

STATE OF WISCONSIN

CIRCUIT COURT

CLERK OF CIRCUIT COURT  
WAUKESHA COUNTY

14 AUG 15 AM 9:01

STATE EX REL.,

TOWN OF VERNON,  
W249 S8910 Center Drive,  
Big Bend, WI 53103,

Plaintiff,

vs.

VILLAGE OF BIG BEND,  
W230 S9185 Nevins Street,  
Big Bend, WI 53103,

Defendant.

Case No.: 14CV1478

FILED  
IN CIRCUIT COURT

Case Code:

30701 – Declaratory Judgment

AUG 19 2014

WAUKESHA CO. WI  
CIVIL DIVISION

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### STIPULATION

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Plaintiff, Town of Vernon, by its legal counsel, Arenz, Molter, Macy, Riffle & Larson, S.C., and Defendant, Village of Big Bend, by its legal counsel, Schober, Schober & Mitchell, S.C., stipulate that an Order may be issued by the Court dismissing the above captioned action upon the following terms:

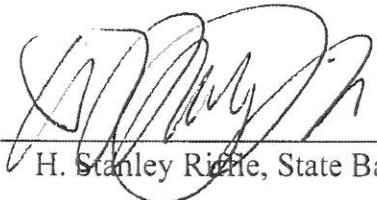
1. The Village of Big Bend Ordinance 2014-15 titled "An Ordinance Annexing Territory to the Village of Big Bend, Wisconsin (the annexation ordinance)" shall be declared null and void, *nunc pro tunc*, and the subject territory shall be considered to have been within the Town of Vernon at all times.

2. A copy of the Order voiding the annexation ordinance shall be sent to the secretary of state, the department of transportation, the department of administration, the department of natural resources, the department of revenue and the department of public instruction.

3. The above captioned action shall be and hereby is dismissed, on its merits, without costs to any party.

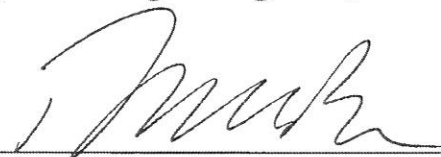
Dated this 14 day of August, 2014.

Arenz, Molter, Macy, Riffle & Larson, S.C.  
Attorneys for Town of Vernon, Plaintiff

By:   
H. Stanley Riffle, State Bar No. 1012704

Dated this 12 day of August, 2014.

Schober, Schober & Mitchell, S.C.  
Attorneys for Village of Big Bend, Defendant

By:   
John M. Bruce, State Bar No. 1005232

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### ORDER

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Upon the foregoing stipulation, **IT IS HEREBY ORDERED:**

1. The Village of Big Bend Ordinance 2014-15 titled "An Ordinance Annexing Territory to the Village of Big Bend, Wisconsin (the annexation ordinance)" is declared null and void, *nunc pro tunc*, and the subject territory shall be considered to have been within the Town of Vernon at all times.

2. A copy of this Order voiding the annexation ordinance shall be sent to the secretary of state, the department of transportation, the department of administration, the department of natural resources, the department of revenue and the department of public instruction.

3. The above captioned action shall be dismissed, on its merits, without costs to any party.

Dated this 19th day of August, 2014.

BY THE COURT:

S/ LINDA VAN DE WATER

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Linda Van De Water  
Circuit Court Judge

RECEIVED

AUG 22 2014

CLERK OF COURT  
JANET L. HARRIS

DREYFUS

STATE OF WISCONSIN

CIRCUIT COURT

WAUKESHA COUNTY

STATE EX REL.,  
TOWN OF VERNON,  
W249 S8910 Center Drive,  
Big Bend, WI 53103,

Plaintiff,

vs.

VILLAGE OF BIG BEND,  
W230 S9185 Nevins Street,  
Big Bend, WI 53103,

Defendant.

