

# Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration  
Municipal Boundary Review  
PO Box 1645, Madison WI 53701  
608-264-6102 Fax: 608-264-6104  
[wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)  
<http://doa.wi.gov/municipalboundaryreview>

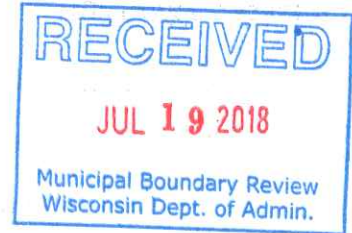
## Petitioner Information

Name: Richard Luckow Elizabeth Lent

Address: 10509 W Stewart Ave  
Wauwatosa, WI 53222

Email: RLuckow@gmail.com

Office use only:



1. Town where property is located: Vernon Town of
2. Petitioned City or Village: Big Bend Village of
3. County where property is located: Waukesha
4. Population of the territory to be annexed: 0
5. Area (in acres) of the territory to be annexed: 11.8
6. Tax parcel number(s) of territory to be annexed  
(if the territory is part or all of an existing parcel): VNT 205699

Petitioners phone:

262 424 3613

Town clerk's phone:

City/Village clerk's phone:

262-6612-2717

## Contact Information if different than petitioner:

Representative's Name and Address:

Phone:

E-mail:

Surveyor or Engineering Firm's Name & Address:

Phone:

E-mail:

## 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 for Annexation

# Memo

**To:** Village of Big Bend  
**From:** Richard Luckow, Elizabeth Lent  
**cc:** WI Department of Administration, Municipal Boundary Review  
**Date:** July 9, 2018  
**Re:** Request for Annexation Review

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We recently purchased the land described at Lot 0 Vernon Hills Drive Big Bend WI on June 21, 2018. We respectfully are asking to annex from the Township of Vernon to the Village of Big Bend. We have provided the legal certified survey map 1709691 and 922622 along with the Plat survey. Our intention is to build a single family home on the property.

*Elizabeth Lent*

*7/13/2018*



*T Calder*

*7/13/2018*

**Property Details**

Tax Key: **VNT 2056999**  
Tax Year: **2018**

**7/13/2018 3:01:45 PM**  
**WAUKESHA COUNTY**  
**TOWN OF VERNON**

**OWNER NAME AND MAILING ADDRESS**
**PROPERTY ADDRESS**

THE THOMAS LEROY IMME REVOCABLE TRUST  
C/O CHAD IMME  
7355 MAIN ST E  
WEBSTER, WI 54893-8330

**Contact Us to Update Mailing Address**

**LEGAL DESCRIPTION**

THAT PT OF THE FOLLOWING DESC PROP S OF HWY 43 PT E1/2 NW1/4 SEC 10 T5N R19E S OF CTH ES :: ALSO PT NE1/4 SE1/4 SEC 10; COM NE COR; W 660 FT; S 990 FT; E 660 FT; N TO BGN :: ALSO PT CERT SURV 2376 COM NE COR; S88°32'W 1297.70 FT; S01°47'E 797.22 FT; N67°20'E 316.41 FT; N73°59'E 302.04 FT; N67°20'E 46.51 FT THE BGN; S02°12'E 734.82 FT; N88°28'E 669.99 FT; N02°12'W 334.46 FT; S88°32'W 660 FT; N02°12'W 403.60 FT; S67°20'W 10.67 FT TO BGN :: EX VOL 1089/176 DEEDS :: EX CERT SURV 6677 :: DOC# 3351142

**ASSESSMENT STATUS**
**OWNERSHIP/LEGAL DESCRIPTION EXCEPTION DOCUMENTS**

Assessment Year: 2018  
Assessment Status:  
Assessment Attributes: NONE  
Deeded Acres:

**ASSESSMENT INFORMATION**

Assessed By: MAGNAN ASSESSMENT SERVICE  
262-542-3332  
cmag@execpc.com  
Board of Review Date: 5/29/2018

**Links to WI Dept of Revenue Resources:**  
**Guide for Property Owners**  
**Property Assessment Appeal Guide**  
**Board of Review Calendar**

**PROPERTY VALUES**

Property Class	Acres	Land	Improvement	Total
RESIDENTIAL	11.800	\$154,600.00	\$0.00	\$154,600.00
<b>Total:</b>	<b>11.800</b>	<b>\$154,600.00</b>	<b>\$0.00</b>	<b>\$154,600.00</b>

The property values displayed are finalized and will be used for the calculation of this year's property tax bills.

**DISTRICTS**

District Type	District Name	DOR Code
TOWN	TOWN OF VERNON	030
SCHOOL	MUKWONAGO SCHOOL 3822	3822
SCHOOL	REFERENDUM LEVY SCHOOL 3822	
SCHOOL	SECOND REF LEVY SCHOOL 3822	
TCDB	WAUKESHA TECH COLLEGE	08
SEWER	STORM WATER	

This program accesses data from databases maintained by several County Departments and Local Municipalities. There may be inconsistencies in data depending on the date the information was gathered or the purpose for which it is maintained. Due to variances in sources and update cycles, there is no guarantee as to the accuracy of the data. For questions regarding Tax Listing or Tax Bill information, please contact the Real Property Tax Listing Division at (262)896-8557 or [taxlisting@waukeshacounty.gov](mailto:taxlisting@waukeshacounty.gov). For questions regarding Outstanding Taxes and Tax Payment records, contact the County Treasurer's office at (262)548-7029.

**For all GIS related issues, please contact Waukesha County Land Information Systems at [landinformation@waukeshacounty.gov](mailto:landinformation@waukeshacounty.gov).**

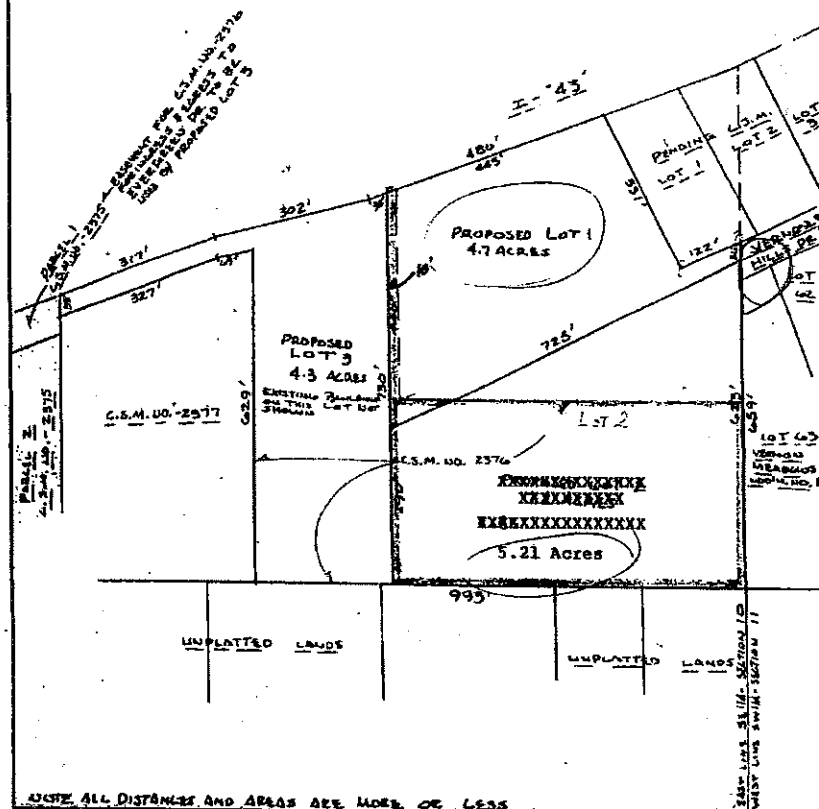
The following browsers are supported:    This page run 7/13/2018 3:01:45 PM.

FOR: TOM IMME  
AGENT: LOHN STENDER  
PART OF THE CELL OF SECTION 10,  
TSM, RIG, TOWNS OF VERNON,  
WASHNEHA CO., WIS.

PLAT OF SURVEY  
PRELIMINARY C.S.M.



SCALE 1" = 200'



NOTE: ALL DISTANCES AND AREAS ARE MORE OR LESS

[illegible]

DATED THIS 4th OF FEBRUARY 1992

**REGISTERED LAND SURVEYOR**

DRAFTED BY GEORGE L. PARLOW

JOB NO. 92-0160





LAND INFORMATION SYSTEMS DIVISION

# Waukesha County GIS Map



## Legend

- Retired Plats
  - Assessor Plat
  - Condo Plat
  - CSM
  - Subdivision Plat
- SimultaneousConveyance
  - Assessor Plat
  - CSM
  - Condo Plat
  - Subdivision Plat

## Notes:

Printed: 7/13/2018



The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.



SCOTT WALKER

GOVERNOR

ELLEN NOWAK

SECRETARY

**Municipal Boundary Review**

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: [wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)

Web: <http://doa.wi.gov/municipalboundaryreview>

July 19, 2018

PETITION FILE NO. 14132

BRADLEY CALDER, CLERK  
VILLAGE OF BIG BEND  
W230S9185 NEVINS ST  
BIG BEND, WI 53103-9722

KAREN L SCHUH, CLERK  
TOWN OF VERNON  
W249 S8910 CENTER DR  
BIG BEND, WI 53103

Subject: LUCKOW-LENT 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 VERNON to the VILLAGE OF BIG BEND (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 August 08, 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

JUL 21 2018

# Annexation Review Questionnaire

Village of Big Bend

WI Dept. of Administration  
Municipal Boundary Review  
PO Box 1645  
Madison WI 53701  
608-264-6102 Fax: 608-264-6104  
[wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)  
<http://doa.wi.gov/municipalboundaryreview>

## Wisconsin Department of Administration

Petitioner: **Luckow-Lent**Petition Number: **14132**

1. Territory to be annexed: From **TOWN OF VERNON** To **VILLAGE OF BIG BEND**

2. Area (Acres): 11.8

3. Pick one: ☐ Property Tax Payments

OR ☐ Boundary Agreement

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

\$ 326.11

a. Title of boundary agreement \_\_\_\_\_

b. Year adopted \_\_\_\_\_

b. Total that will be paid to Town

(annual tax multiplied by 5 years): \$1,630.55

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: 0 Total: 0

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

Residential: \_\_\_\_\_% Recreational: \_\_\_\_\_% Commercial: \_\_\_\_\_% Industrial: \_\_\_\_\_%

Undeveloped: 100 %

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

Residential: 100 % Recreational: \_\_\_\_\_% Commercial: \_\_\_\_\_% Industrial: \_\_\_\_\_%

Other: \_\_\_\_\_%

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?

