



14018

Reinhart Boerner Van Deuren s.c.
P.O. Box 2965
Milwaukee, WI 53201-2965

1000 North Water Street
Suite 1700
Milwaukee, WI 53202-3197

Telephone: 414-298-1000
Fax: 414-298-8097
Toll Free: 800-553-6215
reinhartlaw.com

April 28, 2017

Deborah C. Tomczyk, Esq.
Direct Dial: 414-298-8331
dtomczyk@reinhartlaw.com

CERTIFIED MAIL RETURN RECEIPT REQUESTED

Wisconsin Department of Administration
Municipal Boundary Review
101 East Wilson Street, 9th Floor
Madison, WI 53703

Dear Sir or Madam:

Re: Notice of Intention to Circulate
an Annexation Petition

At the request of my client, Kohler Co., a Wisconsin corporation ("Kohler"), I have caused the *Sheboygan Press* to publish on April 28, 2017, the enclosed Notice of Intention to Circulate an Annexation Petition. By copy of this letter, a copy of this notice is being served upon the Wisconsin Department of Administration. Kohler intends to circulate a petition for annexation of the territory described in the notice and scale map from the Town of Wilson (the "Town") to the City of Sheboygan (the "City").

Accordingly, on Kohler's behalf, I enclose:

1. The completed request for Annexation Review;
2. A check in the amount of \$4,350 to cover all review fees;
3. A copy of the Notice of Intention to Circulate an Annexation Petition, which was published in the *Sheboygan Press* on April 28, 2017;
4. The legal description and scale map of the territory proposed to be annexed; and
5. The relevant map of the area from the City's 2011 Comprehensive Plan.

The proposed annexation is in the public interest. Governmental services to the territory to be annexed can clearly be better supplied by the City as opposed to the Town.

Only the City, not the Town, is able to process sanitary waste from the territory. Sanitary sewer is supplied to the territory pursuant to a 1975 Joint Sewerage Treatment Agreement for the Sheboygan Region providing for processing of waste by the City.

The City is able to provide municipal water service and has its own water utility. The Town does not have any municipal water service and has no plans to provide municipal water service anytime in the future.

14018

Dept. of Administration
April 28, 2017
Page 2

The City has well established, well-funded emergency services. The Town terminated its contract to obtain private fire services, established a new Town Fire Department just this year and, this month, had six firefighters quit.

The City has included the territory in its Comprehensive Plan adopted December 5, 2011. Current uses and potential development within the area are consistent with both the Comprehensive Plan and the City's Zoning Maps.

Please feel free to contact me at 414-298-8331 or dtomczyk@reinhardtllaw.com if you need additional information to opine as to whether the proposed annexation is in the public interest.

Yours very truly,


Deborah C. Tomczyk

Encs.

cc Charles Adams (via email)
Darrell Hofland (via email)

Request for Annexation Review

Wisconsin Department of Administration

14018

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: **KOHLER CO.**

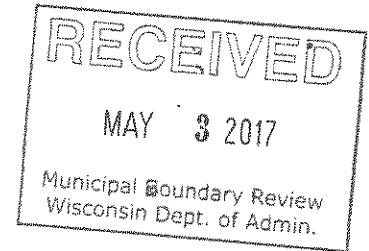
Address: **444 HIGHLAND DRIVE**

KOHLER, WI 53044

DEBORAH C. TOMCZYK

Email: **DTOMCZYK@REINHARTLAW.COM**

Office use only:



1. Town where property is located: **TOWN OF WILSON**

2. Petitioned City or Village: **CITY OF SHEBOYGAN**

3. County where property is located: **SHEBOYGAN COUNTY**

4. Population of the territory to be annexed: **5 ADULTS AND 3 CHILDREN**

5. Area (in acres) of the territory to be annexed: **561.45**

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

Petitioners phone:

920-803-4890

Town clerk's phone:

920-208-2390

City/Village clerk's phone:

920-459-3361

Contact Information if different than petitioner:

Representative's Name and Address:

DEBORAH C. TOMCZYK

REINHART BOERNER VAN DEUREN S.C.

1000 NORTH WATER STREET, SUITE 1700

MILWAUKEE, WI 53202

Phone: **414-298-8331**

E-mail: **DTOMCZYK@REINHARTLAW.COM**

Surveyor or Engineering Firm's Name & Address:

DONALD C. CHAPUT

CHAPUT LAND SURVEYS

234 WEST FLORIDA STREET, SUITE 306

MILWAUKEE, WI 53204

Phone: **414-224-8068**

E-mail:

DON@CHAPUTLANDSURVEYS.COM

Required Items to be provided with submission (to be completed by petitioner):

1. ☒ Legal Description meeting the requirements of s.66.0217 (1) (c) [see attached annexation guide]
2. ☒ Map meeting the requirements of s. 66.0217 (1) (g) [see attached annexation guide]
3. ☒ Signed Petition or Notice of Intent to Circulate is included
4. Indicate Statutory annexation method used:
 - ☐ Unanimous per s. 66.0217 (2), or,
 - OR
 - ☒ Direct by one-half approval per s. 66.0217 (3)
5. ☒ Check or money order covering review fee [see next page for fee calculation]

Annexation Review Fee Schedule

14018

A Guide for Calculating the Fee Required by ss.16.53 (4) and 66.0217, Wis. Stats.

Required Fees

There is an initial filing fee and a variable review fee

\$350 Initial Filing Fee (required with the first submittal of all petitions)

\$200 – 2 acres or less

\$350 – 2.01 acres or more

\$4,000 Review Fee (required with all annexation submittals except those that consist ONLY of road right-of-way)

\$200 – 2 acres or less

\$600 – 2.01 to 10 acres

\$800 – 10.01 to 50 acres

\$1,000 – 50.01 to 100 acres

\$1,400 – 100.01 to 200 acres

\$2,000 – 200.01 to 500 acres

\$4,000 – Over 500 acres

\$4,350 TOTAL FEE DUE (Add the Filing Fee to the Review Fee)

Attach check or money order here, payable to: **Department of Administration**

THE DEPARTMENT WILL NOT PROCESS
AN ANNEXATION PETITION THAT IS NOT ACCOMPANIED
BY THE REQUIRED FEE.

THE DEPARTMENT'S 20-DAY STATUTORY REVIEW PERIOD
COMMENCES UPON RECEIPT OF THE PETITION AND REVIEW FEE

Shaded Area for Office Use Only

Date fee received: 5/3/17

Payee: REINHART BOERNER VAN DEUSEN

Check Number: 434331

Check Date: 4/26

Amount: 4,350

**NOTICE OF INTENTION TO CIRCULATE
PETITION FOR ANNEXATION OF TERRITORY
FROM TOWN OF WILSON TO CITY OF SHEBOYGAN**

DATE: April 26, 2017

PETITIONER: KOHLER CO.
444 Highland Drive
Kohler, WI 53044

PLEASE TAKE NOTICE that not less than ten (10) days nor more than twenty (20) days from the date this Class 1 Notice is published, Kohler Co., an owner of real property in the territory described below, intends to circulate a petition, in accordance with Wis. Stat. 66.0217(3) for annexation of the territory described below from Town of Wilson, Sheboygan County, Wisconsin, to the City of Sheboygan, Sheboygan County, Wisconsin.

LEGAL DESCRIPTION OF TERRITORY PROPOSED TO BE ANNEXED

Lot 2 in Sherwood Forest Estates, part of Outlot 1 in Certified Survey Map recorded in Volume 21, Pages 102-103 as Document No. 1753833, part of Lot 1 in Certified Survey Map recorded in Volume 8, Page 323, Lots 1, 9, 10, 11 and Outlots 1 and 5 in the Plat of River Trails, Tract 1 in Certified Survey Map recorded in Volume 5, Page 198 and lands all being part of the Southwest 1/4 and Southeast 1/4 of the Southwest 1/4, part of the Northwest 1/4, Southwest 1/4 and Southeast 1/4 of the Southeast 1/4, and part of the Southwest 1/4 of the Northeast 1/4 all in Section 10; part of the Southwest 1/4 and Southeast 1/4 of the Southwest 1/4 and part of Government Lot 4 all in Fractional Section 11; part of the Northeast 1/4 of the Northeast 1/4 of Section 15; all of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northwest 1/4, all of the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 and all of Government Lots 1, 2 and 3 and part of Government Lot 4 all in Fractional Section 14; part of Government Lot 1 in Fractional Section 23, all in Town 14 North, Range 23 East, in the Town of Wilson, Sheboygan County, Wisconsin bounded and described as follows:

Beginning at the Southwest corner of the Southwest 1/4 of Section 14, thence North 00°25'21" West along the West line of the Southwest 1/4 aforesaid 2655.02 feet to the West 1/4 corner of said Section; thence North 00°25'18" West 2394.66 feet to a point, said point being South 00°25'18" East 260.50 feet from the Northwest corner of the Northwest 1/4 of Section 14; thence North 88°25'50" West 55.03 feet to a point on the West line of C.T.H. "V" said point being 55.00 feet West of as measured normal to the West line of the Northwest 1/4 of Section 14, thence North 00°25'18" West and parallel to said West line 149.44 feet to a point; thence North 53°49'12" West 195.42 feet to a point on the South line of the Southeast 1/4 of Section 10; thence North 88°25'50" West along said South line 37.99 feet to a point; thence North 00°23'58"

East 300.00 feet to a point; thence North $88^{\circ}25'50''$ West 130.00 feet to a point; thence South $00^{\circ}23'58''$ West 300.00 feet to a point on the South line of the Southeast 1/4 of Section 10; thence North $88^{\circ}25'50''$ West along said South line 170.00 feet to a point; thence North $00^{\circ}23'58''$ East 310.00 feet to a point; thence North $88^{\circ}25'50''$ West 80.00 feet to a point; thence South $00^{\circ}23'58''$ West 310.00 feet to a point on the South line of the Southeast 1/4 of Section 10; thence North $88^{\circ}25'50''$ West along said South line 671.60 feet to a point on the East line of Sherwood Forest Estates, a recorded plat; thence North $00^{\circ}34'26''$ East along said East line 313.00 feet to a point on the South line of Lot 2 in Sherwood Forest Estates; thence North $89^{\circ}25'50''$ West along said South line 129.23 feet to a point on the East line of Sherwood Drive; thence North $00^{\circ}34'10''$ East along said East line 140.00 feet to a point on the North line of said Lot 2; thence South $89^{\circ}25'50''$ East along said North line 129.23 feet to a point on the East line of Sherwood Forest Estates; thence North $00^{\circ}34'26''$ East along said East line 268.08 feet to a point on the South line of Outlot 1, Certified Survey Map recorded in Volume 21, Page 102-103 as Document No. 1753833; thence North $89^{\circ}25'50''$ West along said South line 222.65 feet to a point; thence South $59^{\circ}56'10''$ West along said South line 66.00 feet to a point; thence North $89^{\circ}25'50''$ West along said South line 45.96 feet to a point on the West line of Sherwood Forest Estates; thence South $00^{\circ}34'10''$ West along said West line 17.99 feet to a point; thence North $88^{\circ}31'19''$ West 966.83 feet to a point on the West line of the Southeast 1/4 of Section 10; thence North $00^{\circ}37'13''$ East along said West line 1986.69 feet to the center of Section 10; thence North $00^{\circ}15'24''$ East along the West line of the Northeast 1/4 of Section 10 a distance of 1332.63 feet to a point on the North line of the Southwest 1/4 of the Northeast 1/4 of Section 10, said point also being the South line of lands described in Warranty Deed recorded as Document Number 1225355, Volume 1181, Pages 918-919 and the Southerly corporate limits of the City of Sheboygan; thence South $88^{\circ}40'25''$ East along said line 649.17 feet to a point on the East line of the West 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 10; thence South $00^{\circ}23'33''$ West along said East line 1331.17 feet to a point on the South line of the Southwest 1/4 of the Northeast 1/4 of Section 10; thence South $00^{\circ}33'53''$ West along the East line of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 10 a distance of 1326.55 feet to a point on the North line of the South 1/2 of the Southeast 1/4 of Section 10; thence South $88^{\circ}36'49''$ East along said North line 1294.59 feet to a point on the East line of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 10; thence South $00^{\circ}27'16''$ West along said East line 681.51 feet to a point marking the Northwest corner of lands described in Quit Claim Deed Document No. 1052237; thence South $89^{\circ}17'42''$ East along the North line of said lands 367.95 feet to the Northeast corner of said lands; thence South $00^{\circ}24'04''$ West 140.47 feet to a point marking the Northwest corner of lands described in Quit Claim Deed Document No. 1052238; thence South $88^{\circ}26'12''$ East along the North line of said lands 279.99 feet to a point on the East line of the Southeast 1/4 of Section 10; thence South $00^{\circ}23'58''$ West along said East line 181.34 feet to a point on the North line of Tract 1 in Certified Survey Map Volume 5, Page 198; thence South $88^{\circ}42'12''$ East along said North line 429.00 feet to a point on the East line of said Tract 1; thence South $00^{\circ}23'58''$ West along said East line 231.73 feet to a point on the North line of the Plat of River Trail, a recorded plat; thence South $88^{\circ}39'06''$ East along said North line 904.00 feet to a point marking the Northeast corner of Lot 9, Plat of River Trail; thence North $00^{\circ}43'00''$ East along the West line Plat of River Trail 93.05 feet to a point marking the Southwest corner of Lot 8, Plat of River Trail; thence South $88^{\circ}37'41''$ East along said South line and its extension, (said line also being the North line of Lot 1, Plat of River Trail and its extension) 734.81 feet to a meander corner, said point being South $88^{\circ}37'41''$ East 111 feet more or less from the thread of

Black River; thence North 22°00'00" East along a meander line 508.14 feet to a meander corner on the North line of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 11, said point being South 88°45'21" East 217 feet more or less from the thread of Black River; thence South 88°45'21" East along said North line 409.00 feet to a point marking the Southwest corner of Lot 19 in Edgewater Beach, a recorded plat; thence South 89°16'46" East along the South line of said Lot 296.14 feet to a point; thence South 01°23'32" East parallel to and 50 feet West of Lot 27 in Timberlake, a recorded plat, 272.76 feet to a point on the North line of Timberlake Road; thence Southwesterly 171.98 feet along said North line and arc of a curve, whose center lies to the North, whose radius is 550.00 feet and whose chord bears South 81°37'16" West 171.28 feet to a point; thence South 00°34'44" West along Timberlake Road 66.00 feet to a point on the South line of said Road; thence Northeasterly 43.00 feet along said South line and arc of a curve, whose center lies to the North, whose radius is 616.00 feet and whose chord bears North 88°34'44" East 43.00 feet to a point on the West line of Lot 26 in Timberlake; thence South 06°58'30" East along the West line of said Lot 26 and 25 a distance of 310.73 feet to the Southwest corner of said Lot 25; thence South 89°13'44" East along the South line of the Southeast 1/4 a distance of 1616.21 feet to a meander corner, said point being North 89°13'44" West 194 feet more or less from the shore of Lake Michigan; thence South 22°12'00" West along said meander line 4257.36 feet to a meander corner, said point being North 89°02'42" West 357 feet more or less from the shore of Lake Michigan; thence North 89°02'42" West 902.55 feet to a point; thence South 00°17'46" East 684.53 feet to a point on the North line of lands described in Document Number 1964431; thence North 89°21'46" West along said North line 304.57 feet to the Northwest corner of said lands; thence South 00°17'46" East along the West line of said lands 172.14 feet to the Southwest corner of said lands; thence South 89°21'46" East along the South line of said lands 112.12 feet to a point; thence South 00°17'46" East 455.02 feet to a point; thence South 51°00'00" West 1201.92 feet to a point; thence South 87°57'52" West 800.00 feet to a point on the West line on Government Lot 1 in Section 23; thence North 02°02' 08" West along the West line of said Government Lot 800.00 feet to the point of beginning. Including those lands lying between the aforesaid meander line and the thread of Black River. Also including those lands lying between the aforesaid meander line and the shore of Lake Michigan.

