

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701
608-264-6102
wimunicipalboundaryreview@wi.gov
<https://doa.wi.gov/municipalboundaryreview>

Petitioner Information

Name: **Sargento Foods Inc**

Phone: **920-893-8484**

Email: **louie.gentine@sargento.com**

RECEIVED

May 25, 2022

Municipal Boundary Review
Wisconsin Dept. of Admin.

Contact Information if different than petitioner:

Representative's Name: **Chad Hamilton**

Phone: **920-892-3550**

E-mail: **chad.hamilton@sargento.com**

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

2. Petitioned City or Village: **Elkhart Lake**

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

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

5. Area (in acres) of the territory to be annexed: **32.9**

6. Tax parcel number(s) of territory to be annexed (if the territory is part or all of an existing parcel):
59018257812

Include these required items with this form:

- ☒ Legal Description meeting the requirements of s.66.0217 (1) (c) [see attached annexation guide]
- ☒ Map meeting the requirements of s. 66.0217 (1) (g) [see attached annexation guide]
- ☒ Signed Petition or Notice of Intent to Circulate [see attached annexation guide]
- ☒ Check or money order covering review fee [see next page for fee calculation]

(2021)

Annexation Review Fee Schedule

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)

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

DON'T attach the check with staples, tape, ...

**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 & form received: 5-24-2022

Payer: Quarles + Brady LLP
Brady

Check Number: 881615

Check Date: 5-19-22

Amount: 1,150⁰⁰

ANNEXATION SUBMITTAL GUIDE

s. 66.0217 (5) THE PETITION

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

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

s. 66.0217 (1) (c) THE DESCRIPTION

- ☐ The annexation petition must include a legal description of the land to be annexed. The land must be described by reference to the government lot, private claim, quarter-section, section, town and range in which the land lies. The land must be further described by metes and bounds commencing from a monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the land lies; OR
- ☐ If the land is wholly and entirely within a lot or lots, or all of a block or blocks of a recorded subdivision plat or certified survey map, it must be described by reference to the lot (s) and/or block (s) therein, along with the name of the plat or the number, volume, page, and County of the certified survey map.
- ☐ The land may NOT be described only by:
- Aliquot part;
 - Reference to any other document (plat of survey, deed, etc.);
 - Exception or Inclusion;
 - Parcel ID or tax number.

s. 66.0217 (1) (g) THE MAP

- ☐ The map shall be an **accurate reflection** of the legal description of the parcel being annexed. As such, it must show:
- A tie line from the parcel to the monumented corner of the section or quarter-section, or the monumented end of a private claim or federal reservation, in which the parcel lies. The corner and monument must be identified.
 - Bearings and distances along all parcel boundaries as described.
 - All adjoiners as referenced in the description.
- ☐ The map must include a **graphic scale**.
- ☐ The map must show and identify the existing municipal boundary, in relation to the parcel being annexed.

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

s. 66.0217 FILING

- ☐ The petition must be filed with the Clerk of the annexing City or Village and with the Clerk of the Town in which the land is located.
- ☐ If the annexation is by one-half approval, or by referendum, the petitioner must post notice of the proposed annexation as required by s. 66.0217 (4).



33 East Main Street
Suite 900
Madison, Wisconsin 53703
608-251-5000
Fax 608-251-9166
www.quarles.com

Attorneys at Law in
Chicago
Indianapolis
Madison
Milwaukee
Minneapolis
Naples
Phoenix
Tampa
Tucson
Washington, D.C.

Writer's Direct Dial: 608-283-2466
E-Mail: Douglas.Buck@quarles.com

May 20, 2022

VIA FIRST CLASS MAIL

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

RE: Annexation Petition to the Village of Elkhart Lake, WI for property located at
County Road A, Town of Rhine, Wisconsin

To whom it may concern:

Please find attached, an annexation petition on behalf of my client, Sargento Foods Inc., for the property located at County Road A, Town of Rhine, Wisconsin, as known as Parcel Number 59018257812. A copy of this petition will concurrently be submitted to the Village of Elkhart Lake, Wisconsin for their review.