A-1 Agricultural District

In the town?: 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. \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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 & Zoning:

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

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

b. How is the annexation territory now zoned? A-5 Mini Farm District

c. How will the land be zoned and used if annexed? A-1 Agricultural District

12. Elections: ☐ New ward or ☒ Existing ward? Will the annexation create a new ward or join an existing ward? For more information, please contact the Wisconsin Election Commission at (608) 266-8005, [elections@wi.gov](mailto:elections@wi.gov) or see their annexation checklist here: <http://elections.wi.gov/forms/el-100>

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

Please see the attached response.

Prepared by: ☐ Town ☐ City ☒ Village

Name: Bradley Calder

Email: clerk@villageofbigbend.com

Phone: 262-662-2747

Date: 8/3/2018

(March 2018)

Please **RETURN PROMPTLY** to:

[wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104





*"Life is better in the Bend"*  
August 3, 2018

W230 S 9185 Nevins Street  
Big Bend, WI 53103  
Phone: 262.662.2747  
Fax: 262.662.3751

WI Department of Administration  
Municipal Boundary Review  
PO Box 1645  
Madison, WI 53701

RE: Annexation Review Questionnaire

Sir,

I am writing to you in regards to Question #13 on the Annexation Review Questionnaire form. The Village of Big Bend currently is a community of approximately 1400 residents and about three and a half square miles. The Village provides services to the community which includes, Fire and EMS, Police, Library, Municipal Court and Highway Departments. The Town of Vernon does not have their own police department and has to rely on the County Sheriff's Department and the Big Bend Police Department for its law enforcement. The Village has averaged several hours a month having to assist with law enforcement duties in the Town of Vernon. The Village of Big Bend has its own Municipal Court that assists us in directing citations through a local court instead of having to rely on Waukesha County Courts, which the Town of Vernon must do.

The Big Bend Library helps keep the Village out of the County tax rate levy because we offer the service to our residents, which the Town of Vernon does not provide to their residents. The programs and resources available to our community is an asset for all the Village of Big Bend.

The Village works with our own zoning code, which is updated on a regular basis in order to stay on top of changing laws and regulations from the county, state and federal level. Residents and businesses can work with local officials to address needs and concerns that worked on together as they arise.

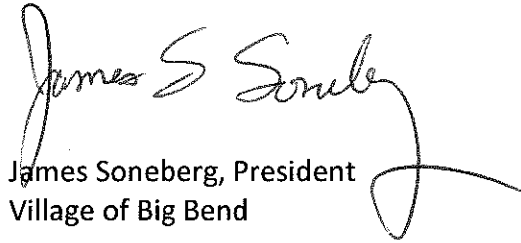
The Village Fire Department staff is available 24hours a day and local mutual aid agreements with neighboring jurisdictions adds to help provide a higher level of assistance to the community. The Fire Department also provides several opportunities for fire education and community events for the Village Residents to come and learn about fire safety and EMS in the community and how they can protect themselves at home.

The Village of Big Bend is currently in the process of bringing sewer and water to the community and the plans for sewer have been approved and the piping has begun to be laid in the community as focus in the development of the I43/164 interchange continues. The Town of Vernon has no such plan in place.

We would like to thank you for your time and consideration in this matter and would ask that the request for annexation be found to be in the public interest as this annexation request is contiguous and is 100 percent of the property owners for this 11-acre parcel.

Please feel free to contact myself or the Village Clerk if you need any further information. Once again thank you for your time.

Sincerely,

A handwritten signature in black ink that reads "James S. Soneberg". The signature is fluid and cursive, with a large loop at the end of the last name.

James Soneberg, President  
Village of Big Bend

File  
Village Clerk



August 5, 2018

Mr. Erich Schmidtke  
Department of Administration  
Municipal Boundary Review  
101 E. Wilson Street, 9th Floor  
Madison, WI 53703

Dear Mr. Schmidtke,

The Vernon Town Board asked that I provide the Department of Administration some additional information regarding the Richard Luckow and Elizabeth Lent memo requesting annexation to the Village of Big Bend, received in my mailbox on July 16, 2018.

This annexation violates the rule of reason.

- This is an 11-acre parcel completely surrounded by the Town of Vernon, with the exception of the I-43 corridor to the North.
- There is no direct vehicular or pedestrian access from this parcel to the Village of Big Bend.
- It is approximately one mile from this parcel to the closest point a pedestrian or vehicle can gain legal access into the Village of Big Bend.
- The I-43 corridor which ostensibly connects this parcel to the Village of Big Bend is nothing more than a string that connects to this balloon. This parcel is not contiguous to the Village in any practical sense.
- These petitioners are not in need of services that the Town cannot provide, or that the Village can.
- There are no utility services available to this parcel from the Village of Big Bend.
- The property owners have shown no need for the annexation. They say in their filed document that they seek to build a single-family home, which is a permitted use in the Town.
- The Town of Vernon Fire Department is less than a quarter of a mile to the parcel requesting annexation, which provides the highest level of Advanced Life Support and Fire Service and is staffed twenty-four hours a day, seven days a week, three hundred sixty-five days a year; whereas the Village of Big Bend's Fire Department is over two miles away, has only EMS and Fire Service and is struggling to service calls in a timely response.
- There is no way for emergency services to access the subject parcel without traveling at least the last mile on Town roads.
- The Village does not have a reasonable present or demonstrable future need for the annexed territory.

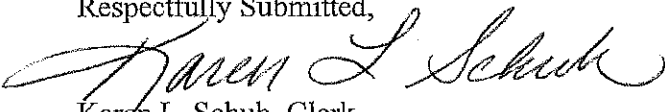
I am also concerned about the process of this application for annexation. The document was left at Town Hall but not properly filed or served on me. The document includes a notary stamp, but the notary does not satisfy the Uniform Laws on Notarial Acts requirements of Wisconsin Statutes Section 706.07, because, among other defects, the notary fails to identify the signatories. The signatures are illegible, which coupled with the inadequate notarial acts, fails to demonstrate that this represents approval of the parcel owners. The document, moreover, does not assert that it is made upon unanimous approval, nor that these are these sole owners of the parcel.

As additional background I want you to be aware of the following:

- The Vernon Town Board of Supervisors are very close to completing a border agreement with the Village of Mukwonago and are actively working with all the municipalities that surround the Town of Vernon on intermunicipal agreements and border agreements. The Village of Mukwonago is a community that can provide sewer and water to areas of the Town of Vernon; whereas the Village of Big Bend does not have an active plan to provide sewer or water to any community, including its own Village of Big Bend.
- In April of 2018, the Village of Big Bend Finance Committee formally requested a proposal from the Town of Vernon, for the Town to serve the Village of Big Bend with emergency medical services and fire department services. The Town Board and members of the Village of Big Bend Board are currently working on a proposal to present to the full Village of Big Bend Board. My personal concern is that this annexation will damage any type of working relationship the Town Board and members of the Village Board have recently created.
- There is a serious question as to the legality of the first Right of Way Annexation submitted in March of 2012, (Exhibit A). It is my understanding, that the Town Clerk and Town Chairman never distributed the petition for annexation as submitted as (Exhibit A), to the Vernon Town Board of Supervisors.

Thank you for your attention to this issue. I trust that you will agree that this annexation should be rejected, and that you will advise the Village of Big Bend accordingly. I also look forward to working with you regarding the Vernon Town Board's attempt to secure border agreements. If you need any additional documentation to confirm any of the information I have provided to you, please contact me at the Town of Vernon at 262-662-2039 or email me at [clerk@townofvernon.org](mailto:clerk@townofvernon.org).

Respectfully Submitted,



Karen L. Schuh, Clerk  
Town of Vernon

Enclosures: Annexation Review Questionnaire and Exhibit A  
Cc: Vernon Town Board of Supervisors



# Annexation Review Questionnaire

Wisconsin Department of Administration

WI Dept. of Administration  
Municipal Boundary Review  
PO Box 1645  
Madison WI 53701  
608-264-6102 Fax: 608-264-6104  
[wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)  
<http://doa.wi.gov/municipalboundaryreview>

Petitioner: Luckow-Lent

Petition Number: 14132

1. Territory to be annexed: From TOWN OF VERNON To VILLAGE OF BIG BEND

2. Area (Acres): UNSURE by legal description

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. Total that will be paid to Town  
(annual tax multiplied by 5 years): \_\_\_\_\_

b. Year adopted \_\_\_\_\_

c. Paid by: ☐ Petitioner ☐ City ☐ Village  
☐ Other: \_\_\_\_\_

c. Participating jurisdictions \_\_\_\_\_

d. Statutory authority (pick one)

☐ s.66.0307 ☐ s.66.0225 ☐ s.66.0301

4. Resident Population: Electors: 8 Total: 8

5. Approximate present land use of territory:

Residential: 100 % Recreational: \_\_\_\_\_ % Commercial: \_\_\_\_\_ % Industrial: \_\_\_\_\_ %

Undeveloped: \_\_\_\_\_ %

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

Residential: \_\_\_\_\_ % Recreational: \_\_\_\_\_ % Commercial: \_\_\_\_\_ % Industrial: \_\_\_\_\_ %

Other: \_\_\_\_\_ %

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?