14018

A copy of the scale map may be inspected at the office of the Town of Wilson Town Clerk and at the office of the City of Sheboygan City Clerk at the addresses below:

Georgene Lubach, Town Clerk
Town of Wilson
5935 South Business Drive
Sheboygan, WI 53081

Susan Richards, City Clerk
City of Sheboygan
828 Center Avenue, Suite 100
Sheboygan, WI 53081

140-18

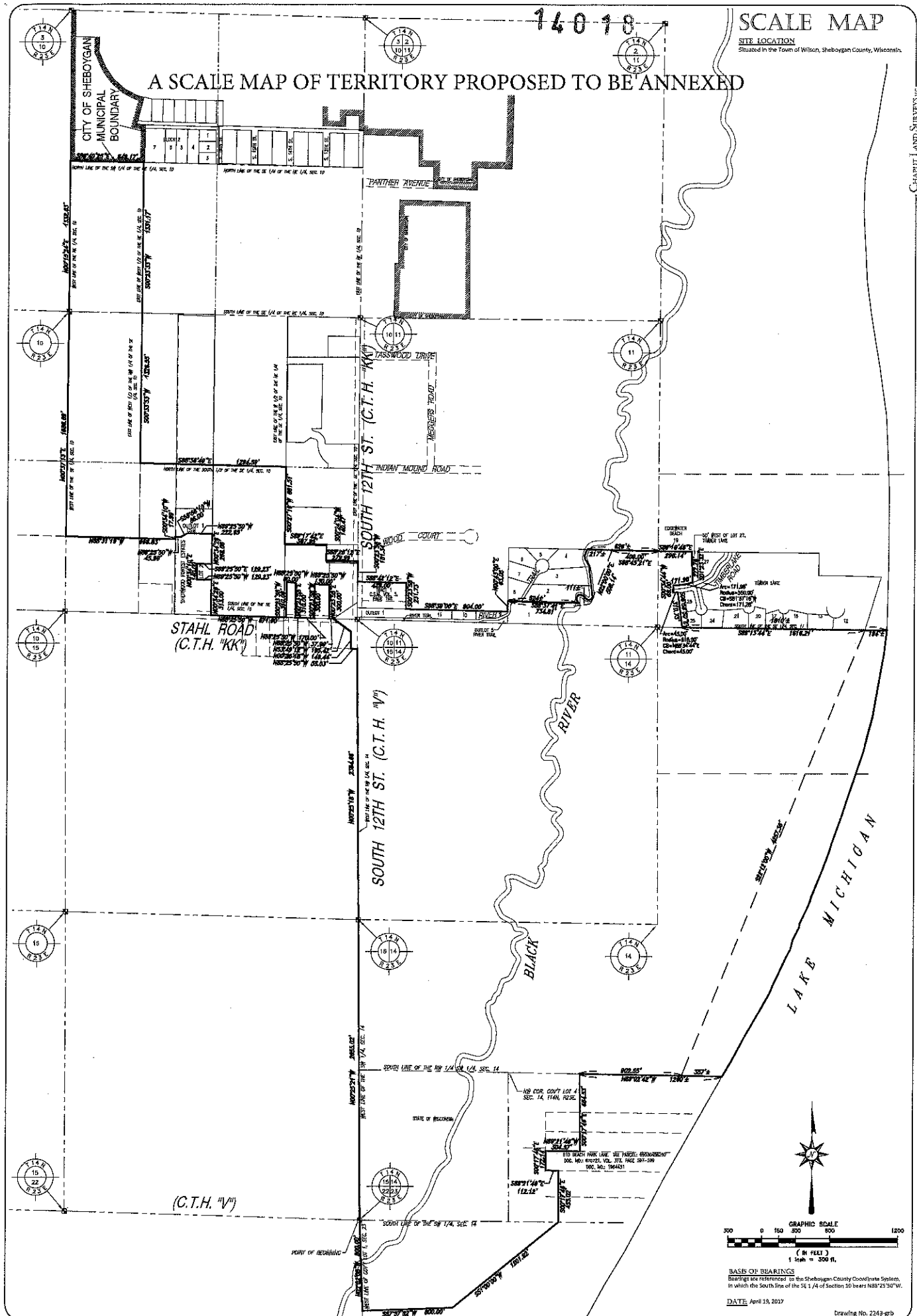


EXHIBIT A

Owner	Mailing Address	Tax ID
Wilson -- Sheboygan County, LLC	22 East Mifflin Street, Suite 600, P.O. Box 2018, Madison WI 53701-2018	59030468820
Nina Stapel	1202 Stahl Road, Sheboygan WI 53081-8897	59030455271
River Trails Owners Association, Inc	444 Highland Drive, Kohler, WI 53044	59030471211
River Trails Owners Association, Inc	444 Highland Drive, Kohler, WI 53044	59030471212
River Trails Owners Association, Inc	444 Highland Drive, Kohler, WI 53044	59030471213
River Trails Owners Association, Inc	444 Highland Drive, Kohler, WI 53044	Part of 59030471214
River Trails Owners Association, Inc	444 Highland Drive, Kohler, WI 53044	59030471215
Kohler Co.	1131 Zientek Lane, Sheboygan, WI 53081-5813	59030458001
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030471226
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030471225
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030471224
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030471216
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458050
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458110
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458180
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458160
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458190
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458170
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458200
Sheboygan Town and Country Corp.	N7098 Riverwoods Dr., Sheboygan WI 53083-1658	Part of 59030455230
Sheboygan Town and Country Corp.	N7098 Riverwoods Dr., Sheboygan WI 53083-1658	Part of 59030454760
City of Sheboygan	828 Center Avenue, Suite 100, Sheboygan, WI 53081	59030455120
City of Sheboygan	828 Center Avenue, Suite 100, Sheboygan, WI 53081	Part of 59030455140
Kurt Koller	Personal Representative of Estate - Gary A. Koller, 412 Norwood Drive, Francis Creek, WI 54214	Part of 59030455101
Kurt Koller	Personal Representative of Estate - Gary A. Koller, 412 Norwood Drive, Francis Creek, WI 54214	Part of 59030468841
John A. Siegworth	1314 Stahl Road, Sheboygan, WI 53081-8896	59030455250
John A. Siegworth	1314 Stahl Road, Sheboygan, WI 53081-8896	59030455270
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	59030458210
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	59030458220
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	Part of 59030458230
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	Part of 59030458240
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	Part of 59030458250
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	59030458290
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	Part of 59030458270
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	Part of 59030458280
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	Part of 59030461790



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER

GOVERNOR

SCOTT A. NEITZEL

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/>

May 04, 2017

PETITION FILE NO. 14018

SUSAN RICHARDS, CLERK
CITY OF SHEBOYGAN
828 CENTER AVE
SHEBOYGAN, WI 53081-4442

GEORGENE LUBACH, CLERK
TOWN OF WILSON
5935 S BUSINESS DR
SHEBOYGAN, WI 53081-8930

Subject: KOHLER CO. ANNEXATION

Section 66.0217 (6), Wis. Stats., provides that the annexation of lands to cities and villages within a county having a population of 50,000 or more shall be reviewed by the Department of Administration in order to determine if the proposed annexation is in the public interest or against the public interest. The proposed annexation from the TOWN OF WILSON to the CITY OF SHEBOYGAN (see attached description) must be reviewed pursuant to the statute.

To assist us in making this determination, we urge that you promptly supply the data requested on the enclosed questionnaire (where possible) and return the questionnaire to the department.

The purpose of this questionnaire is to assist the department in determining "Whether the governmental services, including zoning, to be supplied to the territory could clearly be better supplied by the town...." The statute further stipulates that the department shall study the "shape of the proposed annexation and the homogeneity of the territory with the annexing municipality." In addition, we would appreciate receiving from you any comments or information bearing on governmental services or shape and homogeneity that would indicate whether the annexation is in or against the public interest.

Please return the questionnaire as soon as possible so that the information can be reviewed prior to the department's statutory deadline of May 23, 2017. Direct any questions and comments to Erich Schmidtke at (608) 264-6102. Thank you for your cooperation.

For additional information on annexation or other land use issues, visit our web site at <http://doa.wi.gov/municipalboundaryreview/>.

Sincerely,

Erich Schmidtke

Enclosures

Petition # 14018

REAL PROPERTY LISTERS ANNEXATION REVIEW

1. Territory to be annexed: <u>Part or all of 36 parcels</u>	From Town of: <u>Wilson</u>	To <u>City</u> Village of: <u>Shaboygan</u>
---	--------------------------------	--

2. Checklist: (Y) Yes; (N) No; (NA) Not applicable; (NC) Not checked

Location and Position

- Y (1) Location description by government lot, recorded private claim, 1/4 - 1/4 section, section, township, range and county
- Y (2) Contiguous with existing village/city boundaries
- N (3) Creates an island area in Township (completely surrounded by city)
- N (4) Creates an island area in City (completely surrounded by town)

Petition and Map Information

- Y (1) Identify owner(s) of annexed land
- Y (2) Identify parcel ID numbers included in annexation
- Y (3) Identify parcel ID numbers being split by annexation
- Y (4) North arrow
- Y (5) Graphic scale
- Y (6) Streets and Highways shown and identified
- N (7) Legend
- Y (8) Total area/acreage of annexation

3. Other relevant information and comments:

Prepared by:
Title:
Phone:
Date:

Peggy Armstrong
LDT III
459-3015
5-5-17

Please RETURN PROMPTLY to:
Municipal Boundary Review
101 E. Wilson Street, 9th Floor
Madison, WI 53702-0001
(608) 264-6102 (608) 267-6917 FAX
wimunicipalboundaryreview@wi.gov

Schmidtke, Erich J - DOA

From: Town Wilson Clerk <clerk@townwilson.com>
Sent: Thursday, May 18, 2017 3:42 PM
To: Schmidtke, Erich J - DOA
Subject: Town of Wilson WDOA Annexation Review Questionnaire
Attachments: Town of Wilson Letter.pdf; WDOA. Annexiation Review Questionnaire.pdf; 5.18.17 - Complete with Exhibits Kohler Annex. Rev. Suppl..pdf

Hello Eric,

Attached from the Town of Wilson (Sheboygan County) are three attachments including the completed questionnaire.

Please contact me if you have questions.

Thank you, Georgene

Georgene Lubach

Clerk Town of Wilson
5935 S. Business Drive
Sheboygan, WI 53081

Phone: 920-208-2390
www.townwilson.com



TOWN OF WILSON

SHEBOYGAN COUNTY WISCONSIN

May 18, 2017

Erich Schmidtke
Municipal Boundary Review
Wis. Depart of Admin.
PO Box 1645
Madison, WI 53701-1645.

Enclosed please find the Town of Wilson's completed questionnaire regarding the proposed Kohler annexation to the City of Sheboygan. Please refer to the Town's supplemental "response to section 12" of the questionnaire for details.

This proposed annexation is not contiguous to the City of Sheboygan, and thus violates Wisconsin Statutes section 66.0217(3). It is an extreme example of an arbitrarily gerrymandered "balloon on a string" configuration struck down by the Wisconsin Supreme Court in *Town of Mt. Pleasant v. City of Racine*, 24 Wis. 2d 41 (1964).

The proposed annexation is not consistent with the City's plans for infrastructure, or its Comprehensive Plan, and it cannot feasibly be served with City utility services. In contrast, the Town of Wilson Sanitary District already serves the territory, and the bedrock aquifer provides an adequate and economical water supply. The Town already provides all other services. No need by the petitioners, or by the City, exists for the territory.

The proposed annexation would functionally divide the Town. Further, the characteristics of the petitioned territory are homogenous with the undeveloped portions of the Town, including land that is part of Kohler-Andrae State Park. This territory is inappropriate for city-type land use intensities. Kohler's motive is simply to extend a different set of zoning regulations to its land that, considering the characteristics of it and the surrounding lands, is more appropriately zoned and regulated by the Town's land-use ordinances.



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER

GOVERNOR

SCOTT A. NEITZEL

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/>

May 04, 2017

PETITION FILE NO. 14018

SUSAN RICHARDS, CLERK
CITY OF SHEBOYGAN
828 CENTER AVE
SHEBOYGAN, WI 53081-4442

GEORGENE LUBACH, CLERK
TOWN OF WILSON
5935 S BUSINESS DR
SHEBOYGAN, WI 53081-8930

Subject: KOHLER CO. ANNEXATION

Section 66.0217 (6), Wis. Stats., provides that the annexation of lands to cities and villages within a county having a population of 50,000 or more shall be reviewed by the Department of Administration in order to determine if the proposed annexation is in the public interest or against the public interest. The proposed annexation from the TOWN OF WILSON to the CITY OF SHEBOYGAN (see attached description) must be reviewed pursuant to the statute.

To assist us in making this determination, we urge that you promptly supply the data requested on the enclosed questionnaire (where possible) and return the questionnaire to the department.

The purpose of this questionnaire is to assist the department in determining "Whether the governmental services, including zoning, to be supplied to the territory could clearly be better supplied by the town...." The statute further stipulates that the department shall study the "shape of the proposed annexation and the homogeneity of the territory with the annexing municipality." In addition, we would appreciate receiving from you any comments or information bearing on governmental services or shape and homogeneity that would indicate whether the annexation is in or against the public interest.

Please return the questionnaire as soon as possible so that the information can be reviewed prior to the department's statutory deadline of May 23, 2017. Direct any questions and comments to Erich Schmidtke at (608) 264-6102. Thank you for your cooperation.

For additional information on annexation or other land use issues, visit our web site at <http://doa.wi.gov/municipalboundaryreview/>.

Sincerely,

Erich Schmidtke

Enclosures

Annexation Review Questionnaire

Wisconsin Department of Administration

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: Kohler Co.

Petition Number: 14018

1. Territory to be annexed: From TOWN OF WILSON To CITY OF SHEBOYGAN

2. Area (Acres): 541.45

3. Pick one: ☐ Property Tax Payments

OR ☐ Boundary Agreement

a. Annual town property tax on territory to be annexed:

\$ 7,793

a. Title of boundary agreement _____

b. Year adopted _____

b. Total that will be paid to Town

(annual tax multiplied by 5 years): 38,965

c. Participating jurisdictions _____

c. Paid by: ☐ Petitioner ☒ City ☐ Village

☐ s.66.0307 ☐ s.66.0225 ☐ s.66.0301

☐ Other: _____

4. Resident Population: Electors: 5 Total: 8

5. Approximate present land use of territory:

Residential: 10 % Recreational: 75 % Commercial: 0 % Industrial: 0 %

Undeveloped: 0 % ← A-2 (AGRICULTURAL DISTRICTS)

6. If territory is undeveloped, what is the anticipated use?

Residential: 0 % Recreational: 0 % Commercial: 0 % Industrial: 0 %

Other: 0 %

Comments: _____

7. Has a ☐ preliminary or ☐ final plat been submitted to the Plan Commission: ☐ Yes ☒ No

Plat Name: _____

8. What is the nature of land use adjacent to this territory in the city or village? Adjacent Land Uses include Lake Michigan, Kohler Andre State Park, Residential, undeveloped Land, etc.

In the town?: SEE TOWN'S ANNEXATION REVIEW SUPPLEMENTAL

9. What are the basic service needs that precipitated the request for annexation?

☐ Sanitary sewer ☐ Water supply ☐ Storm sewers

☐ Police/Fire protection ☐ EMS ☐ Zoning

Other NONE. SEE the TOWN'S ANNEXATION REVIEW SUPPLEMENTAL.

The TOWN provides all service needed to the territory. The territory is in the town of Wilson's Sanitary District. The town's fire station is very close. The town has zoning, a land use plan, and a plan commission. Kohler has stated in applications to federal and local officials that it will use wells to serve proposed →

8. and agricultural land. No city land use is adjacent to this territory because it is not contiguous to the city.

9. GOLF COURSE. Using city water to irrigate a golf course would be prohibitively expensive. KOHLER NEEDS NO CITY SERVICES, and won't use city water, which it has already admitted to government agencies.

10. Is the city/village or town capable of providing needed utility services?

City/Village ☐ Yes ☐ No Town ☐ Yes ☐ No

If yes, approximate timetable for providing service:

City/Village Town

Sanitary Sewers immediately

☐

☒

or, write in number of years. _____

IMMEDIATE

Water Supply immediately

☐

☒

or, write in number of years. _____

NOT NEEDED SEE Supplemental
SEE TOWN'S Annexation Supplemental

Will provision of sanitary sewers and/or water supply to the territory proposed for annexation require capital expenditures (i.e. treatment plant expansion, new lift stations, interceptor sewers, wells, water storage facilities)?

☐ Yes ☐ No

If yes, identify the nature of the anticipated improvements and their probable costs: _____

11. Planning:

a. Do you have a comprehensive plan for the City/Village/Town? ☒ Yes ☐ No

Is this annexation consistent with your comprehensive plan? ☐ Yes ☒ No

Describe:

RESIDENTIAL - PARK OPEN SPACE

b. Annual appropriation for planning? \$ 4,000

c. How is the annexation territory now zoned? P-1

d. How will the land be zoned and used if annexed? _____

12. Other relevant information and comments bearing upon the public interest in the annexation:

SEE TOWN'S Annexation Review Supplement

Prepared by: ☒ Town ☐ City ☐ Village

Name: GEORGINE LUBACH

Email: CLERK@TOWNWILSON.COM

Phone: 920-208

Date: _____

Please RETURN PROMPTLY to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

Request for Annexation Review

Wisconsin Department of Administration

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/>

14018

Petitioner Information

Office use only:

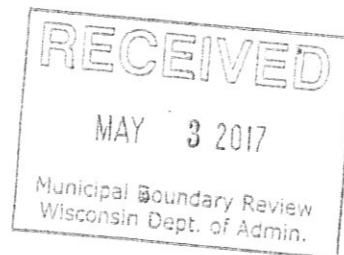
Name: **KOHLER CO.**

Address: **444 HIGHLAND DRIVE**

KOHLER, WI 53044

DEBORAH C. TOMCZYK

Email: **DTOMCZYK@REINHARTLAW.COM**



1. Town where property is located: **TOWN OF WILSON**

2. Petitioned City or Village: **CITY OF SHEBOYGAN**

3. County where property is located: **SHEBOYGAN COUNTY**

4. Population of the territory to be annexed: **5 ADULTS AND 3 CHILDREN**

5. Area (in acres) of the territory to be annexed: **561.45**

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

Petitioners phone:

920-803-4890

Town clerk's phone:

920-208-2390

City/Village clerk's phone:

920-459-3361

Contact Information if different than petitioner:

Representative's Name and Address:

DEBORAH C. TOMCZYK

REINHART BOERNER VAN DEUREN S.C.

