

14082

Daniel Berg

14082	Date Sent	Reply	Status
Town Quest	1/30		
Muni Quest	1/30-2/3		
Prop. Lister			

TOWN OF LYNDON
VILLAGE OF CASCADE
02/19/2018

OK- comment 2/19/18

Request for Annexation Review

14082

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 Information

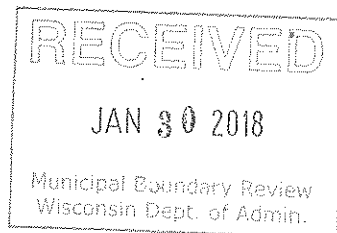
Name: **DANIEL P. BERG**

Address: **6308 SYLVAN LANE**

MONONA, WI 53716

Email: **DAN.BERG@COVANCE.COM**

Office use only:



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

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

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

4. Population of the territory to be annexed: **0**

5. Area (in acres) of the territory to be annexed: **25**

6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel): **59010125190**

Petitioners phone:

608-556-7678

Town clerk's phone:

920-528-7255

City/Village clerk's phone:

920-528-8642

Contact Information if different than petitioner:

Representative's Name and Address:

**RICHARD J. WIRTZ - ANDREWS & WIRTZ
LAW OFFICE**

623 E. MILL STREET

PO BOX 349

PLYMOUTH, WI 53073

Phone: **920-893-8421**

E-mail:

**RICHARD.WIRTZ@ANDREWSWIRTZLAW.
COM**

Surveyor or Engineering Firm's Name & Address:

EDGAR HARVEY, JR.

**SHEBOYGAN COUNTY SURVEYOR -
HIGHWAY ENGINEER**

1211 N. 23RD STREET

SHEBOYGAN, WI 53081

Phone: **920-459-3826**

E-mail: **920-459-3831**

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

1400.2

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

\$800 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

\$1150 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: 1/30

Payee: VILLAGE OF CASCADE

Check Number: 22573

Check Date: 1/23

Amount: 1,150

14082

Andrews & Wirtz Law Office LLC

ATTORNEYS:

DAVID E. ANDREWS

email: andrews@excel.net

RICHARD J. WIRTZ

e-mail: richard.wirtz@andrewswirtzlaw.com

GENERAL e-mail: general@andrewswirtzlaw.com

ADDRESS:

623 EAST MILL STREET

P. O. BOX 349

PLYMOUTH, WI 53073-0349

TELEPHONE: (920) 893-8421

TOLL FREE: (888) 253-9237

FAX: (920) 892-6543

January 24, 2018

State of Wisconsin
Department of Administration
101 E. Wilson Street
Madison, WI 53702

RE: Unanimous Petition for Direct Annexation

To Whom It May Concern:

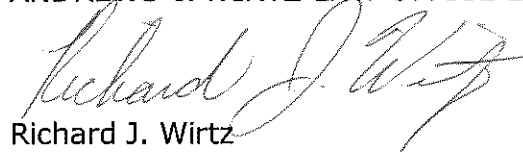
Enclosed please find an original duplicate copy of the "Unanimous Petition for Direct Annexation to the Village of Cascade, Sheboygan County, Wisconsin" as executed by Daniel P. Berg. Said Petition was filed with the Village of Cascade on January 24, 2018, and with the Town of Lyndon by cover letter and original duplicate copy of the Petition via U.S. Mail on January 24, 2018. Please also find enclosed a copy of the survey, application and a check in the amount of \$1,150 payable to the Department of Administration.

By this correspondence, said Petition is being filed with the State of Wisconsin as required by Wis. Stats. 66.0217(2) *Direct Annexation by Unanimous Approval*.

If you have any questions or concerns, please do not hesitate to contact me. Thank you for your time.