The Interstate / Freeway

In the town?: \_\_\_\_\_

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 UNKNOWN

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:

Sanitary Sewers immediately

or, write in number of years.

not applicable

Water Supply immediately

or, write in number of years.

City/Village

☐

☐

Town

☐

☐

Neither the Town or the Village provide public sewer or water.

No Public utilities are needed for proposed single family use

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 The Village of Big Bend is over 5 million in debt.

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

11. Planning & Zoning:

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

Is this annexation consistent with your comprehensive plan?

☐ Yes

☒ No

The land use plan calls for the property to be in the Town.

b. How is the annexation territory now zoned? A-5 with an EC overlay

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

12. Elections: ☐ New ward or ☐ Existing ward? Will the annexation create a new ward or join an existing ward? For more information, please contact the Wisconsin Election Commission at (608) 266-8005, [elections@wi.gov](mailto:elections@wi.gov) or see their annexation checklist here: <http://elections.wi.gov/forms/el-100>

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

Please see the important letter attached

Prepared by: ☒ Town ☐ City ☐ Village

Name: Karen L. Schuch

Email: [clerk@townofvernon.org](mailto:clerk@townofvernon.org)

Phone: 262 662 2039

Date: August, 6, 2018

(March 2018)

Please RETURN PROMPTLY to:

[wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)

Municipal Boundary Review

PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

## EXHIBIT A

### AREA 1

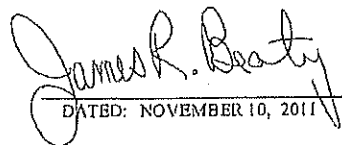
### LEGAL DESCRIPTION OF LANDS SUBJECT TO ANNEXATION

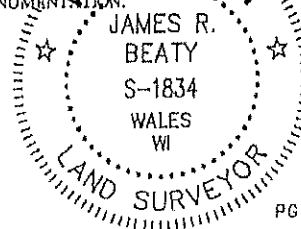
Being all of Tax Key Parcel VNT 2058 995 001 and a part of Interstate Highway. "I-43" ROW (right-of-way) as defined by WIDOT ROW Project Plat T 015-2(15) and STH "164" ROW, Being also a part of the Southeast 1/4 of the Northeast 1/4 of Section 10, the Northeast 1/4 and Northwest 1/4 of the Southeast 1/4 of Section 10, the Southeast 1/4 and Southwest 1/4 of the Northwest 1/4 of Section 11, and the Northwest 1/4 of the Southwest 1/4 of Section 11, all in Township 5 North, Range 19 East, Town of Vernon, Waukesha County, Wisconsin. Said lands to be annexed are bounded and described as follows;

Commencing at the Southwest corner of the Northwest 1/4 of said Section 11; thence N01°36'22"W a distance of 36.58 feet along the west line of the Northwest 1/4 of said Section 11 to a point on the north ROW line of Interstate "IH-43" and the point of beginning; THENCE N67°21'59"E a distance of 1509.39 feet along the municipal boundary of the Village of Big Bend as established and described per Ordinance 2007-04 to a point; THENCE N73°04'37"E a distance of 100.50 feet along the north ROW line of Interstate "IH-43" and the municipal boundary of the Village of Big Bend as established and described per Ordinance 2007-04 to a point; THENCE N67°21'59"E a distance of 100.00 feet along the north ROW line of Interstate "IH-43" and the municipal boundary of the Village of Big Bend as established and described per Ordinance 2007-04 to a point; THENCE N57°52'55"E a distance of 60.69 feet along the north ROW line of Interstate "IH-43" and the municipal boundary of the Village of Big Bend as established and described per Ordinance 2007-04 to a point; THENCE N67°21'59"E a distance of 691.57 feet along the north ROW line of Interstate "IH-43" and the municipal boundary of the Village of Big Bend as established and described per Ordinance 2007-04 to a point; THENCE N40°53'05"E a distance of 587.40 feet along the north ROW line of Interstate "IH-43" and the municipal boundary of the Village of Big Bend as established and described per Ordinance 2007-04 to a point; THENCE N33°56'26"W a distance of 386.16 feet along the west ROW line of STH "164" and the municipal boundary of the Village of Big Bend as established and described per Ordinance 2007-04 to a point; THENCE N55°30'26"E a distance of 29.41 feet to a point on the municipal boundary of the Village of Big Bend as established and described per Ordinance 98-3; THENCE southerly a distance of 132.73 feet along said municipal boundary and the arc of a curve whose center lies to the southwest, whose radius is 23,175.68 feet and whose chord bears S34°05'54"E a distance of 132.73 feet to a point; THENCE S33°56'04"E a distance of 245.55 along the municipal boundary of the Village of Big Bend as established and described per Ordinance 98-3; THENCE S34°17'26"E a distance of 803.76 feet along the municipal boundary of the Village of Big Bend as established and described per Ordinance 98-3 to a point on the south ROW line of Interstate "IH-43"; THENCE S85°59'32"W a distance of 630.59 feet along the south line of Interstate "IH-43"; THENCE S67°21'59"W a distance of 929.17 feet along the south line of Interstate "IH-43"; THENCE S01°52'36"E a distance of 348.22 feet along the east line of lands known as Tax PIN #VNT 2058 995 002 and west line of lands known as Tax PIN #VNT 2058 998 001 to a point on the south line of the Northwest 1/4 of Section 11 and the north line of Vernon Meadows Add NO. 1, a recorded subdivision plat. THENCE S88°42'23"W a distance of 894.78 feet along the south line of the Northwest 1/4 of Section 11 and the north line of Vernon Meadows Add NO. 1 to a point on the south ROW line of Interstate "IH-43"; THENCE S67°21'59"W a distance of 383.55 feet along the south ROW line of Interstate "IH-43" and north line of Vernon Meadows Add NO. 1, a recorded subdivision plat to a point; THENCE S62°47'53"W a distance of 439.79 feet along the south ROW line of Interstate "IH-43" and north line of Vernon Meadows Add NO. 1 and north line of CSM 6677 to a point; THENCE S67°20'37"W a distance of 761.19 feet along the south ROW line of Interstate "IH-43" to a point; THENCE S73°59'53"W a distance of 302.03 feet along the south ROW line of Interstate "IH-43" and north line of CSM 2376 to a point; THENCE S67°20'36"W a distance of 1015.19 feet along the south ROW line of Interstate "IH-43" and north lines of CSM 2377 and CSM 2375 to a point on the centerline of Evergreen Drive; THENCE N01°35'05"W a distance of 332.21 feet along the centerline of Evergreen Drive and the to the north ROW line of Interstate "IH-43"; THENCE N67°20'36"E a distance of 2086.02 feet along the north ROW line of Interstate "IH-43" and south lines of unplatted lands and CSM 9230 and CSM 10648 to the point of beginning. Said described lands containing 1,972,061 s.f. (45.2723 acres) more or less of land.

NOTE: THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM DOCUMENTS OF RECORD WITHOUT FIELD VERIFICATION & MAY NOT EXACTLY MATCH RECORD DISTANCES OR BEARING CALLS CONTAINED IN ADJOINING DOCUMENTS OF RECORD. NUMEROUS DISCREPANCIES EXIST BETWEEN SEWRPC SECTION LINE CONTROL NETWORK, LEGAL DESCRIPTIONS AND OTHER INFORMATION CONTAINED IN DOCUMENTS OF RECORD (INCLUDES: DEEDS, CSM'S, SUBDIVISION PLATS & HIGHWAY RIGHT-OF-WAY PLATS). IT IS INTENDED THAT THE MUNICIPAL BOUNDARY AND RIGHT OF WAY LINE OF "WEST NATIONAL AVE. CTH." BE HEREINAFTER COINCIDENT WITH THE BOUNDARY OF PRIVATE LANDS ADJACENT THERETO, SUBJECT TO SURVEYS AND MONUMENTATION.