14CV01478

Case No.: \_\_\_\_\_

Case Code:  
30701 – Declaratory Judgment

CLERK OF COURTS

JUL 11 2014

SUMMONS

THIS IS AN AUTHENTICATED COPY OF AN  
ORIGINAL DOCUMENT FILED IN THE CLERK  
OF COURTS OFFICE WAUKESHA COUNTY.

THE STATE OF WISCONSIN, To each person named above as a defendant:

You are hereby notified that plaintiff named above has filed a lawsuit or other legal action against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within twenty (20) days of receiving this Summons, you must respond with a written Answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The Court may reject or disregard an Answer that does not follow the requirements of the statutes. The Answer must be sent or delivered to the Court, whose address is:

Waukesha County Courthouse  
515 W. Moreland Blvd.  
Waukesha, WI 53188

and to plaintiff's attorney, whose address is:

Arenz, Molter, Macy, Riffle & Larson, S.C.  
P. O. Box 1348  
Waukesha, WI 53187

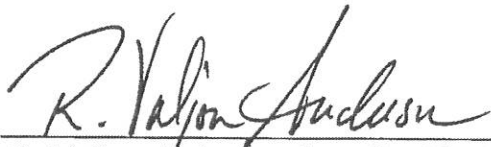
You may have an attorney help or represent you.

If you do not provide a proper Answer within twenty (20) days, the Court may grant judgment against you for the award of money or other legal action requested in the

Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Dated at Waukesha, Wisconsin, this 11<sup>th</sup> day of July, 2014.

Arenz, Molter, Macy, Riffle & Larson, S.C.  
Attorneys for Town of Vernon, Plaintiff

By:   
R. Valjon Anderson, State Bar No. 1003893  
H. Stanley Riffle, State Bar No. 1012704

P. O. Box 1348  
Waukesha, WI 53187  
(262) 548 – 1340 (telephone)  
(262) 548 – 9211 (facsimile)

STATE OF WISCONSIN

CIRCUIT COURT

WAUKESHA COUNTY

STATE EX REL.,  
TOWN OF VERNON,  
W249 S8910 Center Drive,  
Big Bend, WI 53103,

Plaintiff,

vs.

VILLAGE OF BIG BEND,  
W230 S9185 Nevins Street,  
Big Bend, WI 53103,

Defendant.

14CV01478

Case No.: \_\_\_\_\_

Case Code:

30701 – Declaratory Judgment

CLERK OF COURTS

JUL 11 2014

COMPLAINT

THIS IS AN AUTHENTICATED COPY OF AN  
ORIGINAL DOCUMENT FILED IN THE CLERK  
OF COURTS OFFICE WAUKESHA COUNTY.

Plaintiff, Town of Vernon, by its legal counsel, Arenz, Molter, Macy, Riffle & Larson, S.C., as and for causes of action against defendant, Village of Big Bend, alleges and shows to the Court as follows:

1. Town of Vernon is a municipal corporation duly organized and existing under and by virtue of Chapter 60 of the Wisconsin Statutes, with its principal place of business located at W249 S8910 Center Drive, in the Town of Vernon, Waukesha County, State of Wisconsin.

2. On July 3, 2014, the Board of Supervisors for the Town of Vernon authorized the commencement and prosecution of this action.

3. On information and belief, Village of Big Bend is a municipal corporation duly organized and existing under and by virtue of Chapter 61 of the Wisconsin Statutes, with its principal place of business located at W230 S9185 Nevins Street, Village of Big Bend, Waukesha County, State of Wisconsin.

4. On information and belief, on May 1, 2014, the Board of Trustees for the Village of Big Bend adopted Ordinance 2014-15 titled "An Ordinance Annexing Territory to the Village of Big Bend, Wisconsin." Said Ordinance is hereafter referred to as "the Ordinance."

5. On information and belief, a purported copy of the Ordinance is attached to this Complaint as Exhibit AA.

6. By its terms, the Ordinance purports to annex territory in the Town of Vernon in accordance with Section 66.0223(2), of the Wisconsin Statutes.