Very truly yours,

ANDREWS & WIRTZ LAW OFFICE LLC



Richard J. Wirtz

State Bar No. 1088717

Rjw
PC Daniel P. Berg

UNANIMOUS PETITION FOR DIRECT ANNEXATION
TO THE VILLAGE OF CASCADE, SHEBOYGAN COUNTY, WISCONSIN

TO: Kayla Simanovski, Clerk
Village of Cascade
P. O. Box 157
Cascade, WI 53011

Rhonda Klatt, Clerk
Town of Lyndon
W6081 County Road N
Plymouth, WI 53073

State of Wisconsin
Department of Administration
101 E. Wilson Street
Madison, WI 53702

THE UNDERSIGNED PETITIONER, the DANIEL P. BERG, a married person, owner of the subject real estate, for a unanimous petition for direct annexation of real estate to the Village of Cascade, Sheboygan County, Wisconsin in accordance with Wis. Stats., 66.0217(2), state as follows:

1. PURPOSE: The purpose of the proposed annexation is to provide for the attachment to the Village of Cascade of a parcel of real estate now located in the Town of Lyndon and adjacent to the Village of Cascade.

2. DESCRIPTION: The legal description of the real estate proposed to be annexed is as follows:

Part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, T14N, R21E, Town of Lyndon, Sheboygan County, Wisconsin, being described as follows:

Commencing at the SW corner of Section 21, T14N, R21E; thence N00°05'49"W, along the West line of the SW $\frac{1}{4}$, Section 21, 40.00 feet to the point of beginning; thence, continuing N00°05'49"W, along the West line of the SW $\frac{1}{4}$, Section 21, 616.19 feet to the center line of STH 28; thence N53°52'36"E, along said center line, 1206.52 feet; thence N53°18'14"E, along the center line of STH 28, 134.59 feet; thence S00°05'49"E 1395.56 feet; thence S89°20'53"W, along a line which is parallel to and 40.00 feet North of the South line SW $\frac{1}{4}$, Section 21, 1083.87 feet to the point of beginning.

3. OWNERSHIP & ZONING: The undersigned petitioner is the sole owner of the subject real estate. The subject real estate is now zoned "A-1" and is being petitioned to be zoned "A-1".

4. CONSENT OF ELECTORS: Not Applicable, as the Village of Cascade is fee simple owner and the Village is the only occupant of the subject real estate; said real estate is the site of the Village's water treatment facility.

5. MAP: A scale map of the real estate proposed to be annexed reasonably showing the boundaries of the real estate and the relation of the real estate to the Village of Cascade is attached to and made a part of this Petition by reference.

14082

Dated this 17 day of January, 2018.

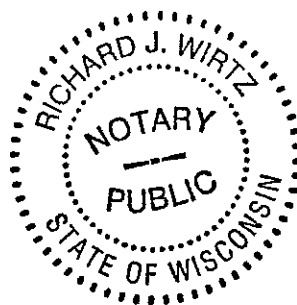
PETITIONERS:

Daniel P. Berg
Daniel P. Berg

STATE OF WISCONSIN)
) s.s.
SHEBOYGAN COUNTY)

Subscribed and sworn to before me
this 17th day of January, 2018.

Richard J. Wirtz
* Richard J. Wirtz, Notary Public
Sheboygan County, Wisconsin
My Commission expires permanent



14082

VILLAGE OF CASCADE
Annexation Description
November 29, 2017

Part of the SW $\frac{1}{4}$ SW $\frac{1}{4}$, and part of the NW $\frac{1}{4}$ SW $\frac{1}{4}$, Section 21, T14N, R21E,
Town of Lyndon, Sheboygan County, Wisconsin.

Commencing at the SW corner Section 21, T14N, R21E; thence N $00^{\circ} 05' 49''$ W, along
the west line SW $\frac{1}{4}$ Section 21, 40.00 feet to the point of beginning:

Thence, continuing N $00^{\circ} 05' 49''$ W, along the west line SW $\frac{1}{4}$ Section 21, 616.19 feet
to the center line of STH 28; thence N $53^{\circ} 52' 36''$ E, along said center line, 1206.52
feet; thence N $53^{\circ} 18' 14''$ E, along the center line of STH 28, 134.59 feet; thence S 00°
 $05' 49''$ E 1395.56 feet; thence S $89^{\circ} 20' 53''$ W, along a line which is parallel to and
40.00 feet north of the south line SW $\frac{1}{4}$ Section 21, 1083.87 feet to the point of
beginning, and continuing 1089377 square feet (25.00 acres) of land.