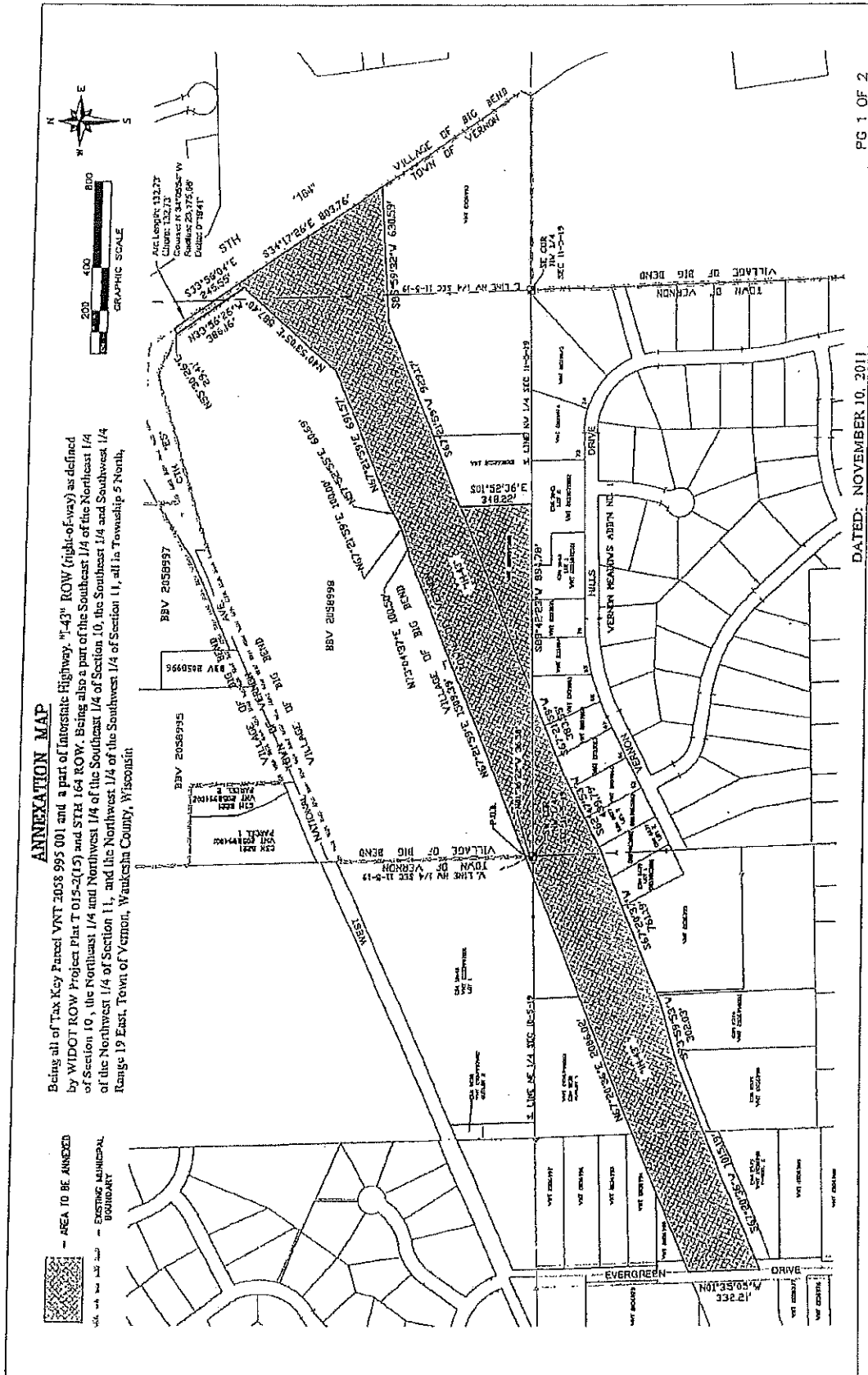
PREPARED BY:  
HORIZON LAND DEVELOPMENT SERVICES, LLC  
JAMES R. BEATY, JLS PLS  
W313 S2562 PENNY LN.  
WALES, WI 53183  
1-262-349-1575  
www.horizonlanddevelopment.com

  
DATED: NOVEMBER 10, 2011



PG 2 OF 2

## AREA 1





AREA 2

LEGAL DESCRIPTION OF LANDS SUBJECT TO ANNEXATION

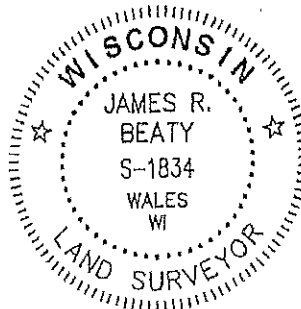
Being all that part of Interstate I-43 ROW as defined by ROW Project Plat T 015-2(15) being also a part of the Northeast 1/4, the Southeast 1/4 and the Southwest 1/4 of the Southwest 1/4 of Section 1, Township 5 North, Range 19 East, Town of Vernon, Waukesha County, Wisconsin  
Said lands to be annexed are bounded and described as follows;

Commencing at the Southeast corner of the Southwest 1/4 of Section 1; THENCE N00°48'15"W, a distance of 867.17 feet along the east line of the Southeast 1/4 of said Section 1 to the point of beginning of the lands hereinafter described, THENCE S89°11'45"W, a distance of 60.00 feet; THENCE N00°48'15"W, a distance of 114.98 feet to a point on the southeasterly right-of-way line of ISH-43; THENCE S51°16'16"W, a distance of 1630.77 feet along said southeasterly line of ISH-43 (Interstate Highway I-43) and the northwesterly boundary of lands described in Reel 2558 Image 0812 and Reel 1711 Image 979 to a point on the south line of the Southwest 1/4 of Section 1 and existing municipal boundary line, (said point lies S88°20'16"W, 1346.53 feet from the Southeast corner of the Southwest 1/4 of said Section 1 along the south line of said Section 1). THENCE S88°20'16"W a distance of 164.00 feet along the south line of said Southwest 1/4 of Section 1 to an angle point in the existing municipal boundary; THENCE N36°06'19"W a distance of 226.17 feet along said municipal boundary line to the north right-of-way line of ISH-43 and southwest corner of Lot 2 of CSM 9889; THENCE a distance of 779.34 feet along said north right-of-way line, (being also the south lines of Lot 2 of CSM 9889 and Parcel 1 of CSM 6782, and the gap existing between said CSM 9889 and CSM 6782 as described) along the arc of a curve, whose center lies to the northwest, whose radius is 11,339.16 feet and whose chord bears N51°45'54"E, a distance of 779.18 feet to a point of tangency per CSM 6782; THENCE N49°48'35"E a distance of 1322.72 feet along the north right-of-way line of ISH-43 and southeasterly lines of Parcel 1 of CSM 6782 and Lot 2 of CSM 6060 to a point on the East line of the Southwest 1/4 of said Section 1; THENCE S00°48'15"E a distance of 607.70 feet along said east line to the point of beginning. Said described lands containing 645,637 s.f. (14.8218 acres) more or less of land.

NOTE: THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM DOCUMENTS OF RECORD WITHOUT FIELD VERIFICATION & MAY NOT EXACTLY MATCH RECORD DISTANCES OR BEARING CALLS CONTAINED IN ADJOINING DOCUMENTS OF RECORD. NUMEROUS DISCREPANCIES EXIST BETWEEN SEWRPC SECTION LINE CONTROL NETWORK, LEGAL DESCRIPTIONS AND OTHER INFORMATION CONTAINED IN DOCUMENTS OF RECORD (INCLUDES: DEEDS, CSM'S, SUBDIVISION PLATS & HIGHWAY RIGHT-OF-WAY PLATS). IT IS INTENDED THAT THE MUNICIPAL BOUNDARY AND RIGHT OF WAY LINE OF "INTERSTATE-43" BE HEREAFTER COINCIDENT WITH THE BOUNDARY OF PRIVATE LANDS ADJACENT THERETO, SUBJECT TO SURVEYS AND MONUMENTATION.

PREPARED BY:  
HORIZON LAND DEVELOPMENT SERVICES, LLC  
JAMES R. BEATY, RLS PLS  
W311 S2562 PENNY LN.  
WALES, WI 53183  
1-262-349-1575  
www.horizonlanddevelopment.com

*James R. Beaty*  
DATED: NOVEMBER 10, 2011



## ANNEXATION MAP

PG 1 OF 2

AREA 3

LEGAL DESCRIPTION OF LANDS SUBJECT TO ANNEXATION

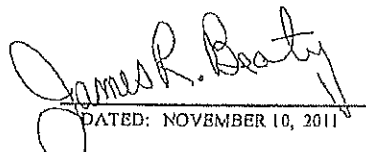
Being a part of National Ave. and STH "164" right-of way and also being a part of the Northeast 1/4, the Northwest 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 11, Township 5 North, Range 19 East, Town of Vernon, Waukesha County, Wisconsin

Said lands to be annexed are bounded and described as follows;

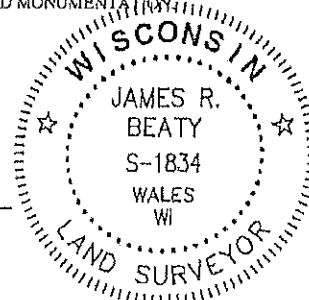
Commencing at the Southwest corner of the Northwest 1/4 of Section 11; thence N01°36'22"W a distance of 915.31 feet along the west line of the Northwest 1/4 of said Section 11 to a point on the south right of way line of West National Ave. (C.T.H. "ES") as defined by Village of Big Bend Ordinance ORD 2007-04; THENCE N01°36'22"W a distance of 109.01 feet along the west line of the Northwest 1/4 of said Section 11 to a point on the north line of West National Ave. (C.T.H. "ES") and the southwest corner of Parcel 1 of CSM 8221 as described; THENCE N65°53'38"E a distance of 405.00 feet along the north line of West National Ave. (C.T.H. "ES") and the south line of CSM 8221 to the southeast corner of Parcel 2 of CSM 8221; THENCE N05°22'09"E a distance of 4.10 feet to the north line of West National Ave. (C.T.H. "ES") as defined in legal description establishing the Municipal boundary of the Village of Big Bend as Ordinance ORD 2007-03; thence THENCE N65°15'22"E a distance of 487.76 feet continuing along said municipal boundary and the north line of West National Ave. (C.T.H. "ES") to a point; THENCE N66°02'14"E a distance of 659.73 feet continuing along said municipal boundary and the north line of West National Ave. (C.T.H. "ES") to a point; THENCE N59°45'36"E a distance of 307.09 feet continuing along said municipal boundary per Ordinance ORD 2007-03 and the north line of West National Ave. (C.T.H. "ES") to a point on the municipal boundary of the Village of Big Bend as established and described per Ordinance ORD 98-3; THENCE S01°17'02"E a distance of 98.24 feet along the municipal boundary of the Village of Big Bend as established and described per Ordinance ORD 98-3 to the centerline of West National Ave. (C.T.H. "ES"); THENCE N66°09'34"E a distance of 561.27 feet along the municipal boundary of the Village of Big Bend as established and described per Ordinance ORD 98-3 to a point; THENCE S23°50'26"E a distance of 60.50 feet along the municipal boundary of the Village of Big Bend as established and described per Ordinance ORD 98-3 to a point; THENCE S88°24'14"E a distance of 186.14 feet along the municipal boundary of the Village of Big Bend as established and described per Ordinance ORD 98-3 to a point; THENCE southerly a distance of 149.89 feet along the arc of a curve, whose center lies to the west, whose radius is 23,175.68 feet and whose chord bears S34°26'52"E a distance of 149.89 feet to a point along the municipal boundary of the Village of Big Bend as established and described per Ordinance ORD 98-3 to a point; THENCE S55°30'26"W a distance of 29.41 feet along the municipal boundary of the Village of Big Bend as established and described per Ordinance ORD 98-3 to the west right-of-way line of S.T.H. "164" and a point on the municipal boundary of Village of Big Bend as established and described per Ordinance ORD 2007-04; THENCE N65°00'42"W a distance of 207.36 feet along the west line of S.T.H. "164" and the municipal boundary of Village of Big Bend as established and described per Ordinance ORD 2007-04 to a point on the south line of West National Ave. (C.T.H. "ES"); THENCE S72°23'11"W a distance of 869.54 feet along the south line of West National Ave. (C.T.H. "ES") as established and described per Ordinance ORD 2007-04 to a point; THENCE S66°02'14"W a distance of 654.69 feet along the south line of West National Ave. (C.T.H. "ES") as established and described per Ordinance ORD 2007-04; THENCE S65°15'22"W a distance of 935.73 feet along the south line of West National Ave. (C.T.H. "ES") as established and described per Ordinance ORD 2007-04 to the point of beginning. Said described lands containing 269,166 s.f. (6.1792 acres) more or less of land.