Please also find enclosed a check for the filing fee of \$1150.00. Feel free to contact me with any questions.

Very truly yours,

Douglas S. Buck

DSB:jjh

PETITION FOR DIRECT ANNEXATION BY UNANIMOUS APPROVAL

TO: The Honorable Village Board of the Village of Elkhart Lake

c/o Village Clerk
40 Pine Street
PO Box 143
Elkhart Lake, WI 53020

Sargento Foods Inc. ("Petitioner") hereby respectfully petitions the Village Board of the Village of Elkhart Lake, Sheboygan County, Wisconsin, pursuant to §66.0217(2) of the Wisconsin Statutes, for the direct annexation to the Village of Elkhart Lake, Sheboygan County, Wisconsin (the "Village"), and the detachment from the Town of Rhine, Sheboygan County, Wisconsin (the "Town"), of the territory described below in Paragraph 6 (the "Territory").

In support of this petition, the Petitioner alleges and represents the following:

1. The Petitioner is the sole owner of all the land within the Territory.
2. There are no electors residing in the Territory.
3. The population of the Territory is zero.
4. The purpose of this petition for direct annexation of the Territory to the Village is to obtain the benefits to be derived from owning land located within the limits of the Village, including, but not limited to, having Petitioner's property receive municipal services (e.g. water and sewer) within the same municipality. The Petitioner believes it to be in its own best interests and the best interests of the affected communities to have the Territory annexed to the Village.
5. The Territory is contiguous to the Village.
6. The legal description of the Territory is as follows:

LOT 2 OF THAT CERTAIN CERTIFIED SURVEY MAP RECORDED IN
VOLUME 25 OF CSM, PAGES 120/1, AS DOCUMENT NUMBER 1938111,
BEING A PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 29, T16N, R21E,
TOWN OF RHINE, SHEBOYGAN COUNTY, WISCONSIN

Tax Parcel No.: 59018257812

Said parcel contains 1,432,965 sq. ft (32.90 acres), more or less.

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

8. Pursuant to §66.0217(8) of the Wisconsin Statutes, Petitioner hereby requests that the Territory be given a temporary zoning classification of Agricultural Holding under the Village zoning code until such time as a permanent zoning classification for the Territory can be applied for by Petitioner and approved by the Village.

10. The filing of this Petition was duly authorized by the undersigned.

SARGENTO FOODS INC.

By: Douglas Buck
Print Name: Douglas Buck
Title: Its Attorney

EXHIBIT A

SCALE MAP OF TERRITORY

(Attached)

VILLAGE OF ELKHART LAKE WISCONSIN

POPULATION - APRIL 2010: 967

- 1. SINGLE-FAMILY RESIDENCE DISTRICT
- 2. SINGLE-FAMILY RESIDENCE DISTRICT - 10,000+ S.F. LOT
- 3. MULTIFAMILY RESIDENCE DISTRICT
- 4. PLANNED RESIDENTIAL CONSERVATION DISTRICT
- 5. GENERAL COMMERCIAL DISTRICT
- 6. SPECIAL COMMERCIAL DISTRICT
- 7. INDUSTRIAL DISTRICT
- 8. HIGHWAY COMMERCIAL DISTRICT
- 9. LIMITED BUSINESS DISTRICT
- 10. GENERAL BUSINESS DISTRICT
- 11. PUBLIC SQUARE AND INSTITUTIONAL DISTRICT
- 12. PARK AND RECREATION DISTRICT
- 13. CONSERVATION DISTRICT
- 14. AGRICULTURAL DISTRICT
- 15. PLANNED COMMUNITY DEVELOPMENT DISTRICT
- 16. PLANNED COMMUNITY DEVELOPMENT DISTRICT - 10,000+ S.F. LOT

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RECEIVED

May 26, 2022

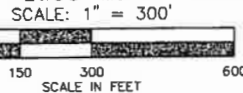
Municipal Boundary Review
Wisconsin Dept. of Admin.