1000 NORTH WATER STREET, SUITE 1700

MILWAUKEE, WI 53202

Phone: **414-298-8331**

E-mail: **DTOMCZYK@REINHARTLAW.COM**

Surveyor or Engineering Firm's Name & Address:

DONALD C. CHAPUT

CHAPUT LAND SURVEYS

234 WEST FLORIDA STREET, SUITE 306

MILWAUKEE, WI 53204

Phone: **414-224-8068**

E-mail:

DON@CHAPUTLANDSURVEYS.COM

Required Items to be provided with submission (to be completed by petitioner):

1. ☒ Legal Description meeting the requirements of s.66.0217 (1) (c) [see attached annexation guide]
2. ☒ Map meeting the requirements of s. 66.0217 (1) (g) [see attached annexation guide]
3. ☒ Signed Petition or Notice of Intent to Circulate is included
4. Indicate Statutory annexation method used:
 - ☐ Unanimous per s. 66.0217 (2), or,
 - OR
 - ☒ Direct by one-half approval per s. 66.0217 (3)
5. ☒ Check or money order covering review fee [see next page for fee calculation]

NOTICE OF INTENTION TO CIRCULATE PETITION FOR ANNEXATION OF TERRITORY FROM TOWN OF WILSON TO CITY OF SHEBOYGAN

DATE: April 26, 2017

PETITIONER: KOHLER CO.
444 Highland Drive
Kohler, WI 53044

PLEASE TAKE NOTICE that not less than ten (10) days nor more than twenty (20) days from the date this Class 1 Notice is published, Kohler Co., an owner of real property in the territory described below, intends to circulate a petition, in accordance with Wis. Stat. 66.0217(3) for annexation of the territory described below from Town of Wilson, Sheboygan County, Wisconsin, to the City of Sheboygan, Sheboygan County, Wisconsin.

LEGAL DESCRIPTION OF TERRITORY PROPOSED TO BE ANNEXED

Lot 2 in Sherwood Forest Estates, part of Outlot 1 in Certified Survey Map recorded in Volume 21, Pages 102-103 as Document No. 1753833, part of Lot 1 in Certified Survey Map recorded in Volume 8, Page 323, Lots 1, 9, 10, 11 and Outlots 1 and 5 in the Plat of River Trails, Tract 1 in Certified Survey Map recorded in Volume 5, Page 198 and lands all being part of the Southwest 1/4 and Southeast 1/4 of the Southwest 1/4, part of the Northwest 1/4, Southwest 1/4 and Southeast 1/4 of the Southeast 1/4, and part of the Southwest 1/4 of the Northeast 1/4 all in Section 10; part of the Southwest 1/4 and Southeast 1/4 of the Southwest 1/4 and part of Government Lot 4 all in Fractional Section 11; part of the Northeast 1/4 of the Northeast 1/4 of Section 15; all of the Northwest 1/4, Northeast 1/4, Southwest 1/4 and Southeast 1/4 of the Northwest 1/4, all of the Northwest 1/4 and Southwest 1/4 of the Southwest 1/4 and all of Government Lots 1, 2 and 3 and part of Government Lot 4 all in Fractional Section 14; part of Government Lot 1 in Fractional Section 23, all in Town 14 North, Range 23 East, in the Town of Wilson, Sheboygan County, Wisconsin bounded and described as follows:

Beginning at the Southwest corner of the Southwest 1/4 of Section 14, thence North 00°25'21" West along the West line of the Southwest 1/4 aforesaid 2655.02 feet to the West 1/4 corner of said Section; thence North 00°25'18" West 2394.66 feet to a point, said point being South 00°25'18" East 260.50 feet from the Northwest corner of the Northwest 1/4 of Section 14; thence North 88°25'50" West 55.03 feet to a point on the West line of C.T.H. "V" said point being 55.00 feet West of as measured normal to the West line of the Northwest 1/4 of Section 14, thence North 00°25'18" West and parallel to said West line 149.44 feet to a point; thence North 53°49'12" West 195.42 feet to a point on the South line of the Southeast 1/4 of Section 10; thence North 88°25'50" West along said South line 37.99 feet to a point; thence North 00°23'58"

East 300.00 feet to a point; thence North $88^{\circ}25'50''$ West 130.00 feet to a point; thence South $00^{\circ}23'58''$ West 300.00 feet to a point on the South line of the Southeast 1/4 of Section 10; thence North $88^{\circ}25'50''$ West along said South line 170.00 feet to a point; thence North $00^{\circ}23'58''$ East 310.00 feet to a point; thence North $88^{\circ}25'50''$ West 80.00 feet to a point; thence South $00^{\circ}23'58''$ West 310.00 feet to a point on the South line of the Southeast 1/4 of Section 10; thence North $88^{\circ}25'50''$ West along said South line 671.60 feet to a point on the East line of Sherwood Forest Estates, a recorded plat; thence North $00^{\circ}34'26''$ East along said East line 313.00 feet to a point on the South line of Lot 2 in Sherwood Forest Estates; thence North $89^{\circ}25'50''$ West along said South line 129.23 feet to a point on the East line of Sherwood Drive; thence North $00^{\circ}34'10''$ East along said East line 140.00 feet to a point on the North line of said Lot 2; thence South $89^{\circ}25'50''$ East along said North line 129.23 feet to a point on the East line of Sherwood Forest Estates; thence North $00^{\circ}34'26''$ East along said East line 268.08 feet to a point on the South line of Outlot 1, Certified Survey Map recorded in Volume 21, Page 102-103 as Document No. 1753833; thence North $89^{\circ}25'50''$ West along said South line 222.65 feet to a point; thence South $59^{\circ}56'10''$ West along said South line 66.00 feet to a point; thence North $89^{\circ}25'50''$ West along said South line 45.96 feet to a point on the West line of Sherwood Forest Estates; thence South $00^{\circ}34'10''$ West along said West line 17.99 feet to a point; thence North $88^{\circ}31'19''$ West 966.83 feet to a point on the West line of the Southeast 1/4 of Section 10; thence North $00^{\circ}37'13''$ East along said West line 1986.69 feet to the center of Section 10; thence North $00^{\circ}15'24''$ East along the West line of the Northeast 1/4 of Section 10 a distance of 1332.63 feet to a point on the North line of the Southwest 1/4 of the Northeast 1/4 of Section 10, said point also being the South line of lands described in Warranty Deed recorded as Document Number 1225355, Volume 1181, Pages 918-919 and the Southerly corporate limits of the City of Sheboygan; thence South $88^{\circ}40'25''$ East along said line 649.17 feet to a point on the East line of the West 1/2 of the Southwest 1/4 of the Northeast 1/4 of Section 10; thence South $00^{\circ}23'33''$ West along said East line 1331.17 feet to a point on the South line of the Southwest 1/4 of the Northeast 1/4 of Section 10; thence South $00^{\circ}33'53''$ West along the East line of the West 1/2 of the Northwest 1/4 of the Southeast 1/4 of Section 10 a distance of 1326.55 feet to a point on the North line of the South 1/2 of the Southeast 1/4 of Section 10; thence South $88^{\circ}36'49''$ East along said North line 1294.59 feet to a point on the East line of the West 1/2 of the Southeast 1/4 of the Southeast 1/4 of Section 10; thence South $00^{\circ}27'16''$ West along said East line 681.51 feet to a point marking the Northwest corner of lands described in Quit Claim Deed Document No. 1052237; thence South $89^{\circ}17'42''$ East along the North line of said lands 367.95 feet to the Northeast corner of said lands; thence South $00^{\circ}24'04''$ West 140.47 feet to a point marking the Northwest corner of lands described in Quit Claim Deed Document No. 1052238; thence South $88^{\circ}26'12''$ East along the North line of said lands 279.99 feet to a point on the East line of the Southeast 1/4 of Section 10; thence South $00^{\circ}23'58''$ West along said East line 181.34 feet to a point on the North line of Tract 1 in Certified Survey Map Volume 5, Page 198; thence South $88^{\circ}42'12''$ East along said North line 429.00 feet to a point on the East line of said Tract 1; thence South $00^{\circ}23'58''$ West along said East line 231.73 feet to a point on the North line of the Plat of River Trail, a recorded plat; thence South $88^{\circ}39'06''$ East along said North line 904.00 feet to a point marking the Northeast corner of Lot 9, Plat of River Trail; thence North $00^{\circ}43'00''$ East along the West line Plat of River Trail 93.05 feet to a point marking the Southwest corner of Lot 8, Plat of River Trail; thence South $88^{\circ}37'41''$ East along said South line and its extension, (said line also being the North line of Lot 1, Plat of River Trail and its extension) 734.81 feet to a meander corner, said point being South $88^{\circ}37'41''$ East 111 feet more or less from the thread of

Black River; thence North $22^{\circ}00'00''$ East along a meander line 508.14 feet to a meander corner on the North line of the South 1/2 of the Southeast 1/4 of the Southwest 1/4 of Section 11, said point being South $88^{\circ}45'21''$ East 217 feet more or less from the thread of Black River; thence South $88^{\circ}45'21''$ East along said North line 409.00 feet to a point marking the Southwest corner of Lot 19 in Edgewater Beach, a recorded plat; thence South $89^{\circ}16'46''$ East along the South line of said Lot 296.14 feet to a point; thence South $01^{\circ}23'32''$ East parallel to and 50 feet West of Lot 27 in Timberlake, a recorded plat, 272.76 feet to a point on the North line of Timberlake Road; thence Southwesterly 171.98 feet along said North line and arc of a curve, whose center lies to the North, whose radius is 550.00 feet and whose chord bears South $81^{\circ}37'16''$ West 171.28 feet to a point; thence South $00^{\circ}34'44''$ West along Timberlake Road 66.00 feet to a point on the South line of said Road; thence Northeasterly 43.00 feet along said South line and arc of a curve, whose center lies to the North, whose radius is 616.00 feet and whose chord bears North $88^{\circ}34'44''$ East 43.00 feet to a point on the West line of Lot 26 in Timberlake; thence South $06^{\circ}58'30''$ East along the West line of said Lot 26 and 25 a distance of 310.73 feet to the Southwest corner of said Lot 25; thence South $89^{\circ}13'44''$ East along the South line of the Southeast 1/4 a distance of 1616.21 feet to a meander corner, said point being North $89^{\circ}13'44''$ West 194 feet more or less from the shore of Lake Michigan; thence South $22^{\circ}12'00''$ West along said meander line 4257.36 feet to a meander corner, said point being North $89^{\circ}02'42''$ West 357 feet more or less from the shore of Lake Michigan; thence North $89^{\circ}02'42''$ West 902.55 feet to a point; thence South $00^{\circ}17'46''$ East 684.53 feet to a point on the North line of lands described in Document Number 1964431; thence North $89^{\circ}21'46''$ West along said North line 304.57 feet to the Northwest corner of said lands; thence South $00^{\circ}17'46''$ East along the West line of said lands 172.14 feet to the Southwest corner of said lands; thence South $89^{\circ}21'46''$ East along the South line of said lands 112.12 feet to a point; thence South $00^{\circ}17'46''$ East 455.02 feet to a point; thence South $51^{\circ}00'00''$ West 1201.92 feet to a point; thence South $87^{\circ}57'52''$ West 800.00 feet to a point on the West line on Government Lot 1 in Section 23; thence North $02^{\circ}02'08''$ West along the West line of said Government Lot 800.00 feet to the point of beginning. Including those lands lying between the aforesaid meander line and the thread of Black River. Also including those lands lying between the aforesaid meander line and the shore of Lake Michigan.

EXHIBIT A

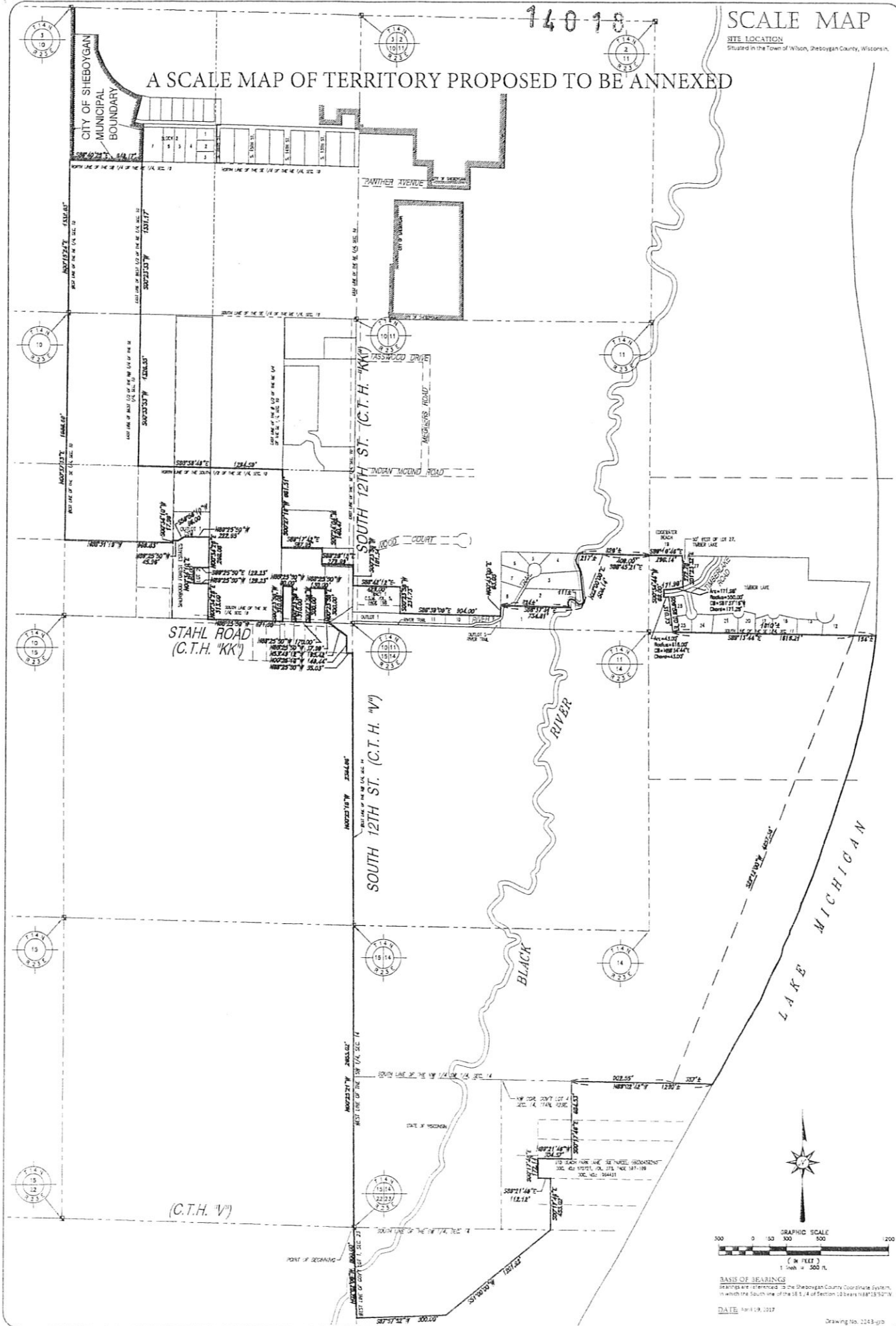
Owner	Mailing Address	Tax ID
Wilson -- Sheboygan County, LLC	22 East Mifflin Street, Suite 600, P.O. Box 2018, Madison WI 53701-2018	59030468820
Nina Stapel	1202 Stahl Road, Sheboygan WI 53081-8897	59030455271
River Trails Owners Association, Inc	444 Highland Drive, Kohler, WI 53044	59030471211
River Trails Owners Association, Inc	444 Highland Drive, Kohler, WI 53044	59030471212
River Trails Owners Association, Inc	444 Highland Drive, Kohler, WI 53044	59030471213
River Trails Owners Association, Inc	444 Highland Drive, Kohler, WI 53044	Part of 59030471214
River Trails Owners Association, Inc	444 Highland Drive, Kohler, WI 53044	59030471215
Kohler Co.	1131 Zientek Lane, Sheboygan, WI 53081-5813	59030458001
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030471226
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030471225
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030471224
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030471216
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458050
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458110
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458180
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458160
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458190
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458170
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458200
Sheboygan Town and Country Corp.	N7098 Riverwoods Dr., Sheboygan WI 53083-1658	Part of 59030455230
Sheboygan Town and Country Corp.	N7098 Riverwoods Dr., Sheboygan WI 53083-1658	Part of 59030454760
City of Sheboygan	828 Center Avenue, Suite 100, Sheboygan, WI 53081	59030455120
City of Sheboygan	828 Center Avenue, Suite 100, Sheboygan, WI 53081	Part of 59030455140
Kurt Koller	Personal Representative of Estate - Gary A. Koller, 412 Norwood Drive, Francis Creek, WI 54214	Part of 59030455101
Kurt Koller	Personal Representative of Estate - Gary A. Koller, 412 Norwood Drive, Francis Creek, WI 54214	Part of 59030468841
John A. Siegworth	1314 Stahl Road, Sheboygan, WI 53081-8896	59030455250
John A. Siegworth	1314 Stahl Road, Sheboygan, WI 53081-8896	59030455270
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	59030458210
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	59030458220
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	Part of 59030458230
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	Part of 59030458240
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	Part of 59030458250
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	59030458290
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	Part of 59030458270
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	Part of 59030458280
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	Part of 59030461790

SCALE MAP

NOTE LOCATION
Situated in the Town of Wilson, Sheboygan County, Wisconsin.