NOTE: THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM DOCUMENTS OF RECORD WITHOUT FIELD VERIFICATION & MAY NOT EXACTLY MATCH RECORD DISTANCES OR BEARING CALLS CONTAINED IN ADJOINING DOCUMENTS OF RECORD. NUMEROUS DISCREPANCIES EXIST BETWEEN SEWRPC SECTION LINE CONTROL NETWORK, LEGAL DESCRIPTIONS AND OTHER INFORMATION CONTAINED IN DOCUMENTS OF RECORD (INCLUDES: DEEDS, CSM'S, SUBDIVISION PLATS & HIGHWAY RIGHT-OF-WAY PLATS). IT IS INTENDED THAT THE MUNICIPAL BOUNDARY AND RIGHT OF WAY LINE OF "WEST NATIONAL AVE. CTH "ES"" BE HEREAFTER COINCIDENT WITH THE BOUNDARY OF PRIVATE LANDS ADJACENT THERETO, SUBJECT TO SURVEYS AND MONUMENTATION.

PREPARED BY:  
HORIZON LAND DEVELOPMENT SERVICES, LLC  
JAMES R. BEATY, RLS PLS  
W313 S2562 PENNY LN.  
WALES, WI 53183  
1-262-349-1575  
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DATED: NOVEMBER 10, 2011

DATED: NOVEMBER 10, 2011

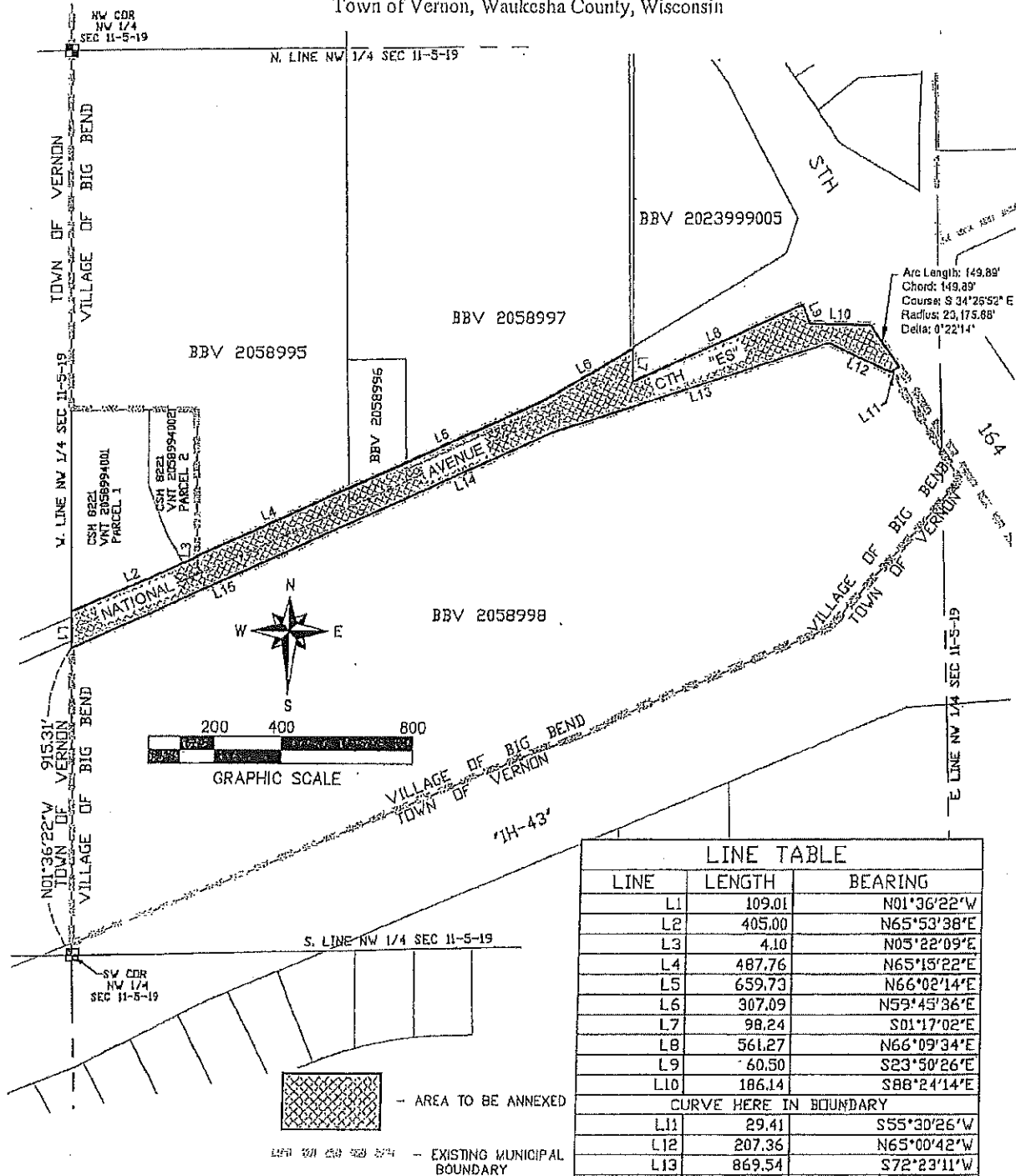


PG 2 OF 2

# AREA 3

## ANNEXATION MAP

Being a part of National Ave. and STH "164" right-of-way and also being a part of the Northeast 1/4, the Northwest 1/4 and the Southwest 1/4 of the Northwest 1/4 of Section 11, Township 5 North, Range 19 East, Town of Vernon, Waukesha County, Wisconsin