VOL 25 PAGE 120

1938111
SHEBOYGAN COUNTY, WI
RECORDED ON
01/24/2012 4:09 PM
ELLEN R. SCHLEICHER
REGISTER OF DEEDS
RECORDING FEE: 30.00
EXEMPTION #
Cashier ID: 2
PAGES: 2



NORTH IS REFERENCED TO THE NORTH LINE OF THE NE 1/4 OF SECTION 29, TOWN 16 NORTH, RANGE 21 EAST, HAVING AN BEARING OF S 89°28'45" E. SAID BEARING IS BASED ON THE SHEBOYGAN COUNTY G.P.S. COORDINATES, NAD 1983(91).



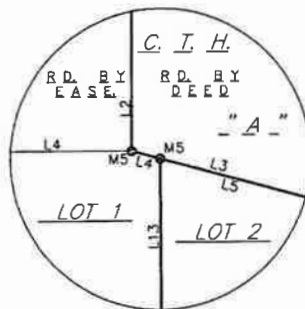
THIS INSTRUMENT DRAFTED BY GRETCHEN GALSTAD OF HINZE-BRUGGINK, LLC

CERTIFIED SURVEY MAP
OF
PART OF THE NE 1/4 OF THE NE 1/4 OF SECTION 29, TOWN 16 NORTH, RANGE 21 EAST
SHEBOYGAN COUNTY, WISCONSIN

OWNER: HAMMANN TRUST
N7456 C.T.H. "J"
PLYMOUTH, WI 53073

RIGHT OF WAY WIDTH TABLE
LENGTHS SHOWN ARE MEASURED
PERPENDICULAR FROM R/W TO
REFERENCED LINE. THE RIGHT
OF WAY IS CENTERED ON THE
REFERENCED LINE OF C.T.H. "A".
R1 = 33.00'
R2 = 60.00'

L 1	N 89°28'45" W	900.03'	L 8	N 00°20'13" E	240.00'
L 2	N 00°03'04" E	43.38'	L 9	N 00°20'13" E	194.81'
L 3	N 74°50'21" E	103.58'	L 10	N 00°20'13" E	45.19'
L 4	N 74°50'21" E	6.20'	L 11	S 89°28'45" E	220.975'
L 5	N 74°50'21" E	97.38'	L 12	S 89°28'45" E	408.15'
L 6	S 89°56'36" E	480.42'	L 13	S 00°20'13" E	360.35'
L 7	S 89°28'45" E	181.50'			



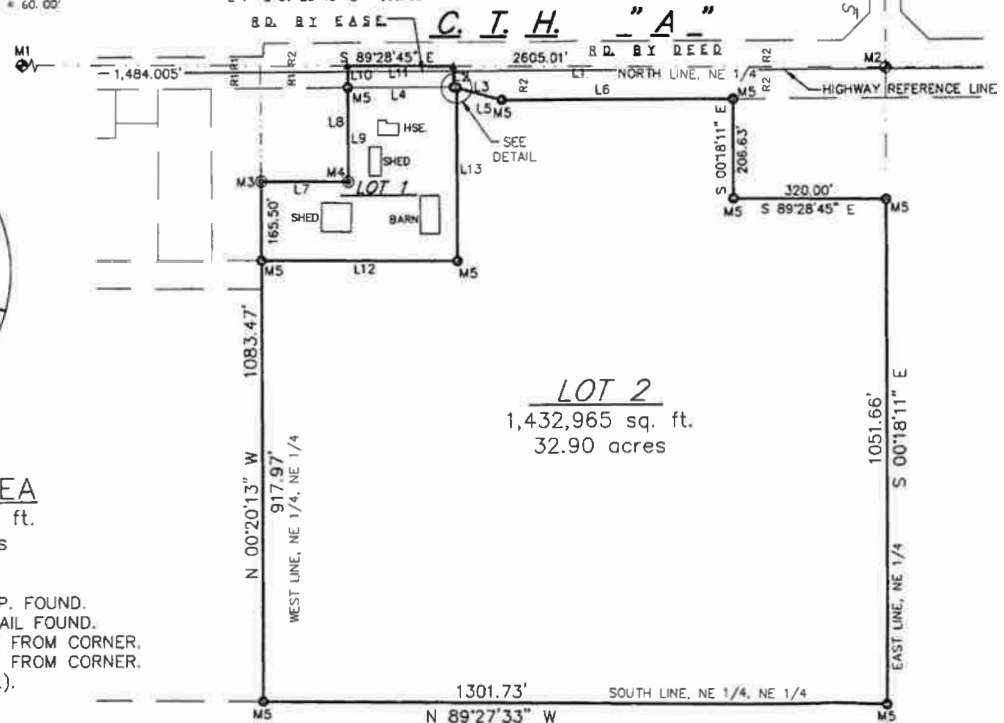
DETAIL
N.T.S.