A SCALE MAP OF TERRITORY PROPOSED TO BE ANNEXED

CLARKE LAND SURVEYS, INC.



A copy of the scale map may be inspected at the office of the Town of Wilson Town Clerk and at the office of the City of Sheboygan City Clerk at the addresses below:

Georgene Lubach, Town Clerk
Town of Wilson
5935 South Business Drive
Sheboygan, WI 53081

Susan Richards, City Clerk
City of Sheboygan
828 Center Avenue, Suite 100
Sheboygan, WI 53081

RESPONSE TO SECTION 12

I. Because of its “balloon on a string” configuration, the territory is not contiguous to the City of Sheboygan.

No territory may be annexed unless it is contiguous to the annexing municipality. Wis. Stat. § 66.0217(3). The proposed Kohler annexation violates Wis. Stat. § 66.0217(3). Contiguity requires more than a limited point of contact with the annexing municipality. Annexations involving “isolated areas” within a town “connected by means of a technical strip” to the annexing municipality are not contiguous for purposes of Wis. Stat. § 66.0217. *Town of Mt. Pleasant v. City of Racine*, 24 Wis.2d 41 (1964). Those annexations “do not coincide with legislative intent” as they “tend[] to create crazy-quilt boundaries that are difficult for both the city and town to administer.” The *Town of Mt. Pleasant* case involved a “balloon on a string” annexation that connected the sought-after territory to the city by means of a 1,705 foot long corridor ranging in width from 152 feet to 306 feet. A map depicting the proposed annexation in *Town of Mt. Pleasant* is attached as Exhibit A.

Kohler’s proposed annexation is the type of “balloon on a string” annexation described in *Town of Mt. Pleasant*. The total territory proposed to be annexed is over 561 acres. However, it is adjacent to the City solely by means of a 250 foot wide point. From that point, a meandering 5,448 foot long corridor, with a width as narrow as approximately 190 feet, is used to connect the “balloon” portion of the proposed annexation to the City.

A map of the proposed Kohler annexation is attached as Exhibit B. The similarities between Kohler’s map and the map depicting the annexation invalidated in *Town of Mt. Pleasant* are striking. Under the controlling precedent of *Town of Mt. Pleasant*, the Kohler annexation would violate state law.

II. The shape of the territory is arbitrary because it was gerrymandered in an attempt to qualify for a one-half approval annexation petition.

In addition to the contiguity requirement described in Section I, the Rule of Reason requires a review of the subject territory to determine whether its shape is “arbitrary.” While this analysis is limited (but still existent) when unanimous annexation petitions are initiated by property owners, the limitation does not apply to this one-half approval petition, as it includes territory owned by individuals and entities who have not consented to the annexation.

The arbitrariness of the proposed boundary is demonstrated by Exhibit B, Exhibit C, Exhibit D, and Exhibit G. In addition to the arbitrary “balloon on a string” configuration described above, the proposed annexation would split several lots into three parts (town/city/town), leaving them partly in the City and partly in the Town. This creates difficulties governing and administering services to those properties. Single lots would be subject to both Town and City governance, depending on the part of the lot. For example, a split-jurisdiction lot would be subject to different zoning standards on the City portion than on the Town portion, subject to different requirements under other ordinances, and serviced by different municipal departments and contractors.

Additionally, the proposed annexation would physically divide the Town. The portion of the Town to the northeast of the annexation territory would be separated from the remainder of the Town by a strip of City territory consisting solely of the annexation area. This would create what is functionally a large town island. This functional town island would contain a large portion of the Town’s residents. The town island would also contain the Town’s Fire Department and station, separating it from the rest of the Town.

The shape of the “string” portion of the annexation is gerrymandered in a way that avoids contiguous parcels that would have led to a less arbitrary shape, it includes properties that have no need for City utilities or services (such as previously-developed parcels, wetlands that cannot be developed, and a State-owned park and private land already served by Town Sanitary Sewer), and it was configured to ensure that Kohler would maintain a sufficient amount of assessed value to meet the one-half petition requirements. The shape was created with two goals in mind: (1) to establish some minimal degree of physical contact with the City, and (2) to avoid including enough property to dilute Kohler’s share of assessed value in the territory below 50%.

Attached as Exhibit G are three stunning maps that show, shaded in red, the location of petitioners. The proposed annexation extends about a mile before coming to any parcel whose owners or renters signed the annexation petition. The maps in Exhibit G show exactly how the proposed annexation is unlawfully contrived and gerrymandered to reach the “balloon” portion of the petitioned territory. *Town of Mt. Pleasant v City of Racine*.

Kohler’s proposed “balloon on a string” extends over a mile past the City’s existing municipal boundary in an irrational, gerrymandered configuration that physically separates a large portion of the Town from its remainder is arbitrary and strictly prohibited by the Rule of Reason.

III. The shape and use of the territory is more homogeneous with the Town than the City.

The Department must also review the proposed territory to determine whether it is “homogeneous” with the City. Wis. Stat. § 66.0217(6)(c)2. In this case, the territory is homogenous with the Town, not with the City.

As described above, the proposed annexation would physically separate one large portion of the Town from the remainder of the Town. The result would be a non-homogeneous physical configuration in which, moving easterly, one would move from Town territory to City territory back to Town territory.

The petitioned territory consists almost entirely of undeveloped land that is more consistent with surrounding Town areas than with the City, which is evident by viewing Exhibit E. A substantial portion of the “string” is undevelopable wetland, which is consistent with nearby undeveloped Town territory. Similarly, the “balloon” area includes an extensive amount of State-owned park land containing forests, wetlands, and sand dunes, which will not be developed. The Kohler property itself is currently undeveloped land and shares the unique ecological characteristics of the adjacent Kohler-Andrae State Park to its west and south, and forested town lands to its north. See attached Exhibit E. Kohler hopes to eventually operate a golf course on the property, but that use, too, is more consistent with limited Town development than it is with the heavily-developed City.

The shape of the territory is not compact or uniform with the City. Instead, it extends for over a mile from the existing City boundary. The territory’s boundaries do not follow readily-understood physical features, such as roads or bodies of water (or even lot-lines in some instances). There is nothing rational about an extension of the City that includes this

territory. The public would not understand this undeveloped area (even if it one day includes a golf course) to be City territory when it is surrounded nearly entirely by Town territory and is developed in a manner consistent with that in the Town.

IV. The Town is better able to serve the territory than the City.

Kohler's public explanation for the annexation is its need for City services. However, the proposed annexation is not in any of the City of Sheboygan's master, utility plans or City Comprehensive Plan. The petitioned territory is a configuration that is not even physically feasible to provide with city sewer and water.

The Town has had sanitary sewer services available in the proposed annexation territory since 1998. Sanitary sewer service is already provided by the Town to the subdivision immediately north of the "balloon" portion of the territory. In fact, the Kohler territory is within the Town of Wilson Sanitary District #1 sewer service area, not the City's. See Exhibit F. The Town's Sanitary Sewer Master Plan has for many years included this territory. The Town, not the City, can provide sanitary sewer service to the petitioned territory.

The bedrock aquifer in the area allows for both low and high capacity wells in the Town with adequate water supply for even heavy industry, such as Sigma-Millipore (formerly Aldrich Chemical), and the Riverdale Country Club golf course has its own high capacity well for irrigation. Riverdale Country Club has successfully operated in the Town for 87 years. Kohler's claim that they want to use municipal water for golf course irrigation purposes is not founded on any practical need.

In fact, Kohler's concept plans for both consumptive and irrigation water rely on the use of wells rather than municipal water. Attached as Exhibit H is a Public Notice for Kohler's application to the Army Corps of Engineers for a fill application, issued last month, which states that "potable water and irrigation water would be from onsite wells. Conventional onsite septic field systems would be used to treat domestic wastewater." By Kohler's own public statements, it has no need for municipal utility services.

The Town of Wilson Fire Department is located within blocks of the north end of Kohler's property, giving it quicker response times to the property than the City. Earlier this year, the Town transitioned from a private fire service provider to a municipal fire department. This allows the Town to act as the governing body for the Department. During this process, the Town has mandated that all Department officers meet certain certification requirements, which exceed those mandated by the previous private department. Further, the Town uses the Mutual Aid Box Alarm System, which means that if there were a fire call to the property, all of the surrounding fire departments would respond. As a result, regardless of the municipality in which the territory is located, both the City and the Town's fire departments would respond.

The Sheboygan County Sheriff's Department provides law enforcement services to the area, and the Town also has capable first responder services with fast response times as well as private ambulance companies that provide services within the Town. Non-municipal utilities exist in the area to the same extent regardless whether the property is annexed to the City or remains in the Town.

There is no need for Kohler to annex the property other than its interest in avoiding application of Town ordinance requirements that Kohler finds undesirable. The Town has a 20-year land use plan, zoning, and robust land-use codes. Kohler applied for a Conditional Use Permit from the Town for its proposed golf course in 2014. Its decision to seek annexation three years later is not based on any change in Kohler's plans since that time. Had Kohler needed City services for the project, it would have determined so before now, and it would not be simultaneously representing to State and Federal agencies that it will be relying on wells and septic systems to service the property. Rather, Kohler is apparently "shopping" municipalities for zoning purposes in hopes that the City would be less diligent with its zoning review than the Town.

Based on the foregoing, Municipal Boundary Review should issue a finding that the proposed Kohler annexation is against the public interest.