7. Section 66.0223 of the Wisconsin Statutes states, in pertinent part:

(1) In addition to other methods provided by law and subject to sub. (2) and ss. 66.0301(6)(d) and 66.0307(7), territory owned by and lying near but not necessarily contiguous to a village ... may be annexed to a village ... by ordinance enacted by the board of trustees of the village ..., provided that in the case of noncontiguous territory the use of the territory by the ... village is not contrary to any town or county zoning regulation. The ordinance shall contain the exact description of the territory annexed and the names of the towns from which detached, .... Sections 66.0203(8)(c) and 66.0217(11) apply to annexations under this section.

(2) No territory may be annexed by a ... village under this section if no part of the ... village is located in the same county as the territory that is subject to the proposed annexation unless all of the following occur:

(a) The town board adopts a resolution approving the proposed annexation.

(b) The county board of the county in which the territory is located adopts a resolution approving the proposed annexation.

(c) The city or village, and the town, enter into a boundary agreement under s. 66.0225, 66.0301, or 66.0307.

8. On information and belief, the territory purportedly annexed by the Ordinance consists entirely of road right-of-way located in the Town of Vernon.



9. The territory purportedly annexed by the Ordinance is not and was not territory owned by the Village of Big Bend.

10. By its terms, the Ordinance purports to describe the territory in the Town of Vernon being annexed by referenced to legal descriptions allegedly set forth in exhibits allegedly attached to the Ordinance and labeled as "Exhibits A, B, C, D, E, F, G and H."

11. On information and belief, there are and were no legal descriptions labeled "Exhibits A, B, C, D, E, F, G and H" attached to the Ordinance.

#### FIRST CAUSE OF ACTION

12. Town of Vernon reasserts and incorporates herein the allegations set forth in paragraphs 1 through and including 11 above, as if set forth at length.

13. Due to Village of Big Bend's misapplication and purported use of §66.0223, Wis. Stats., the Ordinance is void and of no effect.

#### SECOND CAUSE OF ACTION

14. Town of Vernon reasserts and incorporates herein the allegations set forth in paragraphs 1 through and including 11 above, as if set forth at length.

15. Village of Big Bend's adoption of the Ordinance and purported annexation of territory it does not own in the Town of Vernon, consisting entirely of road right-of-way, constitutes an abuse of discretion by the Village of Big Bend which is a violation of the "Rule of Reason," and therefore the purported annexation is void and of no effect.



### THIRD CAUSE OF ACTION

16. Town of Vernon reasserts and incorporates herein the allegations set forth in paragraphs 1 through and including 11 above, as if set forth at length.

17. A copy of the Minutes of the meeting of the Board of Trustees for the Village of Big Bend held May 1, 2014, as the same appears on the Village of Big Bend web-site, hereafter referred to as "the Meeting Minutes," is attached as Exhibit BB and incorporated herein as if set forth at length.

18. A copy of the Agenda for the meeting of the Board of Trustees for the Village of Big Bend held May 1, 2014, as the same appears on the Village of Big Bend web-site, hereafter referred to as "the Meeting Agenda," is attached as Exhibit CC and incorporated herein as if set forth at length.

19. On page 4 of the Meeting Minutes, at item #7 under "New Business," the Meeting Minutes memorialize the approval action taken by the Village Board with respect to the Ordinance.

20. The Meeting Agenda does not include the Ordinance as an item to be considered or discussion, or upon which action may be taken, at the meeting of the Village Board held May 1, 2014.

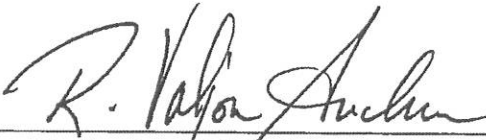
WHEREFORE, plaintiff, Town of Vernon, respectfully requests that the Court grant the following relief:

- A. Entry of judgment declaring the Ordinance null and void *nunc pro tunc*;
- B. Entry of judgment awarding a monetary amount in favor of Town of Vernon for its costs, disbursements and attorneys' fees as provided by statute; and

C. Such other or further relief as the Court deems appropriate under the circumstances of this case

Dated at Waukesha, Wisconsin, this 11<sup>th</sup> day of July, 2014.