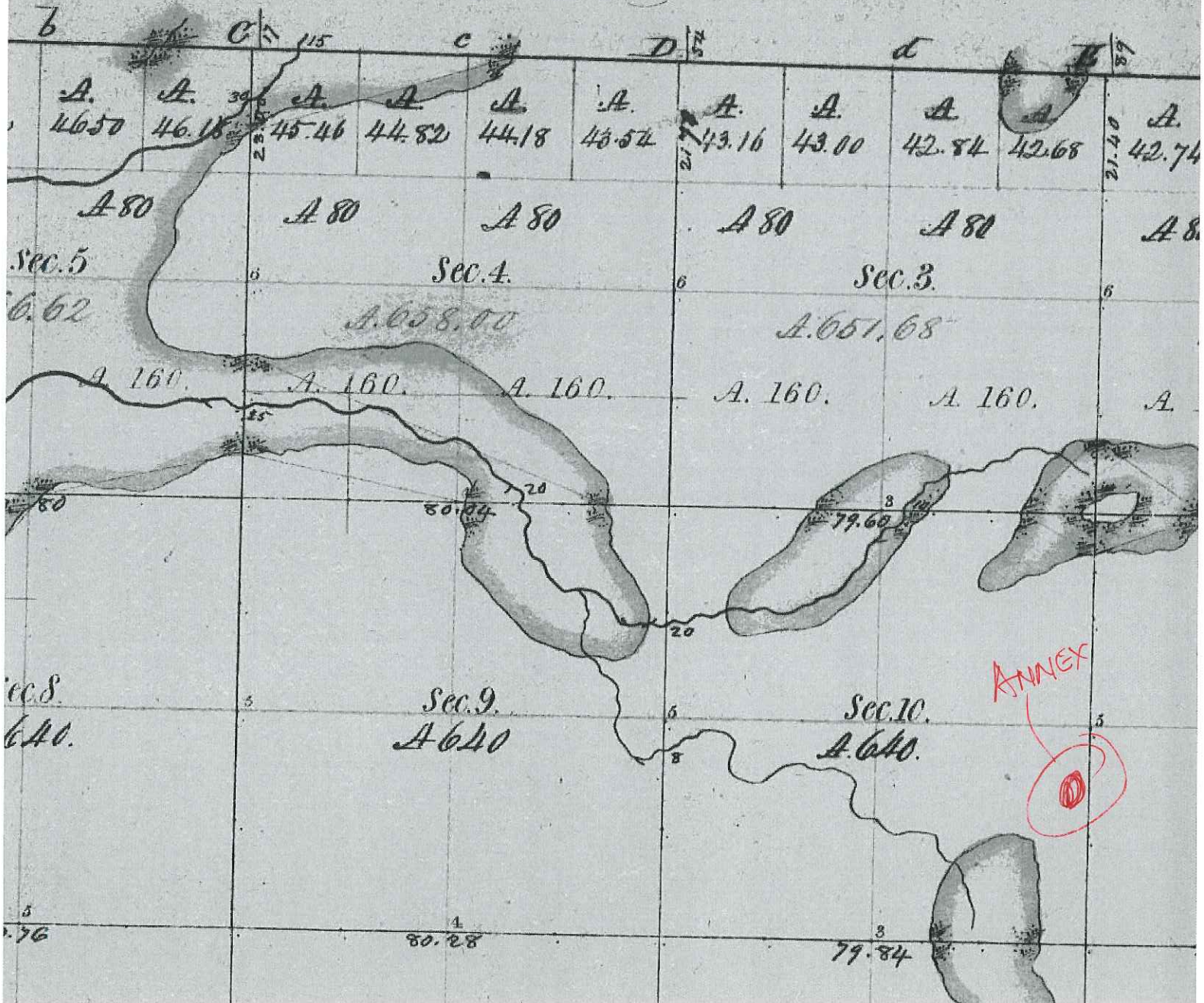


DATED: NOVEMBER 10, 2011

PG 1 OF 2



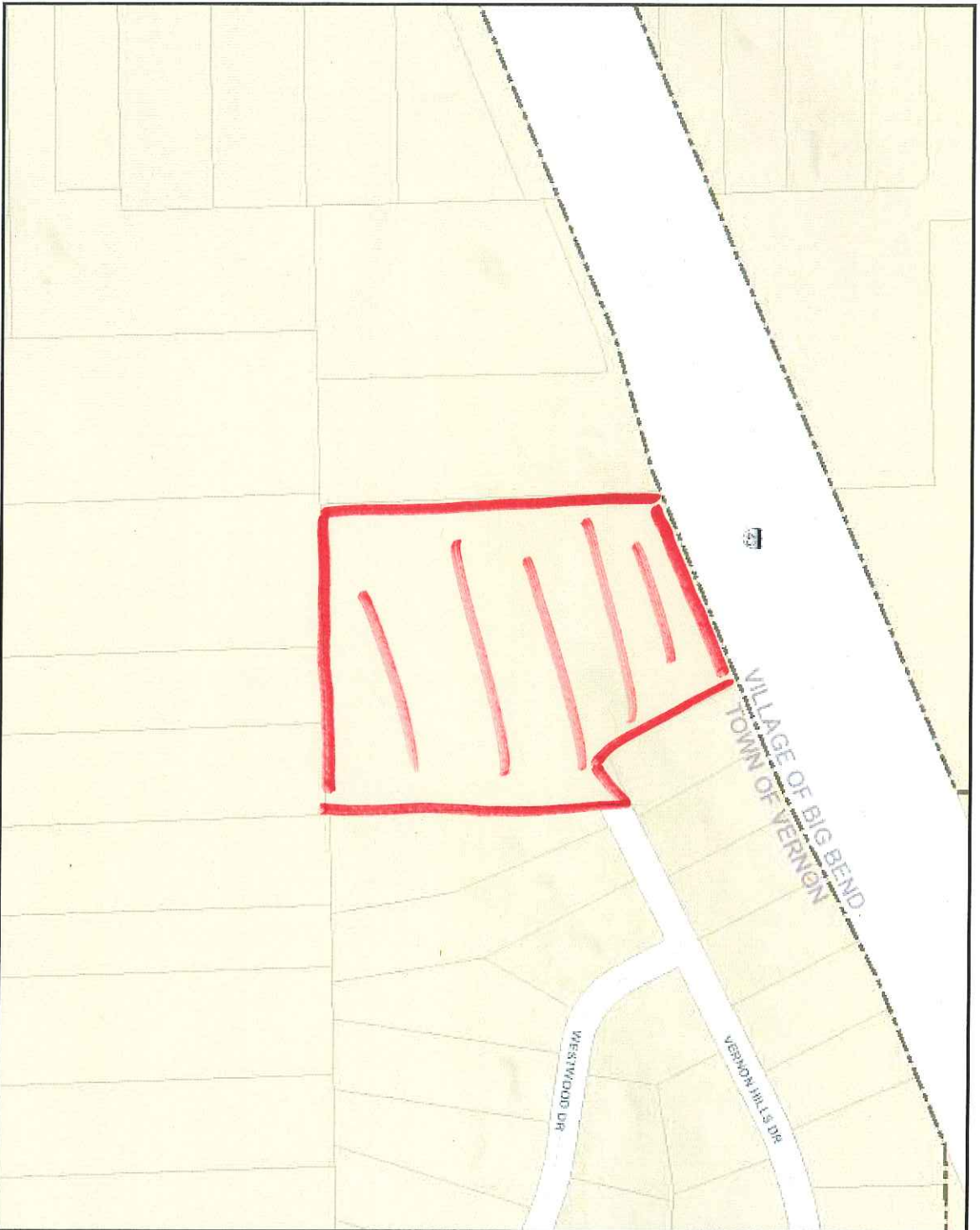
# Nº V N. Range Nº XIX E







# Waukesha County GIS Map



## Legend

- Retired Plats
  - Assessor Plat
  - Condo Plat
  - CSM
  - Subdivision Plat
- Municipal Boundary\_1K
- Railroad\_1K
- TaxParcel\_1K
- Road Centerlines\_1K
- ROW\_1K
- Waterbodies\_1K
- Waterlines\_1K
- FlowCenterline
- Other
- UnderRoad
- Visible
- Hillshade\_1K
- High : 180
- Low : 0
- County\_Parks\_1K
- FacilitySites\_1K
- <all other values>
- Airport
- Cemetery
- Fire Station
- Government
- Hospital
- Library
- Post Office
- Recreation
- School
- Unincorporated
- County Park
- Local Police Department
- Sheriff's Substation
- Future
- Other
- State\_Parks\_1K
- Municipal Boundaries\_1K

0 333.33 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

## Notes:

Printed: 8/1/2018





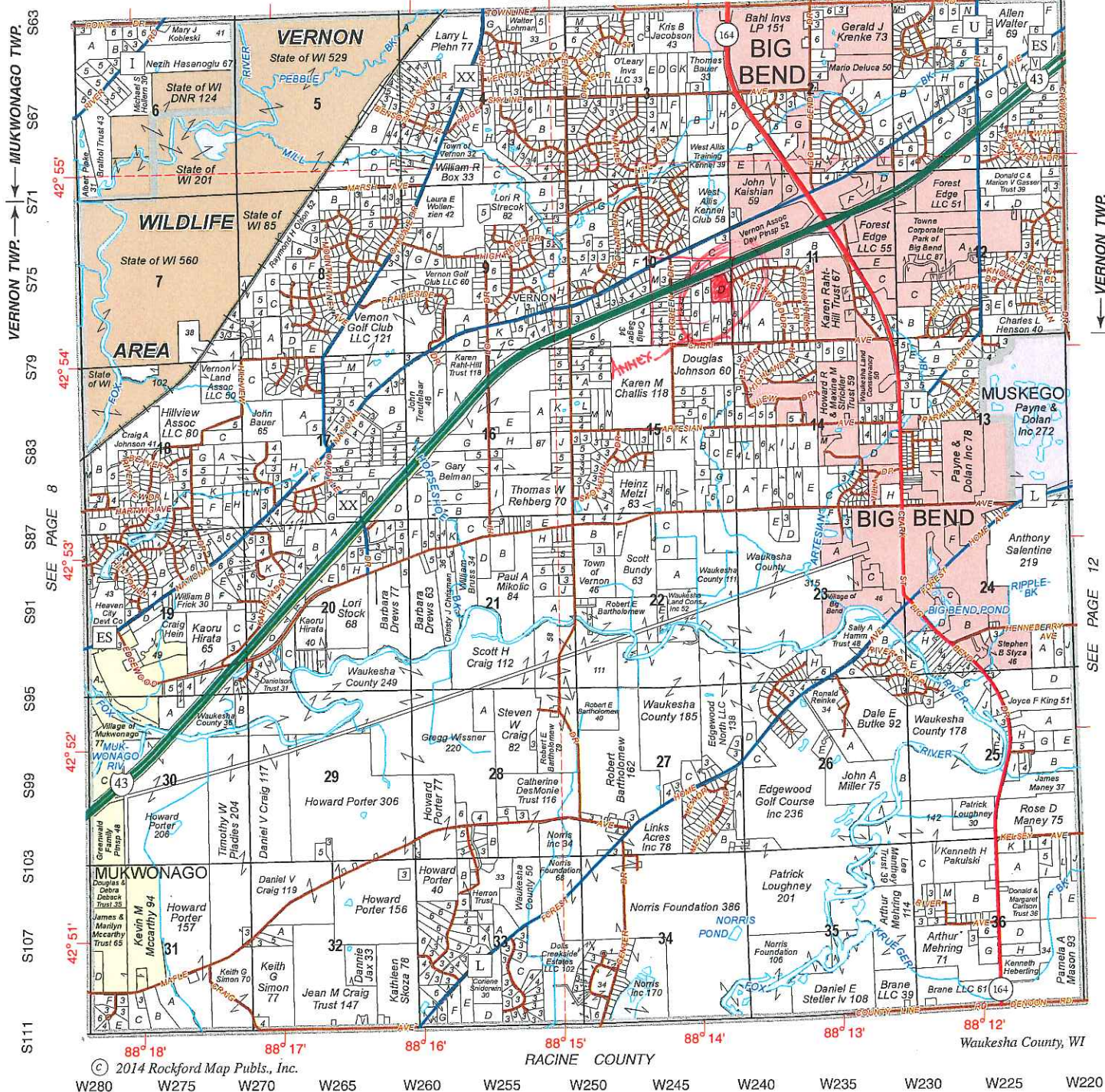
# VERNON EAST PART MUKWONAGO

WEST PART  
CITY OF MUSKEGO

Refer to page 42 for keyed parcels

T.5N.-R.19E.

