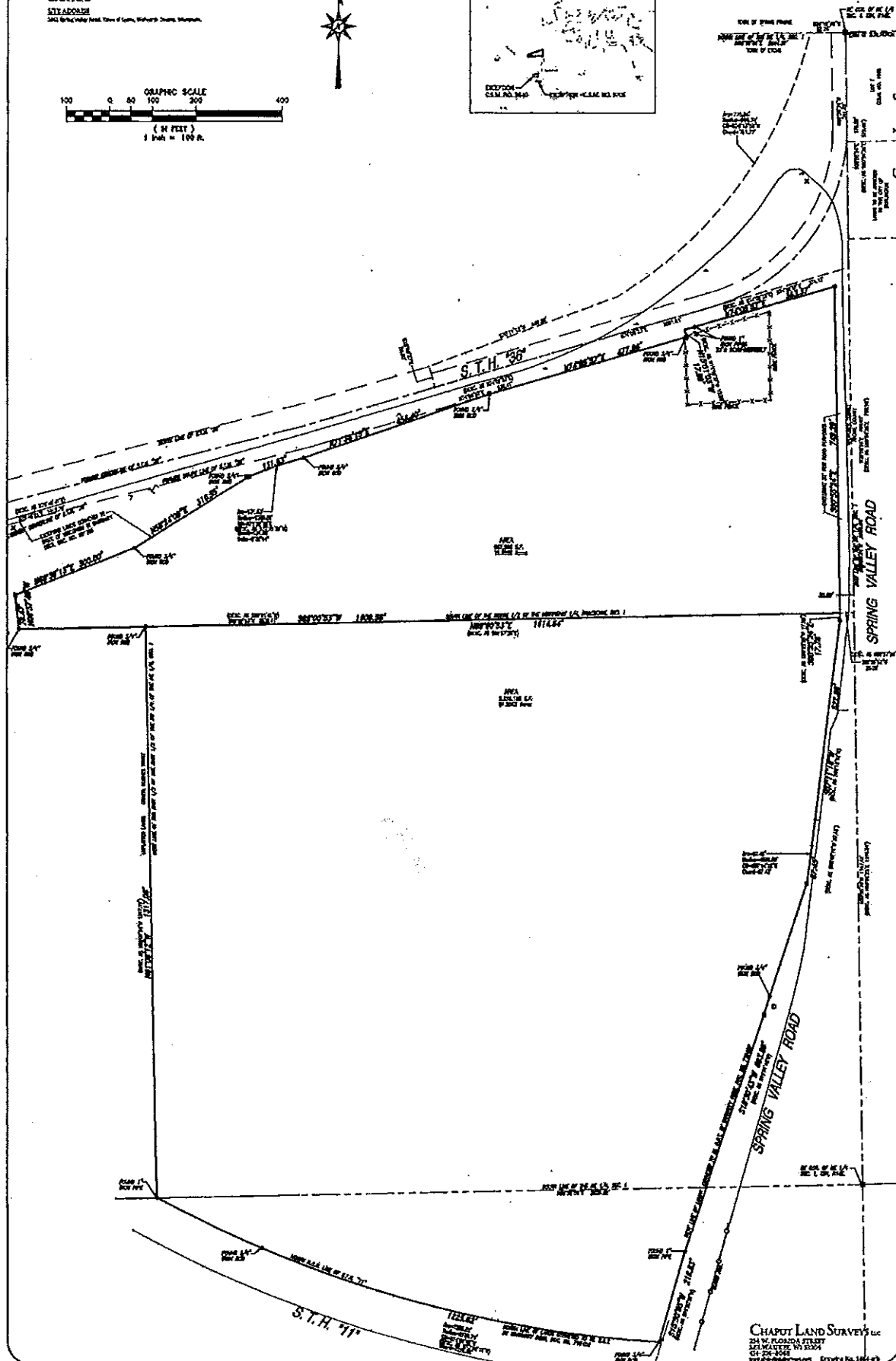
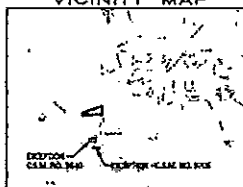
THAT PART OF THE NORTH 1/2 OF THE NORTHEAST 1/4 OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 18 EAST OF THE FOURTH PRINCIPAL MERIDIAN IN THE TOWN OF LYONS, WALWORTH COUNTY, WISCONSIN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE NORTHEAST CORNER OF SAID

PROPERTY EXHIBIT

BLANK
SITADROME
2002 Spring Valley Road, Town of Spring, Walworth County, Wisconsin



VICINITY MAP



CHAPUT LAND SURVEYS, INC.
204 W. KOSCIUSKO STREET
EQUINOXIA, WI 53124
608-224-4545
www.chaputland.com