Arenz, Molter, Macy, Riffle & Larson, S.C.  
Attorneys for Town of Vernon, Plaintiff

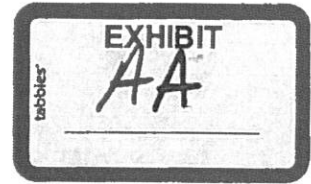
By:   
H. Stanley Riffle, State Bar No. 1012704  
R. Valjon Anderson, State Bar No. 1003893

P. O. Box 1348  
Waukesha, WI 53187  
(262) 548 – 1340 (telephone)  
(262) 548 – 9211 (facsimile)  
[vanderson@ammr.net](mailto:vanderson@ammr.net)

# Village of Big Bend

W230 S9185 Nevins Street • Big Bend, Wisconsin 53103  
(262) 662-2747 • Fax: (262) 662-3751

James Soneberg, Village President   Barbara Woppert, Clerk   Marie Kumershek, Treasurer



## ORDINANCE 2014-15

### 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 Section 66.0223(2) of the Wisconsin State Statutes, the following territory being Government/Municipally owned where no electors reside and said property has no real property in assessed value of the territory, the following territory in the Town of Vernon, Waukesha County, Wisconsin is annexed to the Village of Big Bend, Waukesha County, Wisconsin.

See legal descriptions attached as Exhibits A, B, C, D, E, F, G, and H

SECTION 2. Effect of Annexation. From and after the date of this ordinance the territory described in Section 1 shall be 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. Zoning Classification.

- a. The territory annexed to the Village of Big Bend by this ordinance is road right-of-way and zoning of road right-of-way does not apply in Section 16.27 of the Village of Big Bend Zoning Code.
- 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 Village Board.

SECTION 4. Ward Designation. Though the above described territory in Section 1 contains no electors and has no real property in assessed value, the territory described in Section 1, Exhibits A, B, C, D, E and F is hereby made a part of Ward 1 of the Village of Big Bend, subject to the ordinances, rules and regulations of the Village of Big Bend Governing Wards. The territory described in Section 1, Exhibits G and H is hereby made a part of Ward 3 of the Village of Big Bend, subject to the ordinances, rules and regulations of the Village of Big Bend Governing Wards.

SECTION 5. 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 6. Effective Date. This ordinance shall take effect upon passage and publication as provided by law.

Passed this 1<sup>st</sup> day of May, 2014

Approved this 1<sup>st</sup> day of May, 2014

VILLAGE OF BIG BEND

By: James S Soneberg  
James S. Soneberg, Village President

ATTEST:

Barbara Woppert  
Barbara Woppert, Village Clerk

## ANNEXATION MAP

Being a part of State Highway 164 right-of-way as defined by Transportation Project Plat No. 2810-06-21.