SEE PAGE 18



## General Public Land Information

Public conservation areas, wildlife refuges, parks and forest lands are illustrated throughout this book. Please note that private lands may be located within these areas and they are not always open for public access. The DNR may or may not lease lands within these areas, so please look for posted signs and contact the Facilities and Lands Bureau of the WI DNR at 608-266-2135 for specifics. You may also find more detailed land information at <http://dnr.wi.gov/topic/Lands/DMLmap/> or contact DNR Satellite Center, 141 NW Barstow, Room 180, Waukesha, WI 53188, 262-574-2100.

### Forest Crop Land

Parcels of land which are designated FCL (Forest Crop Land) may be open to the public for hunting and fishing. Landowners may prohibit other activities in accordance with Wisconsin Statute 77.01 and Administrative code NR 46.

### Managed Forest Lands

MFL designated properties are not shown in this plat book edition due to the partial legal descriptions and the continually changing nature of these lands. To determine if private land is enrolled in the Managed Forest Law program, please contact your local Wisconsin DNR office. MFL properties may or may not be open for public access and it is your responsibility to check with the landowners to determine access. Access may be restricted within 300 feet of any building or commercial logging operation in accordance with Wisconsin Statute 77.83 (2) (a) and (2) (b). Printouts of properties that are open or closed are available through the Wisconsin DNR online at <http://dnr.wi.gov/topic/ForstLandowners/tax.html>. There is also an online map viewer that contains more detailed land and owner information at <http://dnrmaps.wi.gov/opn/>.





SCOTT WALKER

GOVERNOR

ELLEN NOWAK

SECRETARY

**Municipal Boundary Review**

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: [wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)

Web: <http://doa.wi.gov/municipalboundaryreview>

August 08, 2018

PETITION FILE NO. 14132

BRADLEY CALDER, CLERK  
VILLAGE OF BIG BEND  
W230S9185 NEVINS ST  
BIG BEND, WI 53103-9722

KAREN L SCHUH, CLERK  
TOWN OF VERNON  
W249 S8910 CENTER DR  
BIG BEND, WI 53103

Subject: LUCKOW-LENT ANNEXATION

The proposed annexation submitted to our office on July 19, 2018, has been reviewed and found to be against 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...." 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.

Based on the petitioner's map and legal description, the subject territory is not contiguous to the Village under the plain language of the annexation statute and interpretative case law. "Contiguity" is a basic tenant of annexation found in s. 66.0217, Wis. Statutes, to prevent leap frog annexations and reduce confusing jurisdictional boundaries and to instead facilitate orderly annexation of territory. In this instance, contiguity of the 11-acre annexation parcel to the Village is achieved only via I-43 road right-of-way. This configuration is known as a "balloon on a string" and has been determined not to meet the minimum standard for contiguity established by the Wisconsin Supreme Court in *Town of Mt. Pleasant v. City of Racine*<sup>1</sup>. Furthermore, this type of "balloon on a string" configuration does not coincide with the legislative intent of Chapter 66, Wis. Stats. because it creates incoherent boundaries that are difficult for both the City and the Town to administer, for state, federal, and regional jurisdictions to follow, and for residents and businesses to understand.

It is also not apparent whether the City can better provide services to the proposed annexation territory than can the Town. In its completed annexation review questionnaire, the City indicates that it cannot provide sewer or water facilities to the territory, but that it does have police, fire, and EMS services as well as zoning. However, the busy I-43 expressway separates the annexation territory from the Village to the north and Town neighborhoods separate the territory from the Village to the east, south, and west. The territory's isolation may make service delivery less efficient. For example, the Town points out that its fire department is less than a quarter-mile from the territory, while the Village's fire department is over 2-miles away.

To address municipal boundary and service issues, the Village and Town may want to consider developing an intergovernmental boundary agreement between themselves. Reviewing and approving municipal boundary agreements is another function of the Department, therefore Department staff

<sup>1</sup> *Town of Mt. Pleasant v. City of Racine*, 24 Wis.2d 41, 127 N.W.2d 757 (1964).



would be available to answer any questions regarding boundary agreement requirements or process, or any other technical assistance.

Should the Village choose to adopt an ordinance for this annexation, the ordinance is required to comply with the mapping and legal description requirements contained in s. 66.0217(1) Wis. Stats. This section requires description by metes and bounds commencing from a monumented corner of a 1/4 section in which the territory lies. In this case, as currently written, the petition's legal description is not a complete metes and bounds description and does not comply with the statutory requirement.

Finally, 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 14132 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](mailto: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=2205>

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

Sincerely,



Erich Schmidtke, Municipal Boundary Review

cc: petitioner

**ARENZ, MOLTER, MACY, RIFFLE, LARSON & BITAR**

**MUNICIPAL LAW & LITIGATION GROUP, S.C.**

730 N. GRAND AVENUE  
P.O. BOX 1348  
WAUKESHA, WISCONSIN 53187  
Telephone (262)548-1340  
Facsimile (262)548-9211  
sriffle1@aol.com

DALE W. ARENZ, RETIRED  
DONALD S. MOLTER, JR., RETIRED  
JOHN P. MACY  
COURT COMMISSIONER  
H. STANLEY RIFFLE  
COURT COMMISSIONER  
ERIC J. LARSON  
REMZY D. BITAR

PAUL E. ALEX  
R. VALJON ANDERSON  
MATTEO REGINATO  
LUKE A. MARTELL  
SAMANTHA R. SCHMID  
STEPHEN J. CENTINARIO, JR.  
TIMOTHY A. SUHA

**VIA REGULAR MAIL AND EMAIL**

October 10, 2018

Erich Schmidtke  
Municipal Boundary Review - DOA  
101 East Wilson Street  
PO Box 1645, Madison, WI 53701



Re- Luckow-Lent Annexation  
Petition File No. 14132

Mr. Schmidtke:

As you know, I am counsel to the Town of Vernon. The Village of Big Bend enacted an annexation ordinance effectively annexing the lands subject to the above-referenced Department file on October 4, 2018. You, on behalf of the Municipal Boundary Division of the Department, issued the public interest determination on August 8, 2018, finding that the proposed annexation was found to be against the public interest. The Village Board proceeded to adopt the annexation ordinance without regard to this finding.

Wis. Stats. §66.0217 (6) (d) provide, in pertinent part:

*(d) Direct annexation by unanimous approval.*

1. Upon the request of the town affected by the annexation, the department shall review an annexation under sub. (2) to determine whether the annexation violates any of the following, provided that the town submits its request to the department within 30 days of the enactment of the annexation ordinance:

- a. The requirement under sub. (2) regarding the contiguity of the territory to be annexed with the annexing city or village.

This correspondence shall serve as the Town's request for the department's review as to whether the subject annexation violates the requirement, under Wis. Stats. §66.0217 (2), regarding the contiguity of the territory to be annexed with the Village of Big Bend. I enclose the fee associated with this request, pursuant to Department rule, in the amount of \$1,150. I would appreciate acknowledgement of receipt of this request by e-mail and look forward to the Department's Determination on contiguity.

Very truly yours,

MUNICIPAL LAW & LITIGATION GROUP



---

H. Stanley Riffle  
Attorney for the Town of Vernon

cc: Karen Schuh, Town Clerk



*"Life is better in the Bend"*

October 9, 2018

Secretary of Administration  
Ms. Ellen Nowak  
P.O. Box 7864  
Madison, WI 53707

Dear Secretary Nowak,

Enclosed for filing pursuant to Wis. Stat. 66.0217(9) is a certified copy of an Ordinance annexing land from the Town of Vernon into the Village of Big Bend.

The current population of the territory described in the Ordinance is 0.

If you need anything further from me in connection with the filing requirements of Wis. Stat. 66.0217(9), please let me know.

Sincerely,

  
Bradley Calder  
Village Clerk



W230 S 9185 Nevins Street  
Big Bend, WI 53103  
Phone: 262.662.2747  
Fax: 262.662.3751



*"Life is better in the Bend"*

W230 S 9185 Nevins Street  
Big Bend, WI 53103  
Phone: 262.662.2747  
Fax: 262.662.3751

**VILLAGE OF BIG BEND  
WAUKESHA COUNTY, WISCONSIN**

**CERTIFICATION OF ADOPTION OF ANNEXATION ORDINANCE**

I, Bradley Calder, Village Clerk of the Village of Big Bend, hereby certify that the attached Ordinance of the Village of Big Bend Village Board was adopted at a duly-noticed, open meeting of the Village Board and that said Ordinance remains in full force and effect without amendment.

Dated this 4<sup>th</sup> day of October, 2018

**VILLAGE OF BIG BEND**

  
Bradley Calder, Village Clerk

ORDINANCE 2018-08

AN ORDINANCE ANNEXING TERRITORY TO THE  
VILLAGE OF BIG BEND, WISCONSIN

The Village Board of the Village of Big Bend, Wisconsin, do ordain as follows:

SECTION 1. Territory Annexed. In accordance with Sec. 66.0217 of the Wisconsin Statutes and the petition for direct annexation filed with the Village Clerk on the 13<sup>th</sup> day of July, 2018, signed by a number of qualified electors residing in the territory described below equal to at least the majority of votes cast for governor in the territory at the last gubernatorial election and the owners of at least one-half of the land in area within the territory, the following described territory in the Town of Vernon, Waukesha County, Wisconsin, known as the Luckow-Lent property, is annexed to the Village of Big Bend, Wisconsin:

See legal description attached as Exhibit A.

The population of the annexed territory is zero (0).

SECTION 2. Effect of Annexation. From and after the date of this ordinance the territory described in Section 1 shall be a part of the Village of Big Bend for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the Village of Big Bend.