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/>

January 30, 2018

PETITION FILE NO. 14082

KAYLA SIMANOVSKI, CLERK
VILLAGE OF CASCADE
PO BOX 157
CASCADE, WI 53011-0157

SALLY MARVER, CLERK
TOWN OF LYNDON
W6081 COUNTY RD N
PLYMOUTH, WI 53073

Subject: DANIEL BERG 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 LYNDON to the VILLAGE OF CASCADE (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 February 19, 2018. 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: Daniel Berg

Petition Number: 14082

1. Territory to be annexed: From TOWN OF LYNDON To VILLAGE OF CASCADE

2. Area (Acres): 25

3. Pick one: ☒ Property Tax Payments

OR ☐ Boundary Agreement

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

a. Title of boundary agreement _____

\$ _____

b. Year adopted _____

b. Total that will be paid to Town

c. Participating jurisdictions _____

(annual tax multiplied by 5 years): _____

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: 1 Total: _____

5. Approximate present land use of territory:

Residential: _____% Recreational: _____% Commercial: _____% Industrial: _____%

Undeveloped: 100%

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

Residential: 5% Recreational: _____% Commercial: _____% Industrial: _____%

Other: 95%

Comments: anticipated municipal use

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?

residential

In the town?: undeveloped

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 construction of municipal building anticipated

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.

2

Water Supply immediately

☐

☐

or, write in number of years.

2

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: anticipated new construction of municipal building