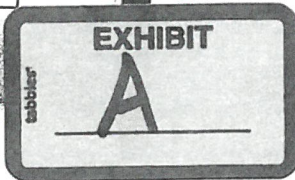


Exhibit C: City Nexus

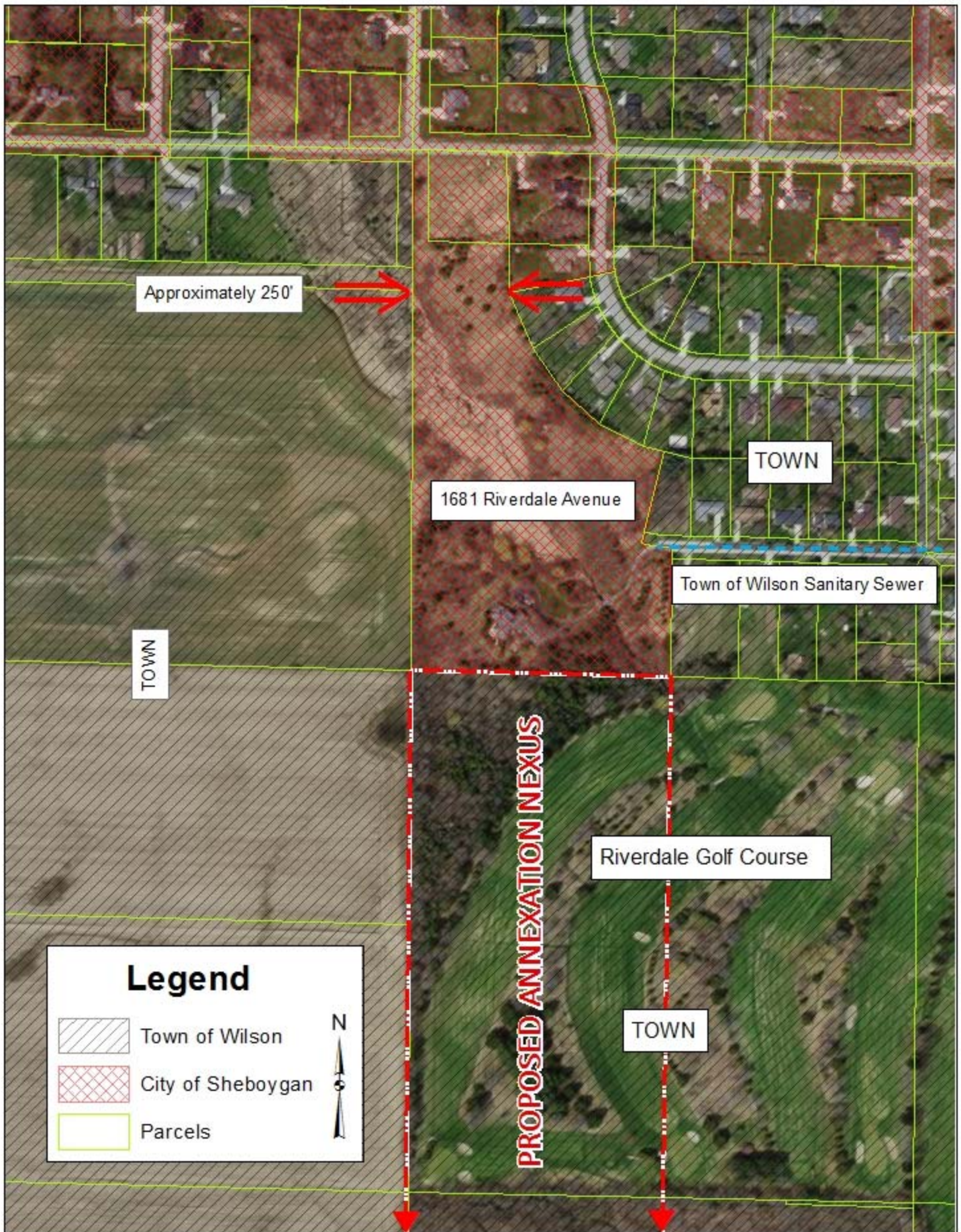


Exhibit D: Town of Wilson Plat Map

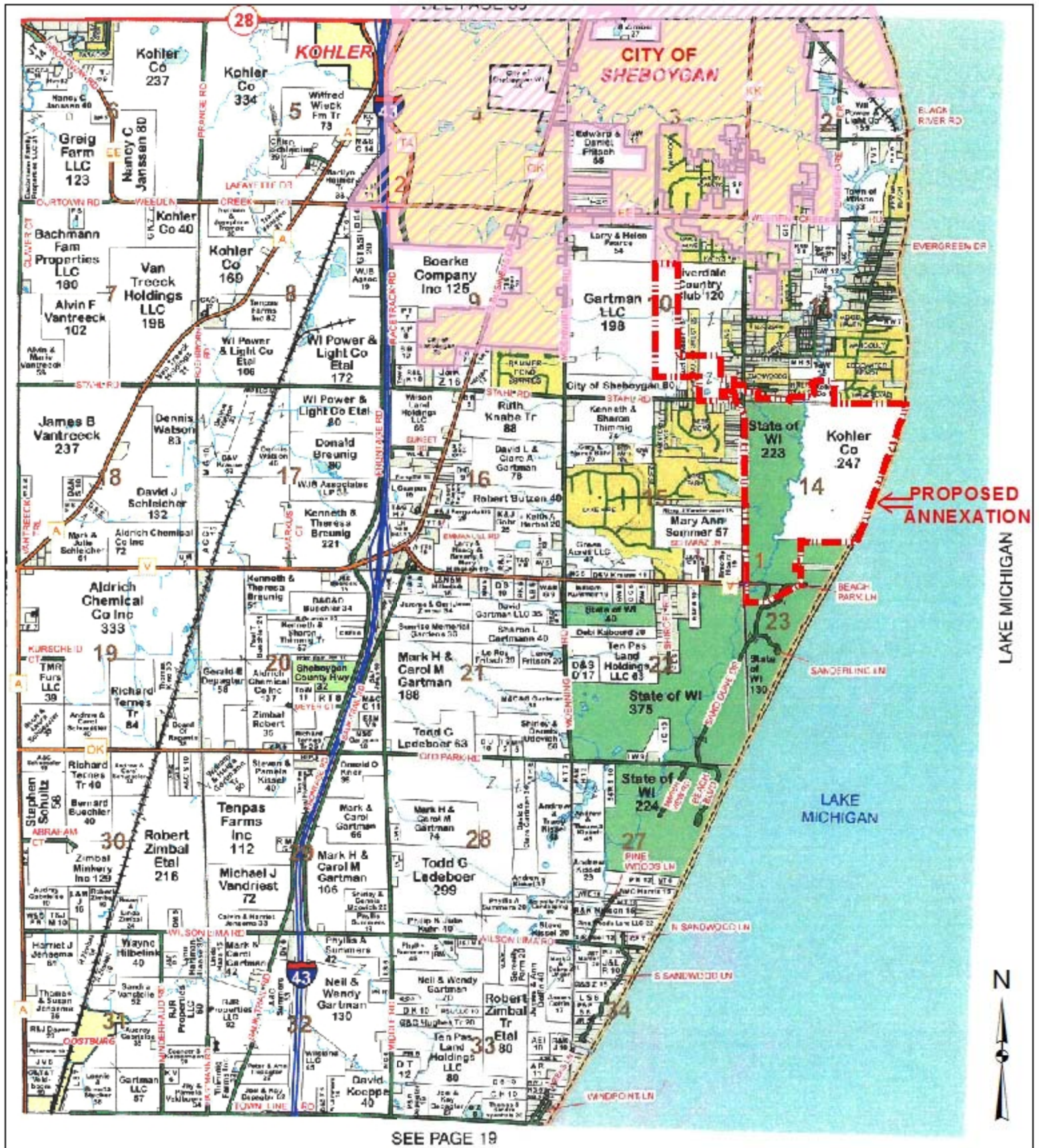


Exhibit E: Land Characteristics

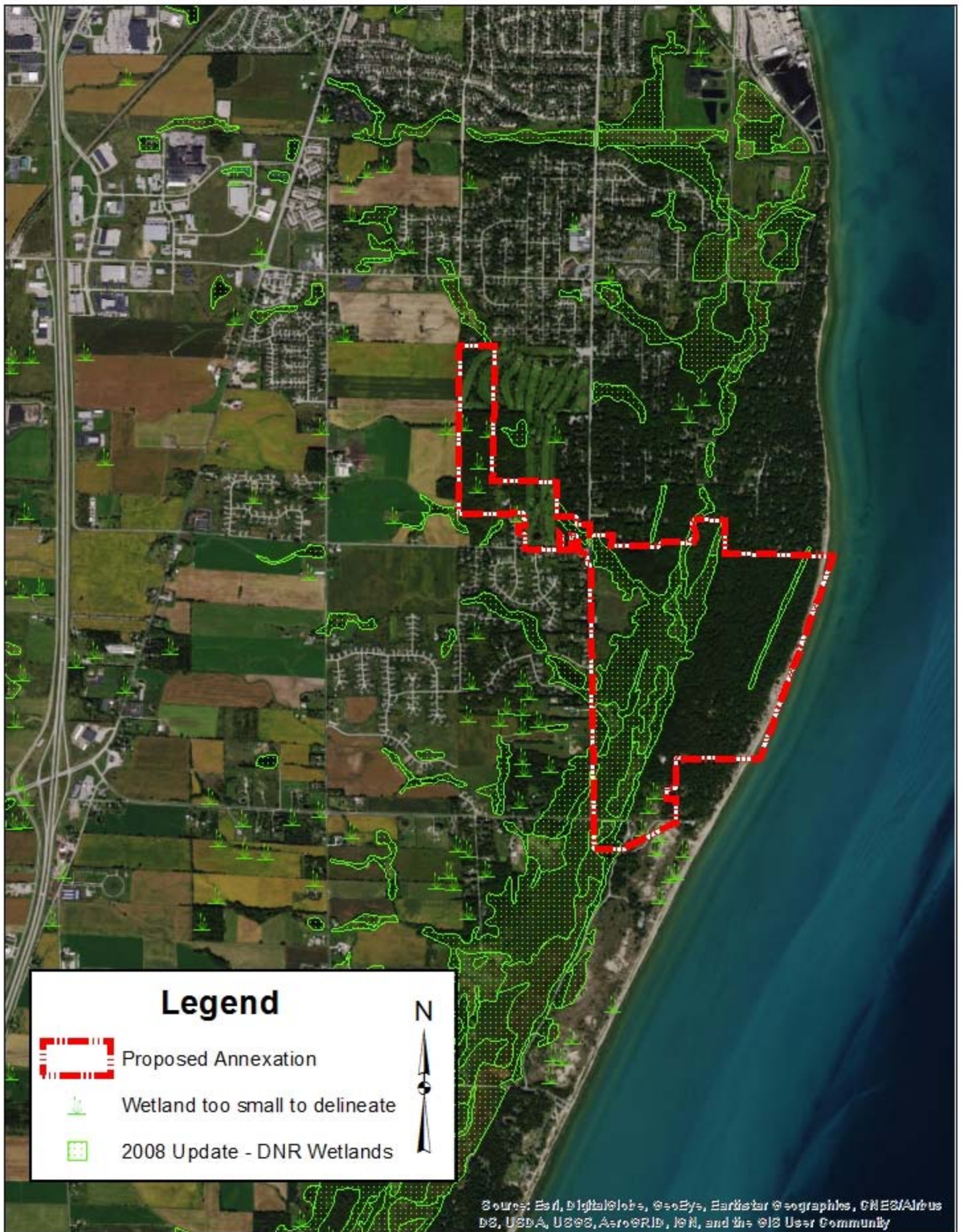


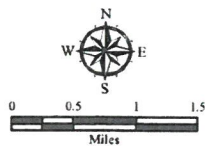
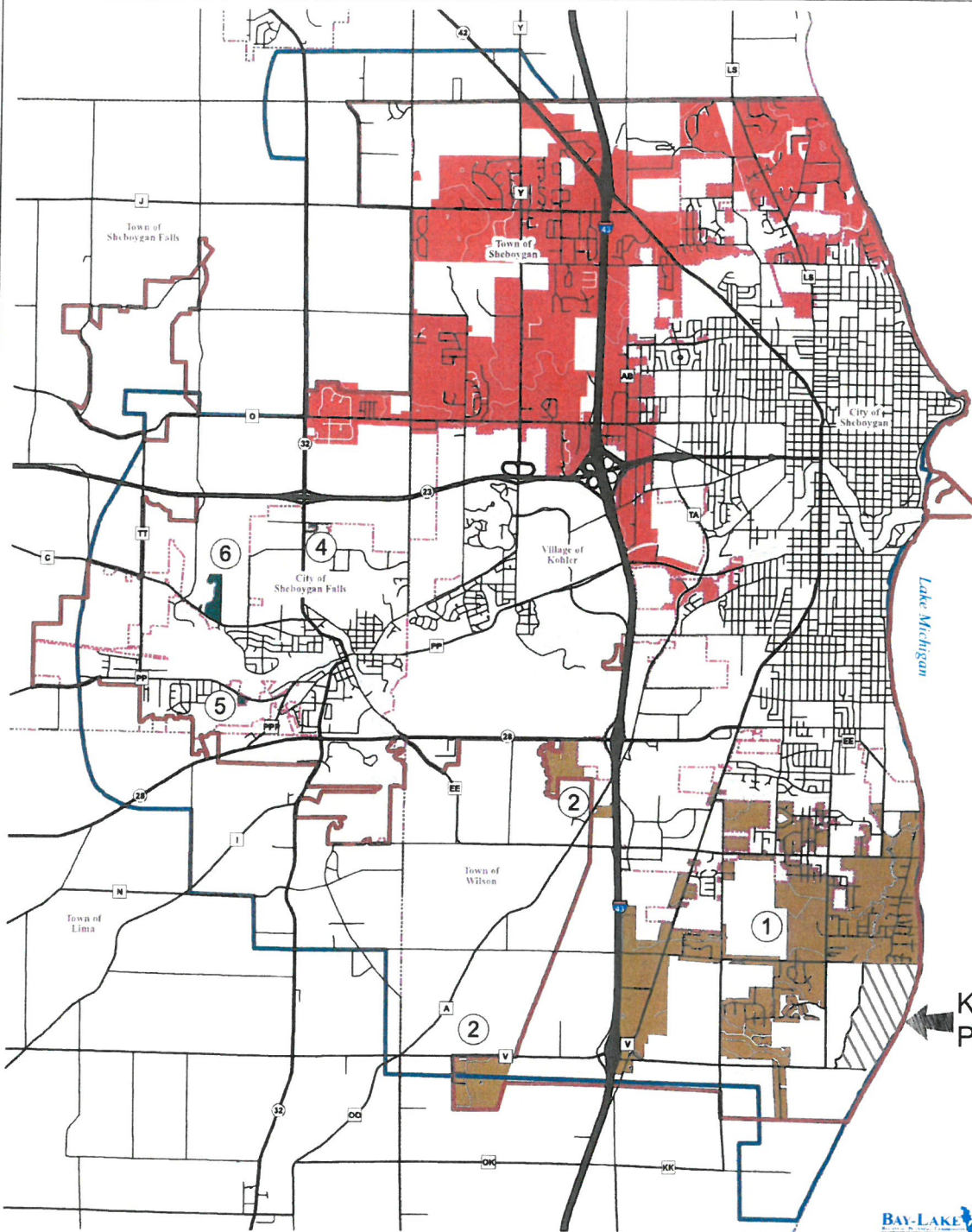
EXHIBIT F

Map 4.1

Wastewater Treatment Service Areas

Sheboygan Urbanized Area SSA
Sheboygan, Wisconsin

2030 Sheboygan Urbanized Area Sewer Service Plan



This map is neither a legally recorded map nor a survey and is not intended to be used as one. This drawing is a compilation of records, information and data used for reference purposes only. Bay-Lake RPO is not responsible for any inaccuracies herein contained.
Source: Sheboygan County, Bay-Lake Regional Planning Commission, 2011.

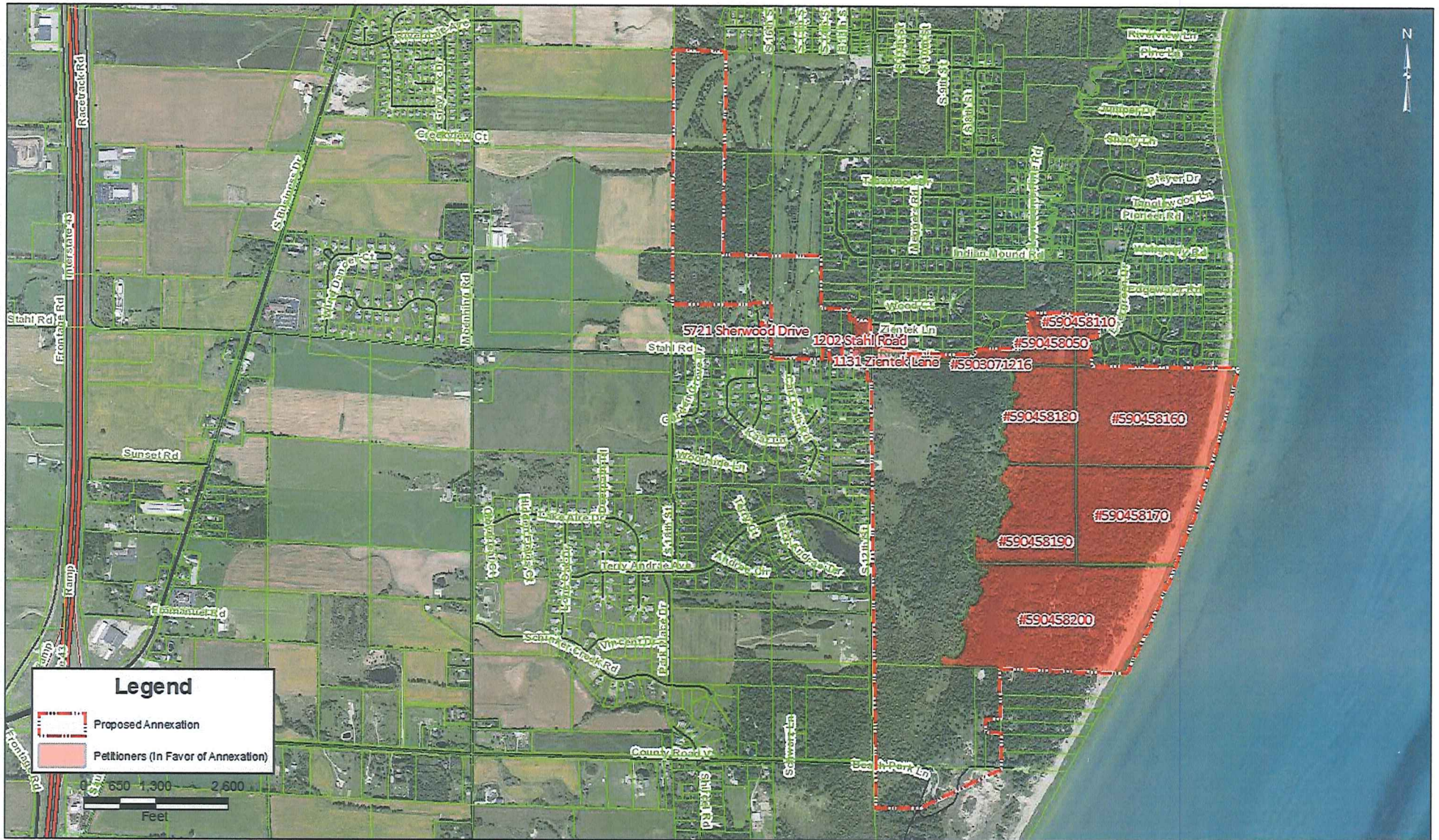
- | | |
|--|-----------------------------------|
| Sheboygan Regional Wastewater Treatment Service Area | Town of Sheboygan Falls SD |
| Town of Sheboygan SD #2 | Town of Wilson SD |
| ① - Town of Wilson SD #1 | ④ - Town of Sheboygan Falls SD #4 |
| ② - Town of Wilson SD #2 | ⑤ - Town of Sheboygan Falls SD #5 |
| | ⑥ - Town of Sheboygan Falls SD #6 |

Base Map Features

- Sheboygan SSA
- Interstate Highway
- State Highway
- County Highway
- Local Road
- MCD Boundary
- Surface Water