<u>LOT 1</u>	<u>TOTAL AREA</u>
121,674 sq. ft.	1,554,639 sq. ft.
2.79 acres	35.69 acres

LEGEND

- M1 = N1/4 CORNER, SEC. 29-16-21, 1" I.P. FOUND.
- M2 = NE CORNER, SEC. 29-16-21, P-K NAIL FOUND.
- M3 = 3/4" I.P. FOUND, N 00°20'13" W, 0.11' FROM CORNER.
- M4 = 3/4" I.P. FOUND, N 00°20'13" W, 0.11' FROM CORNER.
- M5 = 1" x 24" I.P. SET (1.68 LBS./LIN. FT.).
- M6 = P-K NAIL SET

SCALE: 1" = 300'



SHEET 1 OF 2

BOOK NO. 149, PAGE NO. 150-151



JOB NO. 0502


Page 2 of 2

SURVEYOR'S CERTIFICATE

I, Craig L. Huebner, Registered Land Surveyor, hereby certify that I have surveyed, divided, and mapped the tract of land shown on this drawing being Part of the NE ¼ of the NE ¼ of Section 29, Town 16 North, Range 21 East, Town of Rhine, Sheboygan County, Wisconsin, described as follows: Commencing at the NE corner of said Section 29, N 89° 28' 45" W along the north line of the NE ¼ of said Section 29, 900.03' to the point of beginning; thence S 0° 03' 04" W, 43.38' to the south right-of-way of C.T.H. "A"; thence S 74° 50' 21" E along said right-of-way, 103.58'; thence S 89° 56' 56" E, 480.42'; thence S 0° 18' 11" E, 206.63'; thence S 89° 28' 45" E, 320.00' to the east line of the NE ¼ of said section 29; thence S 0° 18' 11" E along said east line, 1051.66' to the south line of the NE ¼ of the NE ¼ of said Section 29; thence N 89° 27' 33" W along said south line, 1301.73' to the west line of the NE ¼ of the NE ¼ of said Section 29; thence N 0° 20' 13" W along said west line, 1,083.47'; thence S 89° 28' 45" E 181.50', thence N 0° 20' 13" W, 240.00' to the north line of the NE ¼ of said Section 29; thence S 89° 28' 45" E along said north line, 220.975' to the point of beginning, being a tract of land containing 35.69 acres.

That I have made such survey, land-division and map by the direction of Fred Hammann, owner of the land and that such drawing is a correct representation of all the exterior boundaries of the land surveyed and that I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the Sheboygan County Planning and Resource Department, Town Board, Town of Rhine:

June 12, 2007



Craig L. Huebner, Registered Land Surveyor S-1471

OWNER'S CERTIFICATE

As owner (s) I (we) certify that I (we) caused the land described on this drawing to be surveyed, divided, mapped and dedicated as represented on the drawing.

Nov. 14, 2011
DATE

Fred Hammann
Fred Hammann

Dorian Hamman
Dorian Hamman

This Certified Survey Map has been reviewed and approved by the Sheboygan County Planning & Resource Department.