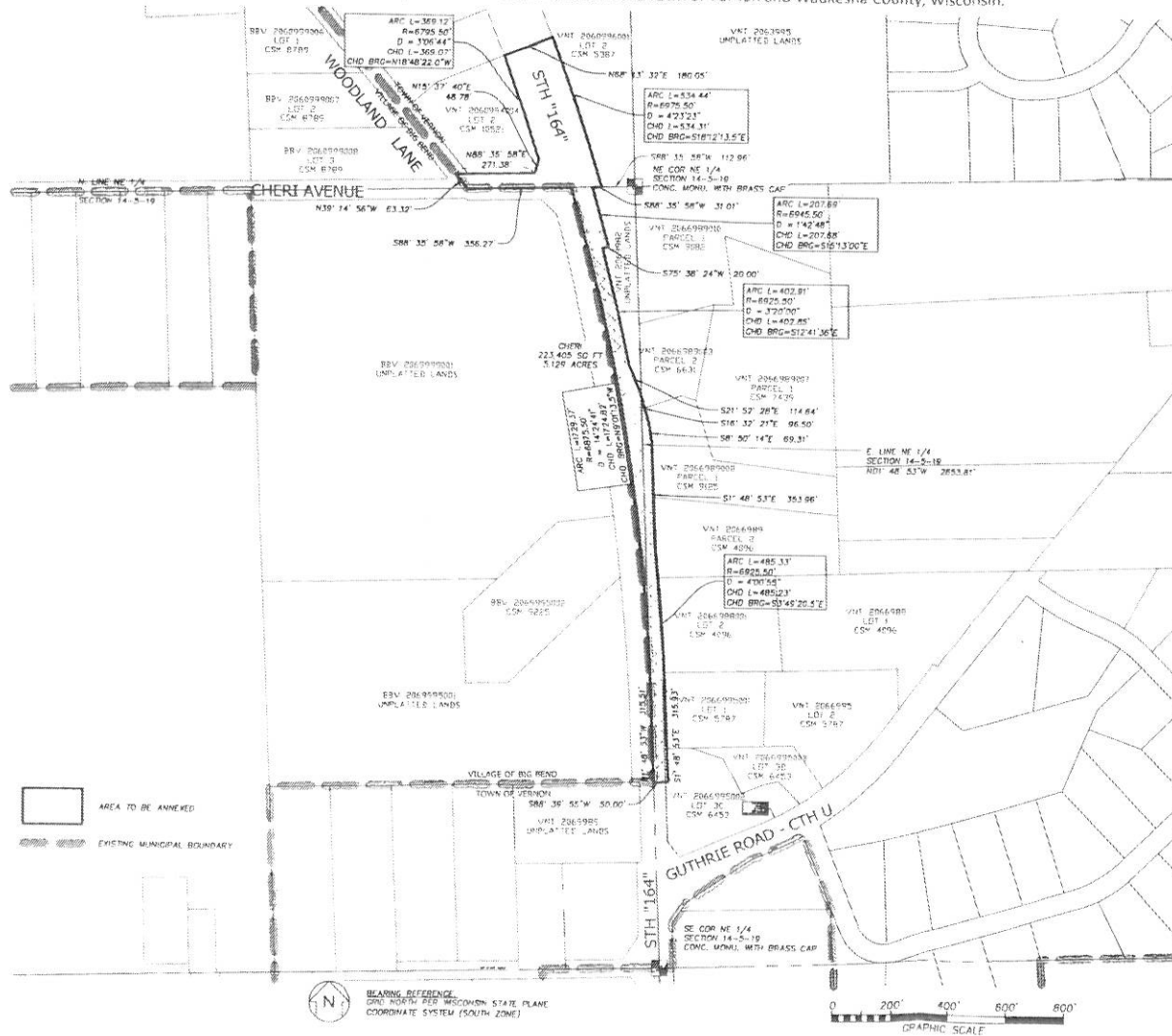
Being a part of Cheri Avenue right-of-way as defined by Transportation Project Plat No. 2810-06-21.

Being a part of Woodland Lane as defined by CSM No. 10521.

Being also a part of the SE 1/4 of the SE 1/4 of Section 11, T5N, R19E in the Town of Vernon and Waukesha County, Wisconsin.

Being also a part of the NW 1/4 and SW 1/4 of the NW 1/4 of Section 13, T5N, R19E in the Town of Vernon and Waukesha County, Wisconsin.

Being also a part of the NE 1/4 and SE 1/4 of the NE 1/4 of Section 14, T5N, R19E in the Town of Vernon and Waukesha County, Wisconsin.