Note: SD = Sanitary District

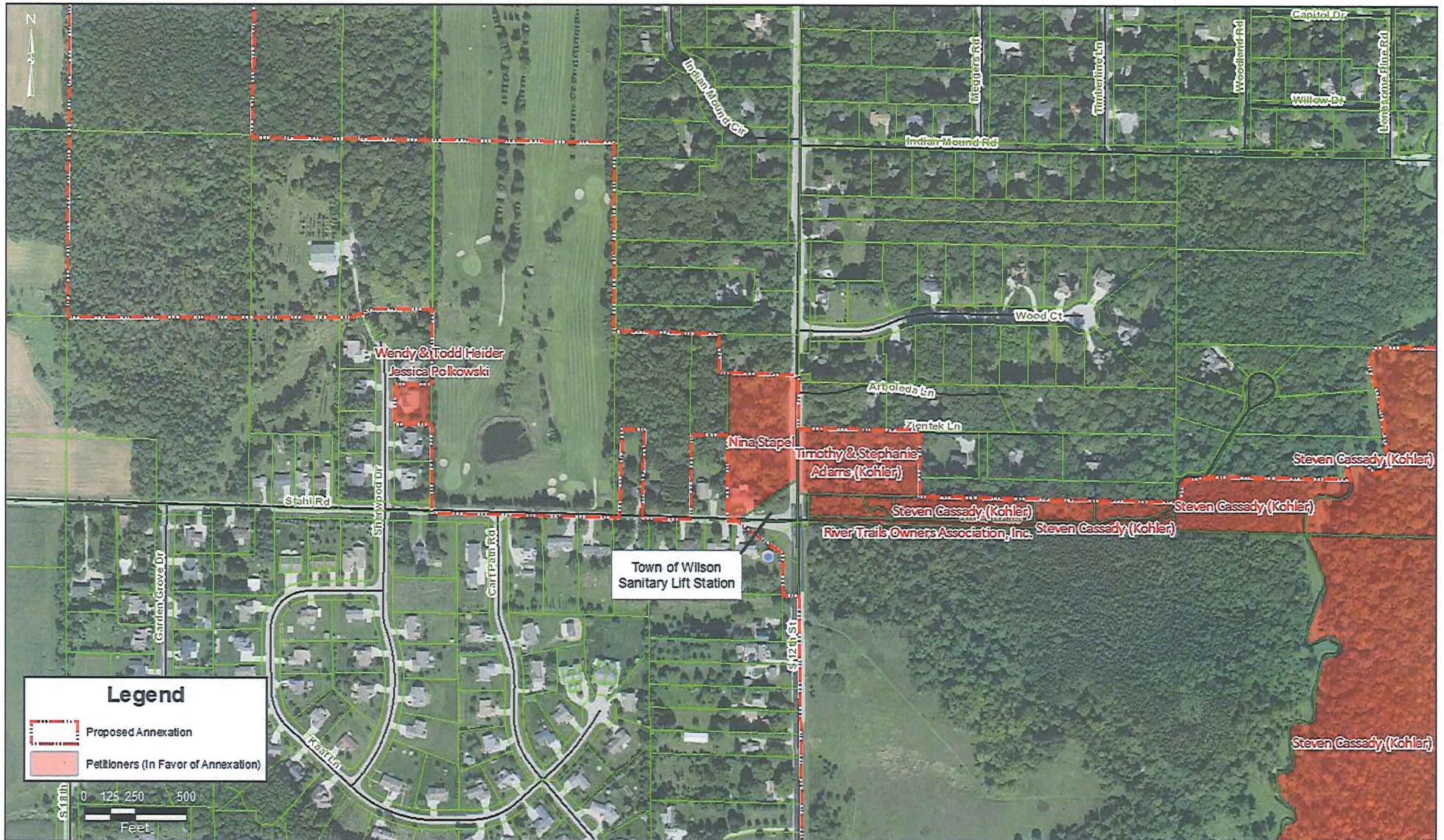
Petitioner Map



Exhibit

G-1

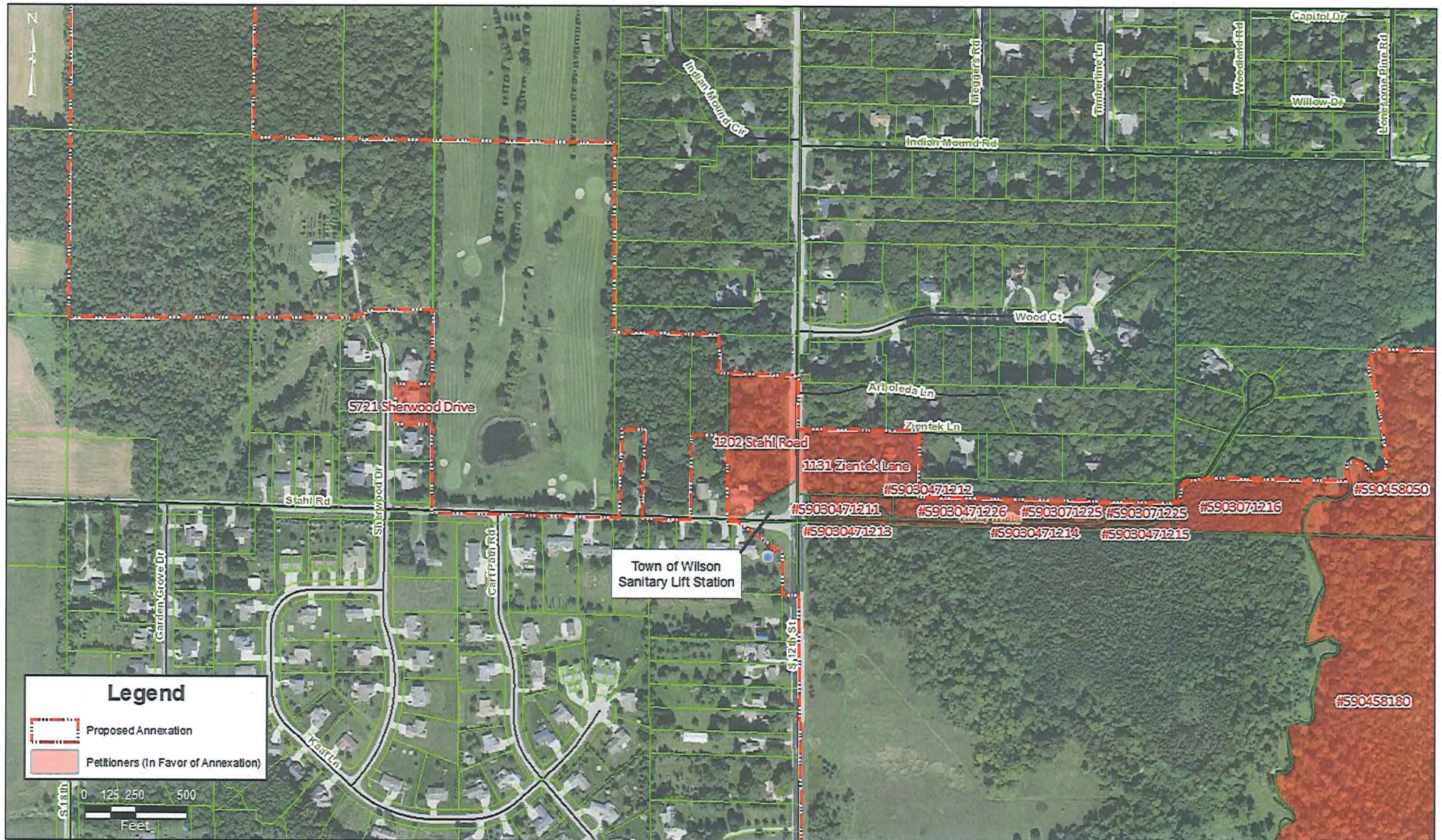
Proposed Annexation String Detail



Exhibit

G-2

Proposed Annexation String Detail



Exhibit

G-3



US Army Corps
of Engineers
St Paul District

APPLICANT: Kohler Company

Public Notice

ISSUED: April 6, 2017

EXPIRES: May 6, 2017

REFER TO: 2015-01213-JLK

SECTION:404 - Clean Water Act

1. APPLICATION FOR PERMIT TO discharge dredged and fill material into 3.69 acres of wetlands adjacent to the Black River and Lake Michigan for the purpose of constructing an 18-hole golf course and related facilities in the Town of Wilson, Sheboygan County, Wisconsin.

2. SPECIFIC INFORMATION

APPLICANT

Kohler Company
444 Highland Drive
Kohler, Wisconsin 53044

AGENT

Stantec Consulting Services, Inc.
1165 Scheuring Road
De Pere, Wisconsin 54115

PROJECT LOCATION: The project site is located in Section 14, Township 14 North, Range 23 East; Sheboygan County, Wisconsin. Latitude 43.6813760, Longitude -87.7093660.

DESCRIPTION OF PROJECT:

GOLF COURSE AND SUPPORT AMENITIES: The applicant has applied for a Department of the Army permit to discharge dredged or fill material into waters of the United States in association with construction of an 18-hole public golf course and related support amenities on a 247 acre parcel of land owned by Kohler Company. Support amenities include a centrally located 9,000 square foot multi-level club house, parking near the club house, practice range, caddie/cart barn, cart paths, and two resting stations. The project also includes an irrigation pond, entrance road, and maintenance facility which are described below.

ENTRANCE ROAD AND MAINTENANCE FACILITIES: The applicant is proposing to construct an entrance road to the golf course from the existing Kohler-Andrae State Park entrance on Beach Park Lane. As part of this project, the applicant would modify Beach Park Lane from the bridge over the Black River east to the State Park entrance by adding a roundabout design that includes two dedicated lanes for park visitors while golf course traffic and exiting park visitors would utilize the roundabout. The entrance road would then be routed north through a portion of the State Park onto Kohler Property to the proposed club house and parking area. A 22,000 square foot maintenance facility is proposed adjacent to the existing State Park maintenance building and has been designed to avoid all wetland impacts. The maintenance facility and portions of the entrance road would require an easement from the State of Wisconsin on approximately 4 acres of the State Park.

UTILITIES: It is anticipated that utilities (gas, electric, and communications) would connect to existing services located along County Trunk Highway V (CTH V) right-of-way approximately one-half mile west of the project area. To minimize impacts, new services would be bored beneath State Park property including all wetlands and the Black River within an agreed



easement less than one acre in size. Approximately 1,500 square feet of temporary wetland disturbances would occur in the CTH V right-of-way for the bore pit. Potable water and irrigation water would be from onsite wells. Conventional onsite septic field systems would be used to treat domestic wastewater.

IRRIGATION: A high capacity irrigation well would supply water to a 5.7-acre irrigation pond constructed in the northcentral portion of the site. Water from the pond would be distributed via an underground irrigation system to the appropriate areas of the golf course. The applicant has indicated that irrigation water Best Management Practices (BMPs) and a computer controlled system would be utilized to reduce volume and maximize efficiency.

AREA OF FILL AND AFFECTED WETLANDS: The proposed project is situated east of the Black River and west of Lake Michigan on approximately 247 acres of undeveloped land dominated by hardwood forests. The site contains approximately 48 acres of wetlands that includes alder thicket, hardwood swamp, interdunal wetland, Great Lakes ridge and swale complex, and wet meadow wetland.

The project would involve the discharge of dredged and fill material within and direct affects to 3.69 acres of wetlands (7.7% of all wetlands present on the site). The directly affected wetlands include 2.23 acres of floodplain wetland associated with the Black River, 1.36 acres of ridge and swale wetland associated with Lake Michigan, and 0.10 acre of fresh (wet) meadow.

Potential secondary effects have been identified and include indirect wetland impacts from storm water runoff and nutrient loading; forested wetland conversion to herbaceous communities, hydrologic alterations, shading from bridges, and drawdown of water table from wells.

SOURCE OF FILL MATERIAL: Fill material is anticipated to primarily come from on-site materials resulting from site grading. As needed engineered soil material would be obtained from an off-site source identified by the construction contractor.

SURROUNDING LAND USE: The project area is bordered on the north by residential developments, east by Lake Michigan, and to the west and south by the Kohler-Andrae State Park. The property is zoned appropriately for land use as a golf course.

PROJECT ALTERNATIVES: During project planning, the applicant identified and evaluated 17 different on-site design alternatives, including a No Build alternative. The applicant also considered off-site alternatives but was unable to identify any properties with comparable characteristics to meet the overall project purpose.

With consideration to technical, logistical, and economic constraints, the applicant has attempted to design a project that, to the maximum extent practicable, would avoid and/or minimize environmental impacts including limiting tree clearing, preserving natural dunes/contours, and avoiding direct impacts to Lake Michigan near-shore wetlands and interdunal wetlands. The applicant also attempted to avoid and/or minimize impacts to all other aquatic resources, the Kohler-Andrae State Park, plant and animal species, historic properties, and local residents. The applicant has also considered potential secondary effects to wetlands and has incorporated measures such as vegetated buffer strips designed to capture and filter runoff to reduce nutrient loading in wetlands and minimizing and mitigating for wetland conversion.

Schmidtke, Erich J - DOA

From: Hoffman, Kathryn <Kathryn.Hoffman@sheboyganwi.gov> on behalf of Adams, Charles <Charles.Adams@sheboyganwi.gov>
Sent: Monday, May 22, 2017 4:40 PM
To: Schmidtke, Erich J - DOA; WI Municipal Boundary Review
Cc: Hofland, Darrell; Adams, Charles; Sokolowski, Steve; Pelishek, Chad
Subject: Annexation Petition File No. 14018
Attachments: Letter to Erich Schmidtke dated 5-22-17.PDF; City's Initial Response to Questionnaire - Kohler Co. annexation.pdf; Map of Area Proposed to be Annexed - Kohler Co. - USE THIS ONE.pdf

Mr. Schmidtke,

I am re-sending this email to you at this time because the email sent at 3:21 p.m. contained an inaccurate map which had been provided to Atty. Adams. This new email now includes the corrected map. I apologize for any inconvenience/confusion this may have caused.

Please contact us with any questions.

Kathy Hoffman

Legal Secretary
City Attorney's Office
828 Center Ave., Suite 304
Sheboygan, WI 53081-4442
Ph. 920-459-6453 / Fax 920-459-3919
e-mail: kathryn.hoffman@sheboyganwi.gov

From: Hoffman, Kathryn **On Behalf Of** Adams, Charles
Sent: Monday, May 22, 2017 3:21 PM
To: 'erich.schmidtke@wisconsin.gov'; wimunicipalboundaryreview@wi.gov
Cc: Hofland, Darrell; Adams, Charles; Sokolowski, Steve; Pelishek, Chad
Subject: Annexation Petition File No. 14018

Mr. Schmidtke,

Please see attached letter from City Attorney Charles Adams, along with the attached initial response to questionnaire and map of area proposed to be annexed. Please call with any questions.

City Attorney Charles C. Adams
City of Sheboygan
828 Center Ave., Suite 304
Sheboygan, WI 53081-4442
Ph. 920-459-3917 / Fax 920-459-3919
e-mail: charles.adams@sheboyganwi.gov

NOTICE: This e-mail may contain confidential information and is intended only for the individual named. If you are not the intended recipient, you should not disseminate, distribute or copy this e-mail; please notify the sender immediately and delete this e-mail from your system. Also, please be aware that email correspondence to and from "The City of Sheboygan" may be subject to open record requests.

May 22, 2017

SENT VIA EMAIL ONLY

Mr. Erich Schmidtke
Municipal Boundary Review
101 East Wilson Street, 9th Floor
Madison, WI 53703

Re: Petition file no. 14018

Dear Mr. Schmidtke:

My office has been directed to supplement the response of the City of Sheboygan (the "City") to the proposed annexation in file no. 14018 from the Town of Wilson (the "Town") to the City. Specifically, this letter supplements the City's response to Section 12 of the Annexation Review Questionnaire and provides other relevant information bearing upon the public interest in the proposed annexation referenced in your letter dated May 4, 2017 to City Clerk Susan Richards.

After a careful review of the relevant legal standard, I believe the proposed annexation satisfies the definition of the public interest under Wis. Stat. sec. 66.0217(6)(c). I ask that you concur.

1. Governmental services, including zoning, to the territory to be annexed can clearly be better supplied by the City as opposed to the Town.

(a) Zoning. The City offers extensive planning and zoning services. As noted in our response to Section 11(b) of the Questionnaire, the City appropriates \$368,000 annually for planning services. The City maintains a professional staff of four full-time planners as well as professional engineering staff. Most importantly, the City has included the territory in its Comprehensive Plan adopted December 5, 2011. Current uses and potential development within the area are consistent with both the Comprehensive Plan and the City's Zoning Maps.

By contrast, the Town's budget for planning services is \$4,000 per year, and the Town relies on hiring outside experts to assist in any significant planning matters.

CITY ATTORNEY'S OFFICE

CITY HALL
828 CENTER AVE., SUITE 304
SHEBOYGAN, WI
53081-4442

920/459-3917
FAX 920/459-3919

www.sheboyganwi.gov

(b) Sanitary Sewer Service. The City alone is able to process sanitary waste, not just in the area proposed for annexation, but in all areas north and south of the City. Sanitary sewer is supplied to the territory, as well as the entirety of the Town and the Town of Sheboygan, pursuant to a 1975 Joint Sewerage Treatment Agreement for the Sheboygan Region.

While the Town owns some sewer pipes near the territory proposed to be annexed, all area waste feeds into the City's pipes and is treated by the City. Any sanitary sewer services offered by the Town are obtained solely via the Town's agreement with the City.

(c) Water Service. The City alone is able to provide water service to the territory proposed to be annexed. The City has its own Water Utility, under the direction of the Sheboygan Board of Water Commissioners. The Water Utility maintains some of the lowest water rates in the State of Wisconsin and is able to service a wide range of customers, including customers with heavy use needs, at very affordable rates. Consistent with *Town of Hallie v. City of Chippewa Falls*, 105 Wis. 2d 533, 542, 314 N.W.2d 321, 326 (1982), the City permissibly conditions extension of water services upon annexation. The City has been approached by many potential customers, both within and near to the territory proposed for annexation, who desire to connect to City water service. These potential customers have expressed concerns that Town wells will fail in the near future. The City expects that several of these customers will seek annexation to the City to be able to connect to water service if the annexation at issue is successful.

Currently, there is a 12-inch water line available at the intersection of Riverdale and 12th Street. This line is less than one-half mile away in two directions from the territory proposed to be annexed. There also is a 16 inch water line available on the west side of the proposed annexation at approximately 340 feet south of Creekview Court and Moenning Road. Over the next one to three years, the Water Utility plans to extend its water service south along South 12th Street and west along Stahl Road (CTH KK) to create a loop to service all interested customers who annex to the City.

By contrast, the Town does not have any municipal water service and has no plans to provide municipal water service anytime in the future. Indeed, in the past, Town officials have expressed concern that additional high capacity wells in the area could undermine existing private residential wells.

Mr. Erich Schmidtke
May 22, 2017
Page 3

(d) Police and Fire Services. The City has well-established, well-funded emergency services, including full-time professional police, fire and EMS staff. While the Town contracts with the Sheboygan County Sheriff's Department for law enforcement services, the City maintains its own police department. Similarly, the City maintains its own fire department. City Fire Station 5 is located at 4504 South 18th Street, just north of the area proposed for annexation and is staffed full time 24/7 by three firefighter/paramedics with an aerial truck and a pumper. Emergency response time from that station would be 60 seconds for dispatch time and 180 seconds for drive time. The Town acknowledges that it avails itself of a Mutual Aid Box Alarm System to ensure that the City's fire department responds (in addition to Town fire personnel) in the event of an emergency. Accordingly, the City is well positioned to provide emergency services, and the Mutual Aid Box Alarm System ensures that all area fire personnel respond in the event of an emergency--avoiding any confusion as to which personnel should respond.

For these reasons, it should be self-evident that the City can better supply governmental services, not just to the area currently proposed to be annexed, but also to areas likely to annex in the near future if this annexation is successful. City officials would be happy to provide your office additional information at your request.

2. The territory proposed to be annexed is contiguous to existing City boundaries, and the shape of the territory is more homogeneous with the City than with the Town.

(a) Territory is Contiguous to Existing City boundaries. While Wis. Stat. sec. 66.0217(3) requires territory proposed for annexation to be contiguous to the annexing City, "contiguity" is not specifically defined in the statute. The court in *Town of Lyons v. City of Lake Geneva*, 56 Wis. 2d 331, 336, 202 N.W.2d 228, 231 (1972) adopted Black's Law Dictionary's definition of contiguous, meaning "in close proximity; near, though not in contact; neighboring; adjoining; near in succession; in actual close contact; touching; bounded or traversed by." That court held that "contiguous" does not even have to mean "touching" and upheld an annexation ordinance where a gap existed between the limits of the annexing city and the annexed area.