NORTHEAST 1/4 SECTION, THENCE SOUTH 00°54'36" EAST ALONG THE WEST LINE OF SAID NORTHEAST 1/4 SECTION 575.49 FEET TO THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE CONTINUE SOUTH 00°54'36" EAST ALONG SAID EAST LINE 758.16 FEET TO A POINT ON THE SOUTH LINE OF THE NORTH 1/2 OF SAID NORTHEAST 1/4 SECTION; THENCE SOUTH 89°01'41" WEST ALONG SAID SOUTH LINE 2636.41 FEET TO A POINT ON THE WEST LINE OF SAID NORTHEAST 1/4 SECTION; THENCE NORTH 01°15'57" WEST ALONG SAID WEST LINE 82.41 FEET TO A POINT ON THE SOUTH LINE OF STATE TRUNK HIGHWAY "36"; THENCE NORTH 75°48'47" EAST ALONG SAID SOUTH LINE 1412.79 FEET; THENCE NORTH 74°09'23" EAST ALONG SAID SOUTH LINE 936.41 FEET; THENCE NORTH 15°50'37" WEST 17.00 FEET; THENCE NORTH 74°09'23" EAST ALONG SAID SOUTH LINE 374.13 FEET TO THE PLACE OF BEGINNING, EXCLUDING RIGHT OF WAY. SUBJECT TO RIGHTS OF THE PUBLIC OVER THE EAST 33 FEET THEREOF FOR ROAD PURPOSES (SPRING VALLEY ROAD). EXCEPTING THEREFROM THAT PORTION OF LAND CONVEYED TO STATE OF WISCONSIN DEPARTMENT OF TRANSPORTATION IN WARRANTY DEED RECORDED ON OCTOBER 19, 2006 AS DOCUMENT NO. 691266.

Parcel II

PART OF THE SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, AND PART OF THE NORTHWEST 1/4 AND NORTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 1 TOWNSHIP 2 NORTH RANGE 18 EAST OF THE FOURTH PRINCIPAL MERIDIAN, IN THE TOWN OF LYONS, WALWORTH COUNTY WISCONSIN AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCE AT THE EAST 1/4 CORNER OF SAID SECTION 1; THENCE NORTH 00°05'25" EAST, ALONG THE EAST LINE OF SAID NORTHEAST 1/4 1316.84 FEET; THENCE NORTH 89°57'26" WEST 33.00 FEET TO A POINT ON THE WEST RIGHT OF WAY LINE OF SPRING VALLEY ROAD AND THE PLACE OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 00°25'25" WEST ALONG SAID LINE 17.20 FEET; THENCE SOUTH 08°12'12" WEST ALONG SAID LINE 522.86 FEET; THENCE SOUTH 08°45'16" WEST ALONG SAID LINE 87.43 FEET; THENCE SOUTH 19°31'48" WEST ALONG SAID LINE 893.92 FEET; THENCE SOUTH 16°50'59" WEST ALONG SAID LINE 218.83 FEET TO A POINT OF CURVATURE ON THE NORTH RIGHT OF WAY LINE OF STATE TRUNK HIGHWAY "11"; THENCE NORTHWESTERLY 1225.26 FEET ALONG SAID NORTH LINE BEING THE ARC OF A CURVE TO THE RIGHT, HAVING A RADIUS OF 2739.59 FEET AND WHOSE LONG CHORD BEARS NORTH 73°00'16" WEST 1215.08 FEET; THENCE NORTH 00°07'51" WEST 1317.19 FEET; THENCE SOUTH 89°57'26" EAST 1614.65 FEET TO THE WEST RIGHT OF WAY LINE OF SPRING VALLEY ROAD AND THE PLACE OF BEGINNING. EXCEPTING THEREFROM THOSE LANDS DESCRIBED IN CERTIFIED SURVEY MAPS 3640 AND 3705 AND IN WARRANTY DEED RECORDED AS DOCUMENT NO. 715428.

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Said Territory contains approximately 3,091,157 square feet or 70.9632 acres.

7. Attached to this Petition as Exhibit A is a scale map which depicts the boundaries of the Territory.

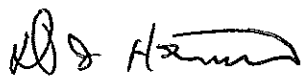
(Signature pages attached.)

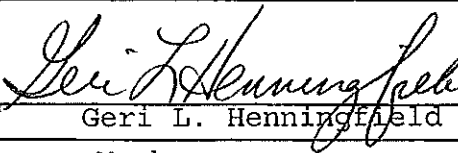
13796

Lorette Yanny
Lorette Yanny

13796

COOK PROPERTY, LLC

By:  7/20/14
Print: David J. Henningfield
Title: Member

By:  7/30/14
Print: Geri L. Henningfield
Title: Member

REVISED

EXHIBIT A

Tax Identification Numbers:

N LY100001A and N LY100002A

Legal Description

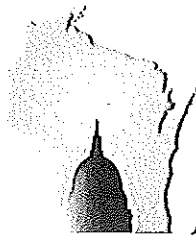
1/4 1/4

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 to 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). ✓

Revised



**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..."

Page 2

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

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 214.68 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 1/4 of said Northeast 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 Northeast 1/4 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 the point of beginning.

Lands contain 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