b. Annual appropriation for planning? \$ 0

c. How is the annexation territory now zoned? agricultural

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

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

The annexed property is to be used to construct new firehall for village

Prepared by: ☐ Town ☐ City ☒ Village

Name: Kayla Simanovski

Email: cascade53011@gmail.com

Phone: 920 528 8642

Date: 2/8/18

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

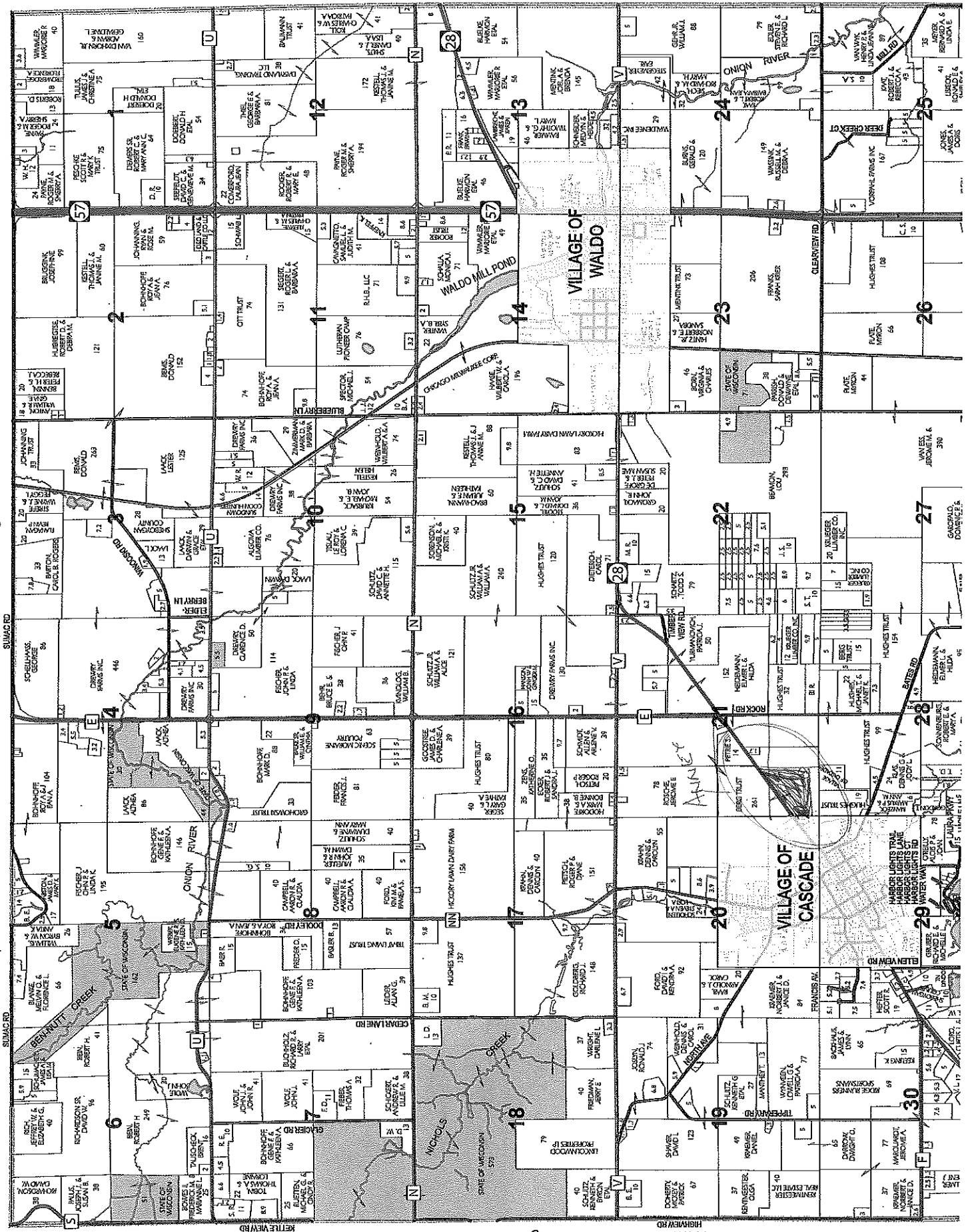
PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