Notwithstanding, that rather broad definition, the territory proposed to be annexed in this petition actually physically touches the existing City boundaries, and is thereby contiguous to the City boundaries.

(b) Connection with City Boundaries is Substantial. It is true that an annexation failed in *Town of Mt. Pleasant v. City of Racine*, 24 Wis. 2d 41 (1964) where the property touched Racine city limits only by a corridor (which was established as a street) varying in width from 152 to 306 feet. However, it is important to note that substantially the same annexation was accomplished and upheld in *Town of Mt. Pleasant v. City of Racine*, 28 Wis. 2d 519 (1965) when more land was annexed at the territory's juncture with the city.

The area proposed for annexation here is more like that in the second Mt. Pleasant case and subsequent annexations upheld by the courts than the annexation in the first Mt. Pleasant case. The juncture of this territory with the existing City boundary is 650 feet (not 250 feet as suggested by the Town).

(c) Territory is Not a "Balloon on a String". One of the key holdings of the first Mt. Pleasant case was its invalidating of what the court characterized as a "shoestring" annexation because it created "crazy quilt boundaries" which were "difficult for both the city and the town to administer." But, later courts have upheld irregular, serpentine annexations and distinguished them from the shoestring annexation in the first Mt. Pleasant case--especially when such annexations resulted in better provision of governmental services, facilitated planning objectives or arose from irregular existing municipal boundaries.

- In *Town of Vernon v. Village of Big Bend*, 2001 Wis. Ct. App. 00-1007 (2001), the annexation of property which moved "in a serpentine fashion along Highway 164, excluding existing subdivisions and parcels before expanding to include commercial properties at a highway interchange" was found to be contiguous and of "an acceptable shape."
- *Town of Baraboo v. Village of West Baraboo*, 2005 WI App. 96 (2005) held that an "armlike extension of the northern municipal boundary of the Village of West Baraboo" was not a "shoestring or balloon on a stick" when the village did not rely "solely on the highway right-of-way to capture a distant prized parcel" and the

corridor consisted of parcels flanking both sides of a highway corridor.

- *Town of Medary v. City of LaCrosse*, 88 Wis.2d 101, 117, 277 N.W.2d 310, (1978) upheld an irregularly shaped annexation, concluding that “While the shape of the annexation is somewhat irregular, the irregularity is partly necessitated because of the irregularity of the LaCrosse city limits...”

As these cases subsequent to the first Mt. Pleasant case demonstrate, the shape and homogeneity of the territory must be evaluated in context—the context of availability of governmental services, the context of plans by both the municipalities and the petitioners, and the context of existing municipal boundaries.

Town of Sugar Creek v. City of Elkhorn, 231 Wis. 2d 473, 479, 605 N.W.2d 274 (1999) favorably quoted George Hall, former Director of Municipal Boundary Review, in explaining that “homogeneity in shape requires looking beyond mere physical boundaries and considering the economic uses proposed...” Similarly, the Town of Baraboo court considered relevant that the corridor annexed had experienced increased traffic flow and development pressure in recent years and that the annexation allowed the village to plan for orderly development served by appropriate municipal services.

Courts respect the will of owners and electors petitioning for annexation. “The general rule is that where direct annexation proceedings are initiated by property owners, the annexing municipality may not be charged with arbitrary action in drawing the boundary lines...the choice of boundaries is a matter of discretion by the petitioners...They have the right under the statute to act in light of their desires and their best interests... [and]...are under no obligation to include areas in the annexation that are of no concern to them...They may determine the boundaries so as to insure the annexation’s success.” *Town of Campbell v. City of LaCrosse*, 268 Wis.2d 253, 673 N.W.2d (2003). The Town of Campbell court noted that the first Mt. Pleasant case “is a difficult case to harmonize with subsequent supreme court cases that recognize the right of petitioning property owners to include only their own properties...”

Here, the bulk of the territory proposed to be annexed consists of 10, 20 and 40 acre parcels. No connection is proposed solely via right of way. Further, the City has received inquiries about annexation from additional owners

abutting and near to this territory, so the City expects that additional annexations to square City boundaries are likely in the future.

The City has planned for the area subject to this annexation petition and abutting areas to be included in, and served by, City services. The City's 2011 Comprehensive Plan for this area provides not only the recreational development proposed by this petitioner, but also desperately needed land for additional residential development. The City currently only has 61 acres available for new single family home development within its existing boundaries. It bears noting that, although the City has not signed any annexation petition, the City owns a 20 acre parcel included within the territory proposed for annexation as well as 60 acres of vacant land abutting the territory further to the west—all of which currently lies within the Town. The City acquired this land to facilitate additional residential development in the City and anticipates annexing it as soon as possible—connecting this territory with the existing City boundary to the west of Moenning Road.

Similarly, plans of petitioners to develop a championship golf course in this area also are consistent with City plans. The City anticipates significant economic benefits from the petitioners' development, including significant increases in property tax base and hotel tax revenue. As established in case law, petitioners' desires to advance their best interests should be respected and the City cannot be charged with any arbitrariness in the boundaries of this annexation proposed by the petitioners. Similarly, any arbitrariness in proposed annexation boundaries arising from existing City/Town municipal boundaries should be excused. Indeed, this annexation presents the means of realizing the City's long term planning objectives.

(d) Territory Does Not Create a Town Island. The Town's charge that this annexation would create a functional town island ignores applicable law. Wis. Stat. sec. 66.0221(1) prohibits a city or village from creating "by annexation, a town area which is *completely surrounded* by the city or village." *Wagner Mobil, Inc. v. City of Madison*, 190 Wis. 2d 585, 593, 527 N.W.2d 301 (1995) holds that a town island is created under Wis. Stat. sec. 66.0221(1) only when a portion of the town is entirely encircled by the corporate boundaries of the annexing city or village. The annexation in that case was upheld although a functional town island was created by the City of Madison on two sides and by two different towns and a village on other sides.

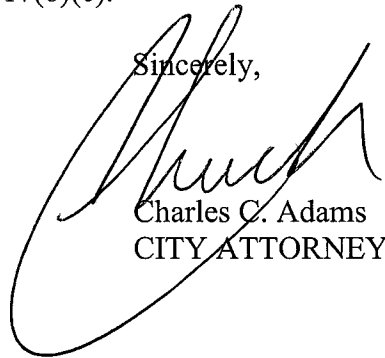
Mr. Erich Schmidtke
May 22, 2017
Page 7

Here, a casual review of the existing City/Town boundary displays several more significant isolated areas than that proposed with this annexation. But, more importantly, any isolation of areas that would remain in the Town following this annexation would be caused, not just by proximity to the City, but also by Lake Michigan. This is the exact circumstance upheld by the Wagner Mobil court.

While the shape of the proposed annexation and the homogeneity of the territory may be somewhat irregular, they are not unusual for the City's existing southern boundary. Further, this annexation facilitates the City's long term planning objectives and accommodates extension of City services. The desires of the petitioners in drawing their boundaries should be respected and found to satisfy the public interest as they did in the Town of Vernon, Town of Baraboo and Town of Medary cases.

For all of the reasons in our original questionnaire and in this letter, we urge you to find that the proposed annexation satisfies the definition of the public interest under Wis. Stat. sec. 66.0217(6)(c).

Sincerely,



Charles C. Adams
CITY ATTORNEY

Enclosures

Annexation Review Questionnaire

Wisconsin Department of Administration

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: **Kohler Co.**

Petition Number: **14018**

1. Territory to be annexed: From **TOWN OF WILSON** To **CITY OF SHEBOYGAN**

2. Area (Acres): **561.45**

3. Pick one: ☐ Property Tax Payments

OR

☐ Boundary Agreement

a. Annual town property tax on territory to be annexed:

\$ **7,680.15**

a. Title of boundary agreement _____

b. Year adopted _____

b. Total that will be paid to Town

(annual tax multiplied by 5 years): **\$ 38,400.75**

c. Participating jurisdictions _____

d. Statutory authority (pick one)

c. Paid by: ☒ Petitioner ☐ City ☐ Village

☐ s.66.0307 ☐ s.66.0225 ☐ s.66.0301

☐ Other: _____

4. Resident Population: Electors: **6** Total: **6**

5. Approximate **present land use** of territory:

Residential: **3** % Recreational: **45** % Commercial: **0** % Industrial: **0** %

Undeveloped: **52** %

6. If territory is undeveloped, what is the **anticipated use**?

Residential: **9** % Recreational: **45** % Commercial: **0** % Industrial: **0** %

Other: **2** %

Comments: _____

7. Has a ☐ preliminary or ☐ final plat been submitted to the Plan Commission: ☐ Yes ☒ No

Plat Name: _____

8. What is the **nature of land use adjacent** to this territory in the city or village?

Lake Michigan, Residential

In the town?: **Lake Michigan, Residential**

9. What are the **basic service needs** that precipitated the request for annexation?

☒ Sanitary sewer

☒ Water supply

☐ Storm sewers

☒ Police/Fire protection

☐ EMS

☒ Zoning

Other _____

10. Is the city/village or town capable of providing needed utility services?

City/Village ☒ Yes ☐ No

Town ☐ Yes ☒ No

If yes, approximate timetable for providing service:

City/Village Town

Sanitary Sewers immediately

☒

☐

or, write in number of years.

Water Supply immediately

☐

☐

or, write in number of years.

1-3 years

Will provision of sanitary sewers and/or water supply to the territory proposed for annexation require capital expenditures (i.e. treatment plant expansion, new lift stations, interceptor sewers, wells, water storage facilities)?

☐ Yes ☒ No

If yes, identify the nature of the anticipated improvements and their probable costs: _____

11. Planning:

a. Do you have a comprehensive plan for the City/Village/Town?

☒

Yes

☐

No

Is this annexation consistent with your comprehensive plan?

☒

Yes

☐

No

Describe: _____

b. Annual appropriation for planning? \$ 368,000

c. How is the annexation territory now zoned? P1, A2, A3, R1

d. How will the land be zoned and used if annexed?

Suburban Residential 5 - Residential

(SR-5)

12. Other relevant information and comments bearing upon the public interest in the annexation:

See Attached

Prepared by: ☐ Town ☒ City ☐ Village

Name: Chad Pelishek

Email: Chad.pelishek@sheboyganwi.gov

Phone: 920-459-3383

Date: _____

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

- BEFORE -

Owners							
Owner	Mailing Address	Property Tax ID	Acerage of Parcel	Property Description or Address	Assessed Value	Total Assessed Value	Town Property Tax
Wilson -- Sheboygan County, LLC	22 East Mifflin Street, Suite 600, P.O. Box 2018, Madison WI 53701-2018	59030468820	0.2	5721 Sherwood Drive	\$ 283,200.00	\$ 283,200.00	\$ 502.73
Nina Stapel	1202 Stahl Road, Sheboygan WI 53081- 8897	59030455271	2.58	1202 Stahl Road	\$ 230,800.00	\$ 230,800.00	\$ 409.71
River Trails Owners Association, Inc.	444 Highland Drive, Kohler, WI 53044	59030471211	0.4	River Trails Outlot 1	\$ 1,000.00	\$ 3,876.19	\$ 1.78
		59030471212	0.15	River Trails Outlot 2	\$ 500.00		\$ 0.89
		59030471213	0.15	River Trails Outlot 3	\$ 500.00		\$ 0.89
		Part of 59030471214	0.46	River Trails Outlot 4	\$ 876.19		\$ 3.55
		59030471215	0.15	River Trails Outlot 5	\$ 1,000.00		\$ 1.78
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458001	2.4	1131 Zientek Lane	\$ 306,500.00	\$ 3,310,600.00	\$ 544.09
		59030471226	0.91	River Trails Lot 11	\$ 32,200.00		\$ 57.16
		59030471225	0.39	River Trails Lot 10	\$ 17,600.00		\$ 31.24
		59030471224	0.36	River Trails Lot 9	\$ 16,400.00		\$ 29.11
		59030471216	2.25	River Trails Lot 1	\$ 91,300.00		\$ 162.07
		59030458050	10.37	S 1/2 of SE SW, Sec 11, Exc that prt now platted as River Trails	\$ 53,900.00		\$ 95.68
		59030458110	3.62	Prt S 1/2 Govt Lot 4, Sec 11, Com at SW cor SD Lot, th S89 Deg 35'43"E 218" to wly ln plat of Timbe	\$ 19,300.00		\$ 34.26
		59030458180	26.3	All that prt of N NW, Sec 14, lying E of cen of Black River	\$ 129,800.00		\$ 230.42
		59030458160	63	Gov't Lot 1, being NW NE & Pt of NE NE	\$ 815,500.00		\$ 1,447.66
		59030458190	29.7	All that prt of SE NW, Sec 14, lying E of Cen of Black River	\$ 147,300.00		\$ 261.48
		59030458170	49.5	Gov't Lot 2, being prt of SW NE & Pt of SE NE	\$ 771,300.00		\$ 1,369.20
		59030458200	78.44	All that prt of Gov't L 3 (being NE SW & Prt NW SE) Sec 14, lying E of Cen of Black River, also all	\$ 909,500.00		\$ 1,614.53
Sheboygan Town and Country Corp.	N7098 Riverwoods Dr., Sheboygan WI 53083-1658	Part of 59030455230	19.89	Stahl Road	\$ 95,472.00	\$ 190,512.00	\$ 170.42
		Part of 59030454760	19.8	SW NE, Sec 10	\$ 95,040.00		\$ 340.84

Kimberley A. Koller as Successor Trustee of the Kurt Koller Living Trust U/A dated August 12, 1996	Kimberley A. Koller as Successor Trustee of the Kurt Koller Living Trust U/A dated August 12, 1996 1513 Devitt Avenue Muscatine, IA 52761	Part of 59030455101	4.86	W 1/2 of E 1/2 of NW SE & W 1/2 of E 1/2 of SW SE, Sec 10, Exc com at SW cor thereof, Th N 264" E	\$ 16,502.64	\$ 37,927.71	\$ 73.32
		Part of 59030468841	4.61	Sherwood Forest Est. - Outlot 1 CSM V21 P102-103 #1753833, being Lots 4-14, prt of Lot 15 & vac she	\$ 21,425.07		\$ 15.09
City of Sheboygan	828 Center Avenue, Suite 100, Sheboygan, WI 53081	59030455120	19.68		\$ -	\$ -	\$ -
		Part of 59030455140	9.85		\$ -		\$ -
John A. Siegworth	1314 Stahl Road, Sheboygan, WI 53081-8896	59030455250	3.5		\$ 151,400.00	\$ 159,000.00	\$ 268.76
		59030455270	1.51		\$ 7,600.00		\$ 13.49
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	59030458210	140		\$ -	\$ -	\$ -
		59030458220	40.1		\$ -		\$ -
		Part of 59030458230	9.38		\$ -		\$ -
		Part of 59030458240	1.2		\$ -		\$ -
		Part of 59030458250	1.2		\$ -		\$ -
		59030458290	2.97		\$ -		\$ -
		Part of 590304598270	0.59		\$ -		\$ -
		Part of 59030458280	0.58		\$ -		\$ -
		Part of 59030461790	22.8		\$ -		\$ -
			573.85		Percentage of assessed value expected to sign petition:	91%	\$ 7,680.15

	Total Acres	Percentage
Approximate Residential Lands:	15.41	3%
Approximate Recreational:	258.51	45%
Approximate Undeveloped:	299.93	52%

- AFTER -

Owners							
Owner	Mailing Address	Property Tax ID	Acerage of Parcel	Property Description or Address	Assessed Value	Total Assessed Value	Town Property Tax
Wilson -- Sheboygan County, LLC	22 East Mifflin Street, Suite 600, P.O. Box 2018, Madison WI 53701-2018	59030468820	0.2	5721 Sherwood Drive	\$ 283,200.00	\$ 283,200.00	\$ 502.73
Nina Stapel	1202 Stahl Road, Sheboygan WI 53081- 8897	59030455271	2.58	1202 Stahl Road	\$ 230,800.00	\$ 230,800.00	\$ 409.71
River Trails Owners Association, Inc.	444 Highland Drive, Kohler, WI 53044	59030471211	0.4	River Trails Outlot 1	\$ 1,000.00	\$ 3,876.19	\$ 1.78
		59030471212	0.15	River Trails Outlot 2	\$ 500.00		\$ 0.89
		59030471213	0.15	River Trails Outlot 3	\$ 500.00		\$ 0.89
		Part of 59030471214	0.46	River Trails Outlot 4	\$ 876.19		\$ 3.55
		59030471215	0.15	River Trails Outlot 5	\$ 1,000.00		\$ 1.78
Kohler Co.	444 Highland Drive, Kohler, WI 53044	59030458001	2.4	1131 Zientek Lane	\$ 306,500.00	\$ 3,310,600.00	\$ 544.09
		59030471226	0.91	River Trails Lot 11	\$ 32,200.00		\$ 57.16
		59030471225	0.39	River Trails Lot 10	\$ 17,600.00		\$ 31.24
		59030471224	0.36	River Trails Lot 9	\$ 16,400.00		\$ 29.11
		59030471216	2.25	River Trails Lot 1	\$ 91,300.00		\$ 162.07
		59030458050	10.37	S 1/2 of SE SW, Sec 11, Exc that prt now platted as River Trails	\$ 53,900.00		\$ 95.68
		59030458110	3.62	Prt S 1/2 Gov't Lot 4, Sec 11, Com at SW cor SD Lot, th S89 Deg 35'43"E 218" to wly ln plat of Timbe	\$ 19,300.00		\$ 34.26
		59030458180	26.3	All that prt of N NW, Sec 14, lying E of cen of Black River	\$ 129,800.00		\$ 230.42
		59030458160	63	Gov't Lot 1, being NW NE & Pt of NE NE	\$ 815,500.00		\$ 1,447.66
		59030458190	29.7	All that prt of SE NW, Sec 14, lying E of Cen of Black River	\$ 147,300.00		\$ 261.48
		59030458170	49.5	Gov't Lot 2, being prt of SW NE & Pt of SE NE	\$ 771,300.00		\$ 1,369.20
		59030458200	78.44	All that prt of Gov't L 3 (being NE SW & Prt NW SE) Sec 14, lying E of Cen of Black River, also all	\$ 909,500.00		\$ 1,614.53
Sheboygan Town and Country Corp.	N7098 Riverwoods Dr., Sheboygan WI 53083-1658	Part of 59030455230	19.89	Stahl Road	\$ 95,472.00	\$ 190,512.00	\$ 170.42
		Part of 59030454760	19.8	SW NE, Sec 10	\$ 95,040.00		\$ 340.84