January 24, 2012
DATE

[Signature]
County Planning Director

Town Board
Town of Rhine

1-3-2012
DATE

[Signature]
Town Chairman

[Signature]
Town Clerk

VOL 25
PAGE 121

REAL PROPERTY LISTERS ANNEXATION REVIEW

1. Territory to be annexed: _____ | From Town of: **Rhine** | To City/Village of: **Elkhart Lake**

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, ¼ - ¼ 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

- N (1) Identify owner(s) of annexed land
- Y (2) Identify parcel ID numbers included in annexation.
- NA (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:

Parcel # 59018257812 does not show Sargento Foods Inc legally owning lot 2 of CSM V25 P120 Doc #1938111.

This is because there is an error in the Trustee's Deed between Frederick and Dorien Hammann Joint Revocable Living Trust and Sargento Foods Inc. It appears Trustee's Deed #2057568 mistakenly put lot 1 in the legal description instead of lot 2

I have contacted the Attorney to try and get a correction instrument but have not heard anything back yet.

Prepared by: Riley Calaway
 Title: LDT III
 Phone: 920-459-3124
 Date: 6/3/2022

Please **RETURN PROMPTLY** to:
 Municipal Boundary Review
 PO Box 1645
 Madison WI 53701

(608) 264-6102 **FAX** (608) 264-6104
wimunicipalboundaryreview@wi.gov

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

Petitioner: **Sargento Foods Inc**

Petition Number: **14510**

1. Territory to be annexed: From **TOWN OF RHINE** To **VILLAGE OF ELKHART LAKE**

2. Area (Acres): 32.9

3. Pick one: ☐ Property Tax Payments

OR ☐ Boundary Agreement

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

\$ 74.68

a. Title of boundary agreement _____

b. Year adopted _____

b. Total that will be paid to Town

(annual tax multiplied by 5 years): \$ 373.40

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: 60 % Recreational: _____% Commercial: 20 % Industrial: _____%

Other: 20 %

Comments: Other- Some land will remain undeveloped.

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, industrial - undeveloped / natural

In the town?: same

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:

Sanitary Sewers immediately

or, write in number of years.

City/Village

☒

1 yr

Town

☐

Water Supply immediately

or, write in number of years.

☒

1 yr

☐

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-3

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

mix of residential-commercial

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 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:

Prepared by: ☒ Town ☐ City ☐ Village

Name: Lexann Hoogstra

Email: clerk@townhere-wi.com

Phone: 920 876 3413

Date: 6-8-22

Please **RETURN PROMPTLY** to:

wimunicipalboundaryreview@wi.gov

Municipal Boundary Review

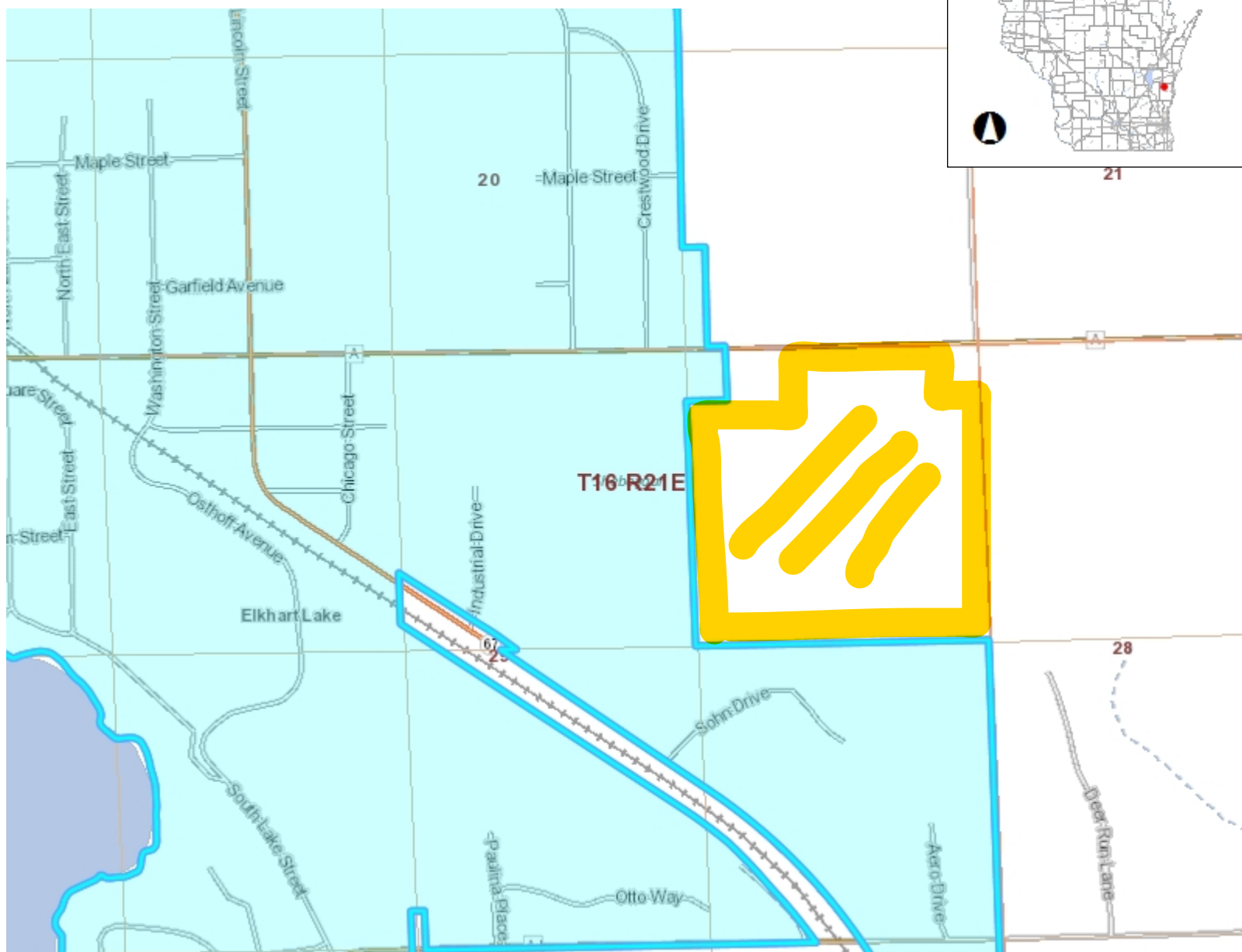
PO Box 1645, Madison WI 53701

Fax: (608) 264-6104

(March 2018)