Plat Maps

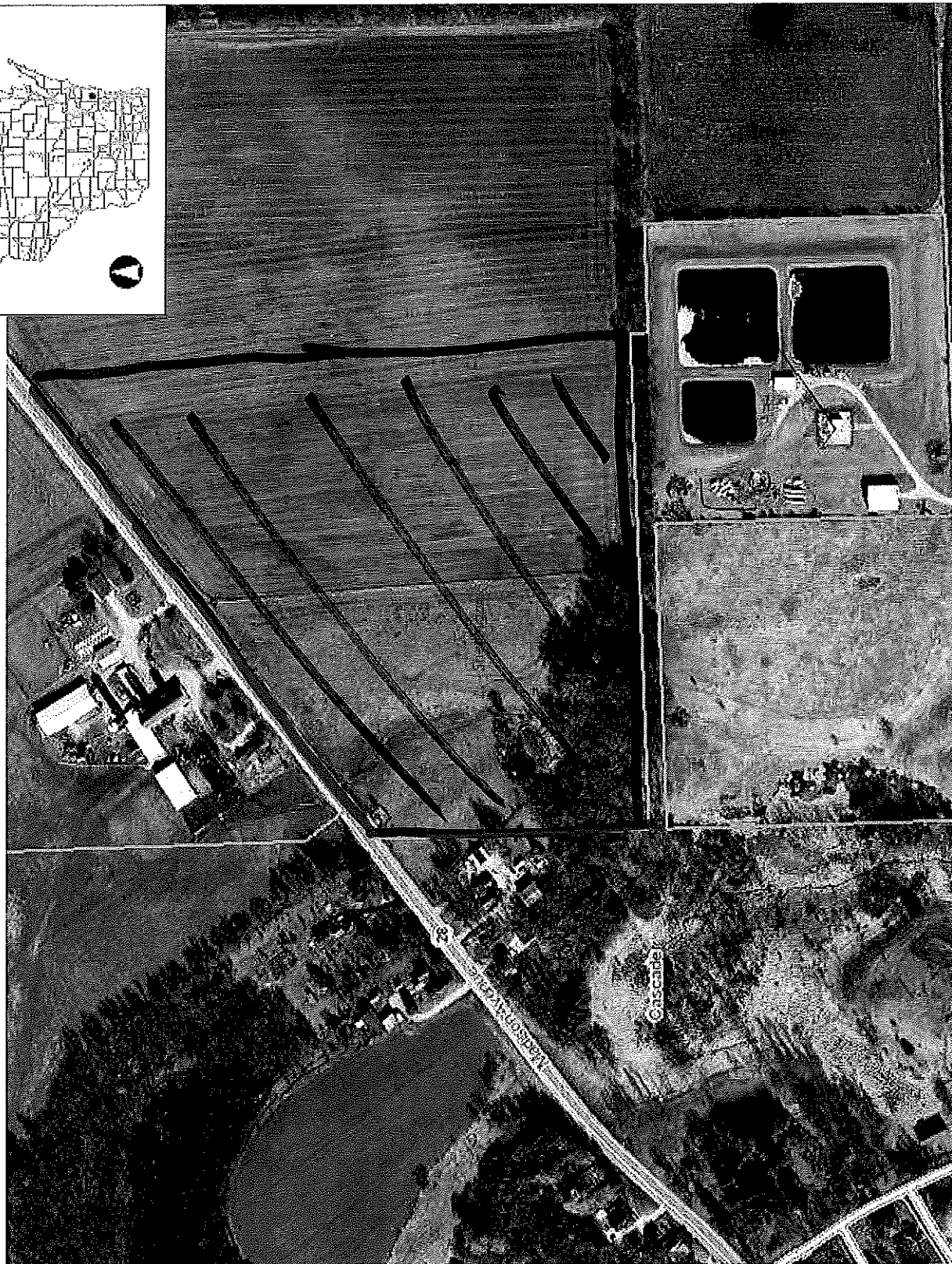
Town of Mitchell See Page 21

Town of Lima Page 25





14082



Legend

- ☐ County Boundary
- Cities, Towns & Villages
 - ☐ City
 - ☐ Village
 - ☐ Civil Town
- Municipality
 - ☐ Municipality
- State Boundaries
 - ☐ State Boundaries
- County Boundaries
 - ☐ County Boundaries
- Major Roads
 - ☐ Interstate Highway
 - ☐ State Highway
 - ☐ US Highway
- County and Local Roads
 - ☐ County HWY
 - ☐ Local Road
- Railroads
 - ☐ Railroad
- Tribal Lands
 - ☐ Tribal Lands
- Rivers and Streams
 - ☐ Rivers and Streams
- Intermittent Streams
 - ☐ Intermittent Streams
- Lakes and Open water
 - ☐ Lakes and Open water
- Index to EN_Image_Basemap_Leaf_Off

Notes

DISCLAIMER: The information shown on these maps has been obtained from various sources, and are of varying age, reliability and resolution. These maps are not intended to be used for navigation, nor are these maps an authoritative source of information about legal land ownership or public access. No warranty, expressed or implied, is made regarding accuracy, applicability for a particular use, completeness, or legality of the information depicted on this map. For more information, see the DNR Legal Notices web page: <http://dnr.wi.gov/legal/>

0.1 Miles

0.06

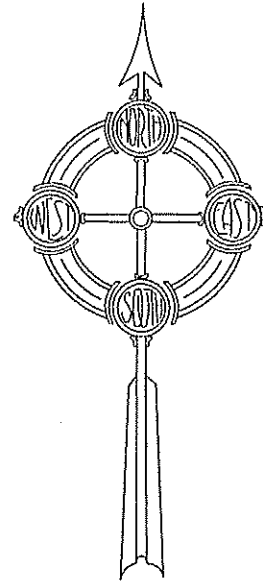
0

0.1

NAD_1983_HARN_Wisconsin_TM

1: 3,960

14082



BEARINGS HEREON ARE REFERENCED TO THE SHEBOYGAN COUNTY COORDINATE GRID.