Kimberley A. Koller as Successor Trustee of the Kurt Koller Living Trust U/A dated August 12, 1996	Kimberley A. Koller as Successor Trustee of the Kurt Koller Living Trust U/A dated August 12, 1996 1513 Devitt Avenue Muscatine, IA 52761	Part of 59030455101	4.86	W 1/2 of E 1/2 of NW SE & W 1/2 of E 1/2 of SW SE, Sec 10, Exc com at SW cor thereof, Th N 264" E	\$ 16,502.64	\$ 37,927.71	\$ 73.32
		Part of 59030468841	4.61	Sherwood Forest Est. Outlot 1 CSM V21 P102-103 #1753833, being Lots 4-14, prt of Lot 15 & vac she	\$ 21,425.07		\$ 15.09
City of Sheboygan	828 Center Avenue, Suite 100, Sheboygan, WI 53081	59030455120	19.68		\$ -	\$ -	\$ -
		Part of 59030455140	9.85		\$ -		\$ -
John A. Siegworth	1314 Stahl Road, Sheboygan, WI 53081-8896	59030455250	3.5		\$ 151,400.00	\$ 159,000.00	\$ 268.76
		59030455270	1.51		\$ 7,600.00		\$ 13.49
State of Wisconsin	17 West Main Street, PO Box 7857, Madison, WI 53703-7857	59030458210	140		\$ -	\$ -	\$ -
		59030458220	40.1		\$ -		\$ -
		Part of 59030458230	9.38		\$ -		\$ -
		Part of 59030458240	1.2		\$ -		\$ -
		Part of 59030458250	1.2		\$ -		\$ -
		59030458290	2.97		\$ -		\$ -
		Part of 590304598270	0.59		\$ -		\$ -
		Part of 59030458280	0.58		\$ -		\$ -
		Part of 59030461790	22.8		\$ -		\$ -
			573.85		Percentage of assessed value expected to sign petition:	91%	\$ 7,680.15

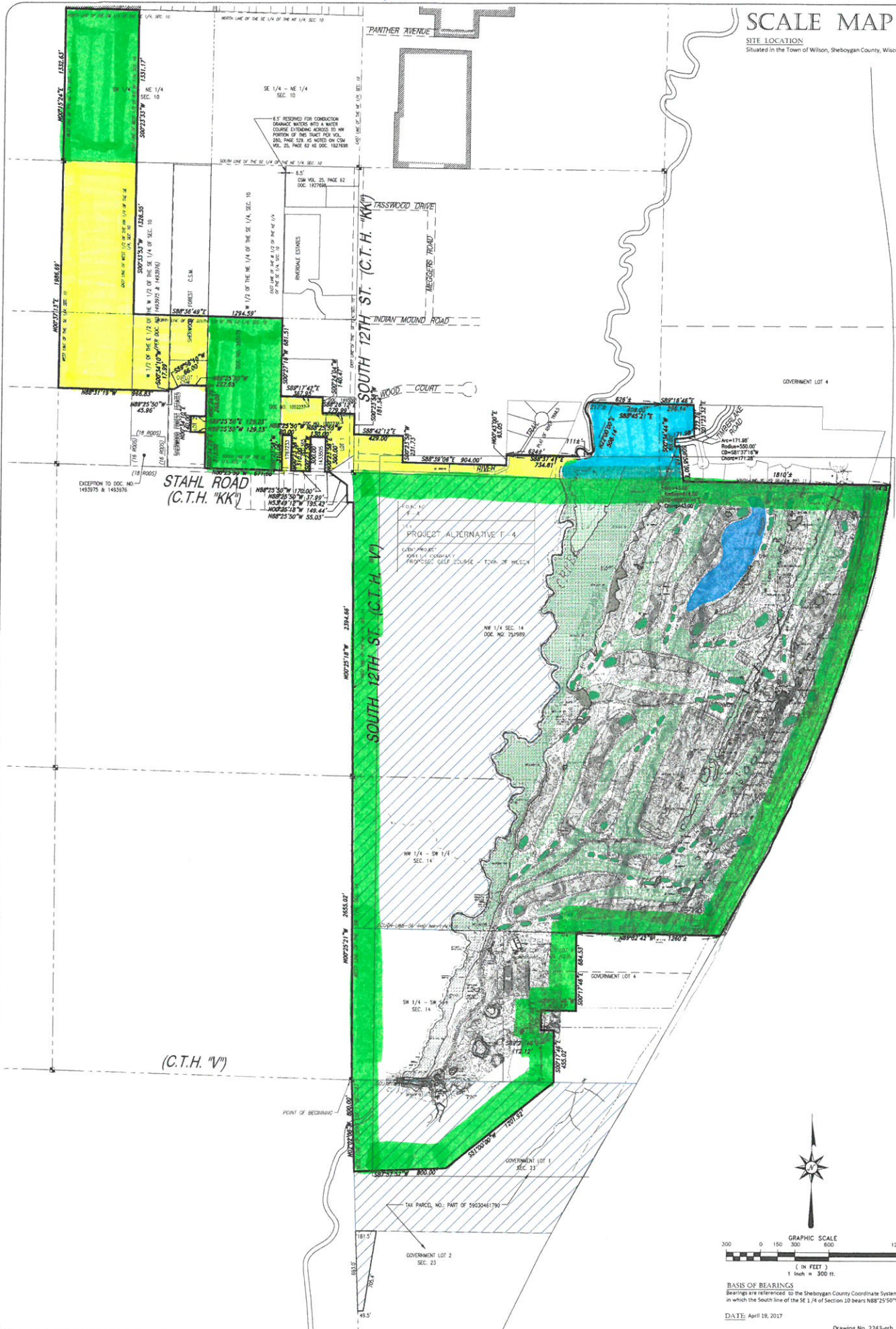
	Total Acres	Percentage
Approximate Residential Lands:	54.41	9%
Approximate Recreational:	505.45	88%
Approximate Undeveloped:	13.99	2%

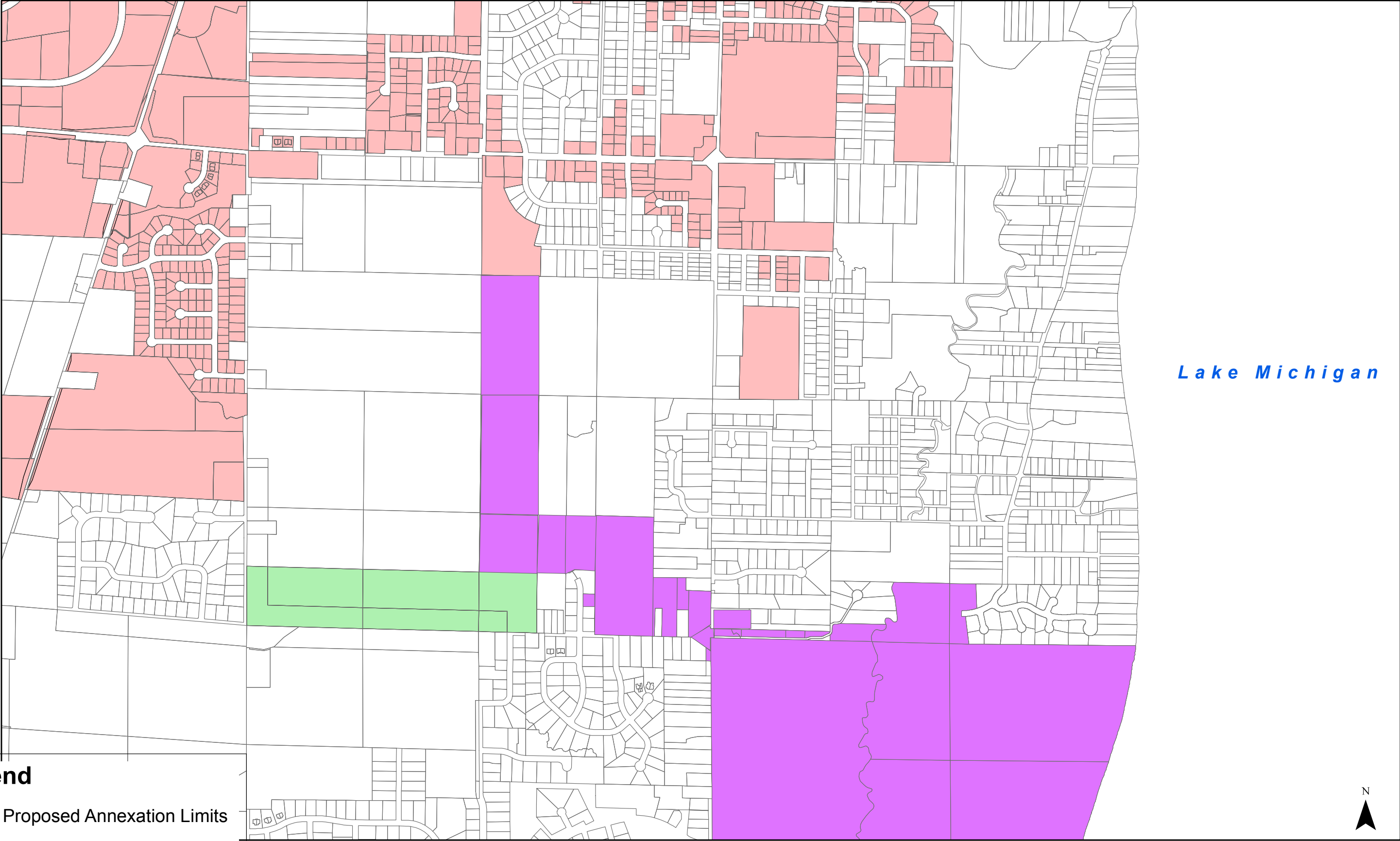
- AFTER -

SCALE MAP




SITE LOCATION
Sited in the Town of Wilson, Sheboygan County, Wisconsin.

CHAFFIN LAND SURVEYS, LLC





Legend

-  Proposed Annexation Limits
-  Parcels in City of Sheboygan
-  City owned in Town of Wilson



**WISCONSIN DEPARTMENT OF
ADMINISTRATION**

SCOTT WALKER

GOVERNOR

SCOTT A. NEITZEL

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/>

June 8, 2017

PETITION FILE NO. 14018

SUSAN RICHARDS, CLERK
CITY OF SHEBOYGAN
828 CENTER AVE
SHEBOYGAN, WI 53081-4442

GEORGENE LUBACH, CLERK
TOWN OF WILSON
5935 S BUSINESS DR
SHEBOYGAN, WI 53081-8930

Subject: KOHLER CO. ANNEXATION

The proposed annexation submitted to our office on May 3, 2017 has been reviewed and found to be in the public interest. While our advisory opinion finds the annexation to be in the public interest, the Department recommends that the City and Town develop an intergovernmental boundary agreement to address and resolve the communities' irregular municipal boundaries to avoid future disputes.

In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine:

- 1) the shape of the proposed annexation and the homogeneity of the territory with the annexing village or city and any other contiguous village or city; and
- 2) whether the town could clearly better supply needed municipal services to the territory than the annexing city or village.

The annexation territory is contiguous to the City via a quarter-quarter sized parcel of city-owned territory approximately 650-feet wide. From there, the annexation varies in size from approximately 1,450-feet wide, narrowing to approximately 190-feet wide at a point between neighboring residential developments before ultimately expanding to a larger 450-acre territory which petitioners are intending to be developed as a golf course. Portions of the territory to be annexed are currently owned by the City.

This configuration falls somewhere between the Wisconsin Supreme Court's findings in *Mt. Pleasant v. Racine*¹ (1964) and *Mt. Pleasant v. Racine*² (1965) related to "Balloon-on-a-String" type configurations. In its 1964 *Mt. Pleasant* decision, the Supreme Court invalidated an annexation configuration varying in width from 153-feet to 306-feet. However, in its 1965 *Mt. Pleasant* decision, the Supreme Court approved of the annexation after its connection had been widened to 1,023 feet. The Department finds that, while not ideally shaped, this proposed annexation's dimensions fall closer to those of the Supreme Court's 1965 *Mt. Pleasant* decision.

Additionally, we find that the proposed land use of the annexation territory and the adjacent land to the north is more homogenous with the City than it is with the Town. Historically, the Department has sought to ensure that excess rural areas that are intended for continued rural use are not brought within a city or village when considering homogeneity either in the context of an annexation or an incorporation. This annexation is immediately adjacent to a fully developed part of the Town that features isolated town islands and peninsulas resulting in extremely fragmented city and town boundaries. Land uses within these isolated areas are urban in nature and much more consistent with the developed City lands than with the bulk of Town of Wilson lands to

¹ *Mt. Pleasant v. Racine*, 24 Wis. 2d 41 (1964).

² *Mt. Pleasant v. Racine*, 28 Wis. 2d 519 (1965).

the southwest which tends to be more rural in nature. As these areas annex to the City a rational shape will be achieved where one is currently lacking, either with or without the adoption of the proposed ordinance.

The land use proposed by the petitioners is also urban in nature. As mentioned, petitioners intend to develop a golf course and they desire City services such as sewer and water, police and fire protection, and planning and zoning services. The City indicates in its submitted questionnaire that it can provide these desired services. Petitioner has committed to using City water for the proposed development's clubhouse, irrigation system, maintenance building and cart building within three years of development. It cannot be said that the Town can "better" provide services such as water.

In our view, the intent of the statutes is to ensure that cities and villages grow in a rational manner. As noted above, the Department has found annexations involving excess rural land are against the public interest. *Village of Palmyra*, January 15, 2013. However, that is not what is occurring in this case. Here, the proposed annexation involves an urban use that requires urban services, and which is immediately adjacent to other urbanized areas. *Village of Palmyra*, December 2, 2014. The territory of the proposed annexation in this case is a logical extension of current urbanization of the area, and it is in the public interest to bring it within the boundaries of the City. Consequently, the proposed annexation differs from other Department opinions cited by the Town.

The Department recommends that the City and Town develop and utilize a boundary agreement under ss. 66.0301 or 66.0307 Wis. Stats.³ which, over time, would create a rational municipal boundary line between the communities. The effect of this annexation will be to encompass existing urbanized development in this part of the Town of Wilson and could become a rational southern boundary of the City. However, effectuating this rational municipal boundary line will require the ultimate transfer of the isolated Town lands encompassed by this annexation.

Many Wisconsin communities have utilized boundary agreements to successfully resolve these types of irregular municipal boundaries, land use and service issues facing the City of Sheboygan and Town of Wilson. These approved boundary agreements are available for viewing at the Department's Municipal Data System – mds.wi.gov – and resources are also available on the Department's website, including a roster of mediators trained to help communities resolve municipal boundary issues. Department staff are also available to answer any questions regarding boundary agreement requirements or process, or any other technical assistance.

Finally, the Department points out two issues with the scale map and metes and bounds description. First, the scale map and metes and bounds description indicate that no part of the annexation territory lies in the Southwest 1/4 of Section 10. However, the location description portion of the legal description does reference the southwest 1/4 of section 10. Second, the length of the call "South 00deg 23min 58sec West, 310.00 feet" in lines 11-12 of the metes and bounds description is shown as 310.06' on the scale map. These inconsistencies should be examined and resolved.

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 14018 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to mds@wi.gov or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI

³ Additionally, communities in litigation over municipal boundaries may utilize s. 66.0225 Wis. Stats. to resolve that litigation via a stipulation and order intergovernmental agreement which is signed by the judge. Furthermore, s. 66.0217(11)(b) Wis. Stats. encourages parties to an annexation dispute to consider utilizing alternative dispute resolution.

53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2088>

Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

A handwritten signature in blue ink, appearing to read "Erich Schmidtke", with a stylized flourish at the end.

Erich Schmidtke, Municipal Boundary Review

cc: Petitioners and Petitioners' Representative