SECTION 3. Temporary Zoning Classification. (a) Upon recommendation of the Plan Commission, the territory annexed to the Village of Big Bend by this ordinance is temporarily zoned as follows, pursuant to Sec. 66.0217 (8)(a) of the Wisconsin Statutes:

A-1 Agricultural District

(b) The Plan Commission is directed to prepare an amendment to the zoning ordinance setting forth permanent classifications and regulations for the zoning of the annexed area and to submit its recommendations to the Board not later than 180 days following adoption of the ordinance.

SECTION 4. Ward Designation. The territory described in Section 1 of this ordinance is hereby made a part of Ward 1 of the Village of Big Bend, subject to the ordinances, rules and regulations of the Village governing wards.

SECTION 5. Payment of Town Taxes. Prior to January 31 of each of the five consecutive years following adoption of this ordinance, the owner(s) of each property who petitioned for annexation shall pay to the Village an amount equal to the amount of property taxes that the Town of Vernon levied on each petitioner's property in the year the annexation is final as shown by the tax roll under Sec. 70.65 of the Wisconsin Statutes, in the year in which the annexation is final and the



Village agrees to pay such amounts to the Town of Vernon pursuant to Sec. 66.0217(14) of the Wisconsin Statutes. Interest shall accrue on any delinquent amount owing at the rate of 1 ½ % per month. Any outstanding amount, including accrued interest remaining unpaid as of September 30 of any of the five years following adoption of this ordinance, shall be added as a special charge to the tax bill for each annexed property for which default has occurred.

SECTION 6. Payment of Village Professionals Fees. The owner(s) of each property who petitioned for annexation shall be jointly and severally obligated to pay to the Village within 30 days of billing, any charges incurred by the Village from the Village Engineer, Planner, Attorney or other professional retained by the Village with respect to the annexation. The Village Clerk shall automatically charge any delinquent bill against the current or next tax roll as a delinquent tax against the property or properties.

SECTION 7. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance which can be given effect without the invalid or unconstitutional provision or application.

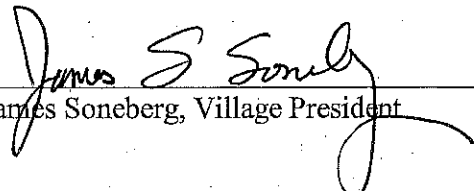
SECTION 8. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

Passed this 4<sup>th</sup> day of October, 2018.

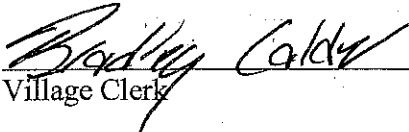
Approved this 4<sup>th</sup> day of October, 2018.

VILLAGE OF BIG BEND

By:

  
James Soneberg, Village President


ATTEST:

  
Village Clerk

Drafted JCS  
9/6/18

# EXHIBIT

## ANNEXATION DESCRIPTION

PROJECT:	LOCATION:	CLIENT:	
VILLAGE OF BIG BEND ANNEXATION	VILLAGE OF BIG BEND, WAUKESHA COUNTY, WISCONSIN		

### ANNEXATION DESCRIPTION

Part of the Northeast 1/4 of the Southeast 1/4 of Section 10 in Town 5 North, Range 19 East, Town of Vernon, Waukesha County, Wisconsin, being more particularly described as follows:

Commencing at the East 1/4 corner of said Section 10; thence North 89°58'26" East along the north line of the Southwest 1/4 of Section 11, 760.84 feet to the south line of Interstate 43 and the north line of Vernon Meadows Addition Number 1; thence South 68°38'34" West along said line, 383.88 feet; thence South 64°04'24" West along said line, 439.78 feet to a north corner of Certified Survey Map 6677 as recorded in the Waukesha County Register of Deeds Office in Volume 55 on Page 317; thence Southwest along the north line of said Certified Survey Map and the south line of said Interstate 43, 267.29 feet to the northwest corner of Lot 1 of said Certified Survey Map 6677 and the point of beginning; thence Southeast along the southwesterly line of said Lot 1, 331.29 feet to the southwest corner of said Lot 1; thence Northeast along the southeasterly line of said Lot 1, 121.90 feet to the west line of Vernon Hills Drive; thence South along the west line of Vernon Hills Drive and the west line of Lot 63 of Vernon Meadows Addition Number 1, 650 feet more or less to a point 1335 more or less South of the East 1/4 corner of said Section 10; thence West 670 feet more or less; thence North 734.82 feet to the south line of Interstate 43; thence Northeast along said south line, 450 feet more or less to the point of beginning.



DRAWN BY:	GRS
CHECKED:	GRS
APPROVED:	GRS

REVISIONS:	DATE: 10/23/2018
	SCALE: N/A
	SHEET NUMBER:
	2 of 2

Parcels  
 Plats  
 Retired Parcels  
 Retired Plats  
 Municipal Boundary\_2K  
 Waterbodies\_2K\_Labels  
 Waterlines\_2K\_Labels  
 FacilitySites\_2K\_Labels  
 Lots\_2K  
☐ Lot  
☐ Outlot  
 SimultaneousConveyance  
☐ Assessor Plat  
☐ CSM  
☐ Condominium  
☒ Subdivision  
 Cartoline\_2K  
 <all other values>  
 EA-Easement\_Line  
 PL-DA  
 PL-Extended\_Tie\_line  
 PL-Meander\_Line  
 PL-Note  
 PL-Tie  
 PL-Tie\_Line  
 Road Centerlines\_2K  
 Railroad\_2K  
 TaxParcel\_2K  
 Waterbodies\_2K\_Labels  
 Waterlines\_2K\_Labels  
 Municipal Boundary\_5K  
 FacilitySites\_5K\_Labels  
 Waterbodies\_5K\_Labels  
 Waterlines\_5K\_Labels  
 Railroad\_5K  
 SimultaneousConveyance

0 373.52 Feet

The information and depictions herein are for informational purposes and Waukesha County specifically disclaims accuracy in this reproduction and specifically admonishes and advises that if specific and precise accuracy is required, the same should be determined by procurement of certified maps, surveys, plats, Flood Insurance Studies, or other official means. Waukesha County will not be responsible for any damages which result from third party use of the information and depictions herein, or for use which ignores this warning.

**Notes:**

Printed: 10/9/2018







SCOTT WALKER

GOVERNOR

ELLEN E. NOWAK

SECRETARY

**Municipal Boundary Review**

PO Box 1645, Madison WI 53701

Voice (608) 264-6102 Fax (608) 264-6104

Email: [wimunicipalboundaryreview@wi.gov](mailto:wimunicipalboundaryreview@wi.gov)

Web: <http://doa.wi.gov/municipalboundaryreview>

November 1, 2018

PETITION FILE NO. 14132

Stan Riffle, Attorney  
Arenz, Molter, Macy, Riffle et al  
730 N Grand Avenue  
PO Box 1348  
Waukesha, WI 53187

Subject: VILLAGE OF BIG BEND ANNEXATION ORDINANCE 2018-08

On October 15, 2018 the Department received a request from the Town of Vernon to review an annexation ordinance that was adopted by the Village of Big Bend on October 4, 2018. The Department finds that this annexation is not contiguous with the Village of Big Bend.

In determining whether an annexation ordinance complies with s. 66.0217(6)(d), Wis. Stats., the Department considers:

- 1) Contiguity requirement – the annexation territory must be contiguous to the annexing city or village.
- 2) Same-County requirement – if no part of the annexing city or village is located within the same county as the annexation territory, then the town board whose territory is being annexed must first adopt a resolution approving the proposed annexation.

The Department finds that the Village of Big Bend Annexation Ordinance 2018-08 meets the same-county requirement but does not meet the contiguity requirement.

The Department reviewed the petition for this annexation according to its review authority under s. 66.0217(6) Wis. Stats. The Department issued its determination letter on August 8, 2018 finding the petition to be *Against the Public Interest* because of lack of contiguity, among other things. The Department found the annexation to be a ‘Balloon-on-a-String’ type of configuration which is irregular in shape and not considered contiguous by Department precedent and caselaw. The *Balloon* in this case is an 11-acre annexation parcel which is connected to the Village only via I-43 road right-of-way, which is the *String* in this case. “Balloon-on-a-String” type configurations have been determined not to meet the minimum standard for contiguity established by the Wisconsin Supreme Court in *Town of Mt. Pleasant v. City of Racine*<sup>1</sup>. Furthermore, this type of ‘Balloon-on-a-String’ configuration does not coincide with the legislative intent of Chapter 66, Wis. Stats. because it creates incoherent boundaries that are difficult for both the City and the Town to administer, for state, federal, and regional jurisdictions to follow, and for residents and businesses to understand.

<sup>1</sup> Town of Mt. Pleasant v. City of Racine, 24 Wis.2d 41, 127 N.W.2d 757 (1964).

An alternative is for the Village and Town to develop a boundary agreement between themselves to address how this shared boundary line will eventually be made clear, compact, and orderly. Reviewing and approving boundary agreements is another function of this Department, therefore Department staff would be available to answer any questions regarding boundary agreement requirements or process, or any other technical assistance.

Although the Department's finding is merely advisory, because the Department finds this annexation ordinance to violate the contiguity requirement, s. 66.0217(6)(d)2, Wis. Stats. indicates that the Town of Vernon is now eligible to contest the validity of this annexation ordinance in circuit court, and has 45 days in which to exercise that option. If the Town of Vernon does in fact decide to contest this annexation in court, the Department reminds the Village of Big Bend of its statutory obligation to file notice of the pending litigation with our office as required by s. 66.0231, Wis. Stats.

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Erich Schmidtke', with a stylized, flowing script.

Erich Schmidtke, Municipal Boundary Review

Cc: Petitioners

Brad Calder, Village Clerk

Karen Schuh, Town Clerk