SCALE: 1" = 100'

I HEREBY CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

EDGAR HARVEY, JR. WISCONSIN RLS NUMBER S-1489

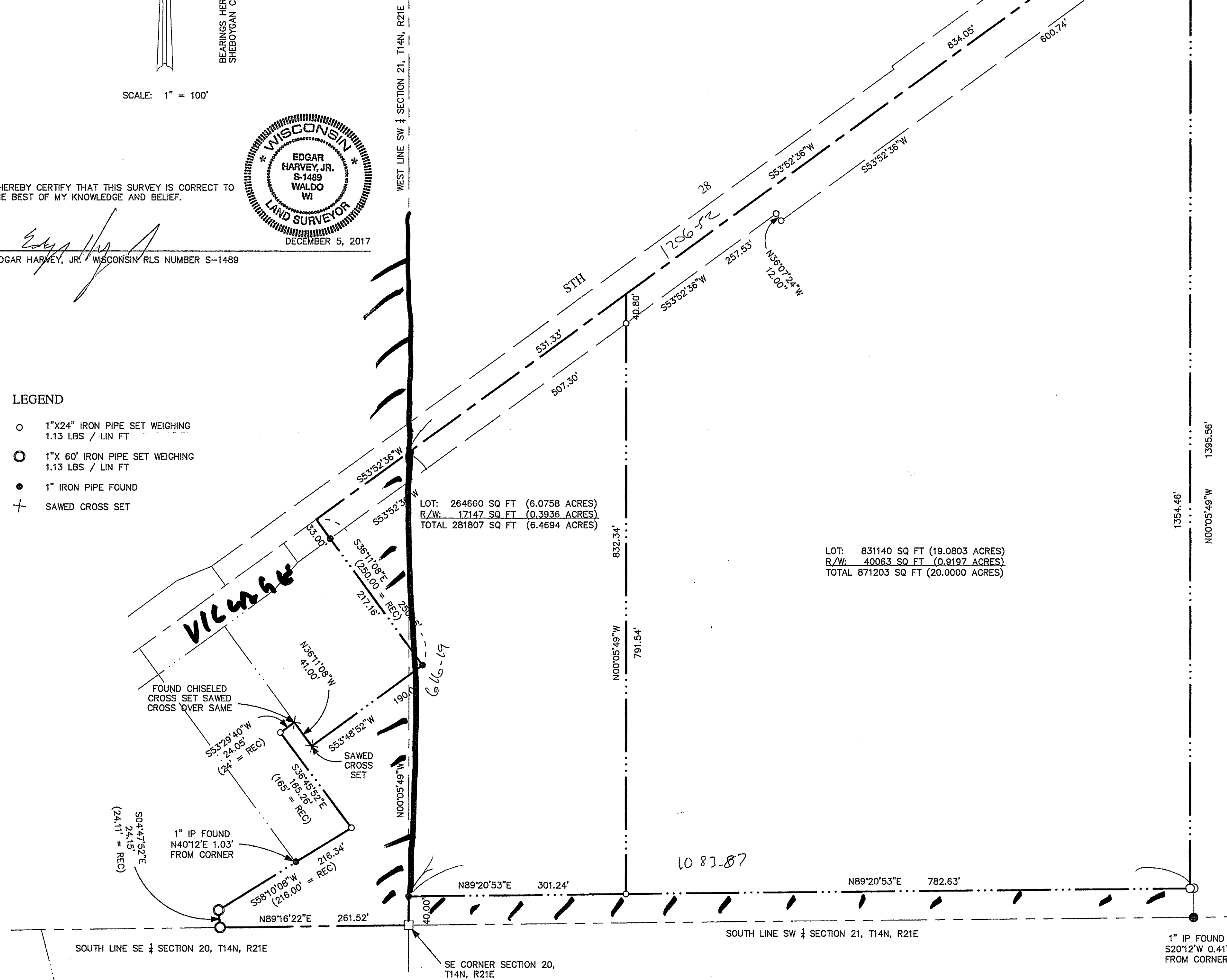


LEGEND

- 1"x24" IRON PIPE SET WEIGHING 1.13 LBS / LIN FT
- 1"x 60' IRON PIPE SET WEIGHING 1.13 LBS / LIN FT
- 1" IRON PIPE FOUND
- + SAWED CROSS SET