Surface Water Data Viewer Map



Legend

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

0.3 0 0.13 0.3 Miles

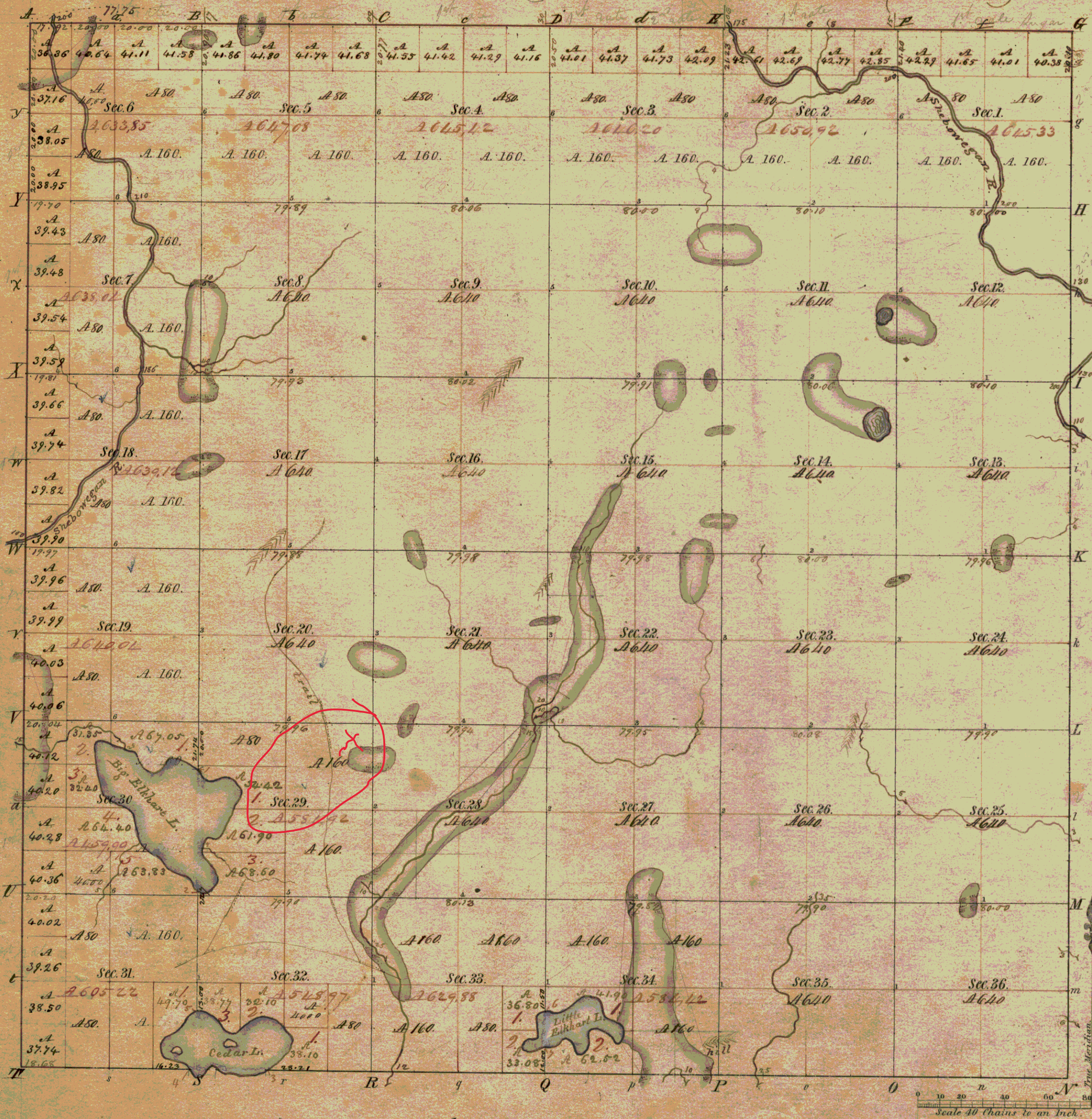
NAD_1983_HARN_Wisconsin_TM

1: 7,920

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/>

Notes

Township N^o XVI Range N^o XXI E. 4th Mer. (Wis. Ter.)





TONY EVERS

GOVERNOR

KATHY BLUMENFELD

SECRETARY-DESIGNEE

Municipal Boundary Review

PO Box 1645, Madison WI 53701

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

Email: wimunicipalboundaryreview@wi.gov

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

June 15, 2022

PETITION FILE NO. 14510

JESSICA REILLY, CLERK
VILLAGE OF ELKHART LAKE
PO BOX 143
ELKHART LAKE, WI 53020-0143

LEXANN HOOGSTRA, CLERK
TOWN OF RHINE
W5250 COUNTY RD FF
ELKHART LAKE, WI 53020-2020

Subject: SARGENTO FOODS INC ANNEXATION

The proposed annexation submitted to our office on May 26, 2022, has been reviewed and found to be in the public interest. In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city..." so as, to ensure the resulting boundaries are rational and compact. The statute also requires the Department to consider whether the annexing city or village can provide needed municipal services to the territory. The subject petition is for territory that is reasonably shaped and contiguous to the Village of Elkhart Lake, which is able to provide needed municipal services.

The Department reminds clerks of annexing municipalities of the requirements of s. 66.0217 (9)(a), Wis. Stats., which states:

"The clerk of a city or village which has annexed shall file immediately with the secretary of administration a certified copy of the ordinance, certificate and plat, and shall send one copy to each company that provides any utility service in the area that is annexed. The clerk shall record the ordinance with the register of deeds and file a signed copy of the ordinance with the clerk of any affected school district..."

State and federal aids based on population and equalized value may be significantly affected through failure to file with the Department of Administration. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please include your MBR number 14510 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=2584>

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

Sincerely,

Erich Schmidtke, Municipal Boundary Review

cc: petitioner