PLAT OF SURVEY

PART OF THE SW 1/4 SW 1/4 AND PART OF THE NW 1/4 SW 1/4 SECTION 21, T14N, R21E, TOWN OF LYNDON, AND PART OF THE SE 1/4 SE 1/4 SECTION 20, T14N, R21E, VILLAGE OF CASCADE, ALL IN SHEBOYGAN COUNTY, WISCONSIN.





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/>

February 19, 2018

PETITION FILE NO. 14082

KAYLA SIMANOVSKI, CLERK
VILLAGE OF CASCADE
PO BOX 157
CASCADE, WI 53011-0157

SALLY MARVER, CLERK
TOWN OF LYNDON
W6081 COUNTY RD N
PLYMOUTH, WI 53073

Subject: DANIEL BERG ANNEXATION

The proposed annexation submitted to our office on January 30, 2018, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city...." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the **VILLAGE OF CASCADE**, which is able to provide needed municipal services.

Note: The scale map of the territory to be annexed that is included in the annexation ordinance must clearly show and identify the territory to be annexed, and must clearly show and identify the Village of Cascade municipal boundary as it exists prior to the annexation (ref: s. 66.0217(1) (g), Wis. Stats.).

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 14082 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 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2153>
Please call me at (608) 264-6102, should you have any questions concerning this annexation review.

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner

Request for Annexation Review

14082

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 Information

Name: **DANIEL P. BERG**

Address: **6308 SYLVAN LANE**

MONONA, WI 53716

Email: **DAN.BERG@COVANCE.COM**

Office use only:



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

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

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

4. Population of the territory to be annexed: **0**

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6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel): **59010125190**

Petitioners phone:

608-556-7678

Town clerk's phone:

920-528-7255

City/Village clerk's phone:

920-528-8642

Contact Information if different than petitioner:

Representative's Name and Address:

**RICHARD J. WIRTZ - ANDREWS & WIRTZ
LAW OFFICE**

623 E. MILL STREET

PO BOX 349

PLYMOUTH, WI 53073

Phone: **920-893-8421**

E-mail:

**RICHARD.WIRTZ@ANDREWSWIRTZLAW.
COM**

Surveyor or Engineering Firm's Name & Address:

**EDGAR HARVEY, JR.
SHEBOYGAN COUNTY SURVEYOR -
HIGHWAY ENGINEER**

1211 N. 23RD STREET

SHEBOYGAN, WI 53081

Phone: **920-459-3826**

E-mail: **920-459-3831**

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]

Petition # 14082

REAL PROPERTY LISTERS ANNEXATION REVIEW

1. Territory to be annexed: <u>part</u> <u>59010125190</u>	From Town of: <u>Lyndon</u>	To City/Village of: <u>Cascade</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
- Y (7) Legend
- Y (8) Total area/acreage of annexation

3. Other relevant information and comments:

see accompanying explanation/comments.

Prepared by:

Title:

Phone:

Date:

Peggy Armstrong
LDT III
920.459.3015
2-19-18

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

* Annexation Review #14082 - Item 3. Relevant information and comments

1. The Plat of Survey dated December 5, 2017 and used as a reference in this review, numbered 14082, includes additional land in Section 20 that is not part of the target parcel, as described, that is the subject of this annexation. Just be aware that the visual **does not equal** the written legal description.
2. The southeast corner of an adjacent parcel, shown on said Plat of Survey and hand-labeled as 59111522090, appears to extend into Section 21 and would therefore be captured by the description that is the subject of this annexation. In a preliminary search, I found no deed quit claiming that corner to or from either owner.