## LEGAL DESCRIPTION OF LANDS SUBJECT TO ANNEXATION

All that part of the SE 1/4 of the SE 1/4 of Section 11, the NW 1/4 and SW 1/4 of the NW 1/4 of Section 13, and the NE 1/4 and SE 1/4 of the NE 1/4 of Section 14, Town 5 North, Range 19 East in the Town of Vernon and Waukesha County, Wisconsin bounded and described as follows:

Commencing at the northeast corner of said NE 1/4; thence S88°35'58\"W along the north line of said NE 1/4, 112.96 feet to a point on the easterly right of way line of STH 164 and the place of beginning of the lands hereinafter described; thence continuing S88°35'58\"W along said north line and right of way line 31.01 feet; thence southeasterly 207.69 feet along said right of way line and the arc of a curve of radius 6945.50 feet, center lies to the west, chord of said arc bears S15°13'00\"E 207.68 feet; thence S75°38'24\"W along said right of way line 20.00 feet; thence southeasterly 402.91 feet along said right of way line and the arc of a curve of radius 6925.50 feet, center lies to the west, chord of said arc bears S12°41'36\"E 402.85 feet; thence S21°52'28\"E along said right of way line 114.64 feet; thence S16°32'21\"E along said right of way line 96.50 feet; thence S08°50'14\"E along said right of way line 69.31 feet; thence S01°48'53\"E along said right of way line 353.96 feet; thence southeasterly 485.33 feet along said right of way line and the arc of a curve of radius 6925.50 feet, center lies to the west, chord of said arc bears S03°49'20\"E 485.23 feet; thence S01°48'53\"E along said right of way line 315.93 feet; thence S88°39'55\"W 50.00 feet to a point on the centerline of said STH 164 and the Village of Big Bend Corporate Limits Line; thence N01°48'53\"W along said centerline and corporate limits line and the arc of a curve of radius 6875.50 feet, center lies to the west, chord of said arc bears N09°01'13\"W 1724.82 feet to a point on the north line of said NE 1/4, the centerline of Cheri Avenue and said corporate limits line; thence S88°35'58\"W along said north line, center line and corporate limits line 356.27 feet to a point on the centerline of Woodland Lane; thence N39°14'56\"W along said centerline and corporate limits line 63.32 feet to a point on the northerly right of way line extended of said Cheri Avenue; thence N88°35'58\"E along said right of way line and line extended 271.38 feet to a point on the westerly right of way line of said STH 164; thence N15°37'40\"E along said right of way line 48.78 feet; thence northwesterly 369.12 feet along said right of way line and the arc of a curve of radius 6795.50 feet, center lies to the west, chord of said arc bears N18°48'22\"W 369.07 feet to the northwest corner of Lot 2 of CSM No. 10521 as recorded in Volume 100 of CSM's on pages 275-278 as Document No. 3554722 in the Waukesha County Registry; thence N68°13'32\"E along the northerly line extended of said Lot 2 180.05 feet to a point on the easterly right of way line of said STH 164; thence southeasterly 534.44 feet along said right of way line and the arc of a curve of radius 6975.50 feet, center lies to the west, chord of said arc bears S18°12'13\"E 534.31 feet to the point of beginning.

Containing an area of 223,405 square feet (5.129 acres).

NOTE: THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM DOCUMENTS OF RECORD WITHOUT FIELD VERIFICATION AND 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 AND HIGHWAY RIGHT-OF-WAY PLATS). IT IS INTENDED THAT THE MUNICIPAL BOUNDARY AND RIGHT-OF-WAY LINES OF "STH 164", "CHERI AVENUE" AND "WOODLAND LANE" BE HEREAFTER COINCIDENT WITH THE BOUNDARY OF PRIVATE LANDS ADJACENT THERETO, SUBJECT TO SURVEYS AND MONUMENTATION.

## ANNEXATION MAP

Being a part of National Avenue CTH "ES" right-of-way as defined by R/W Project No. 2410-07-70.

Being also a part of the NW ¼ of the NE ¼ of Section 11, T5N, R19E in the Town of Vernon and Waukesha County, Wisconsin.

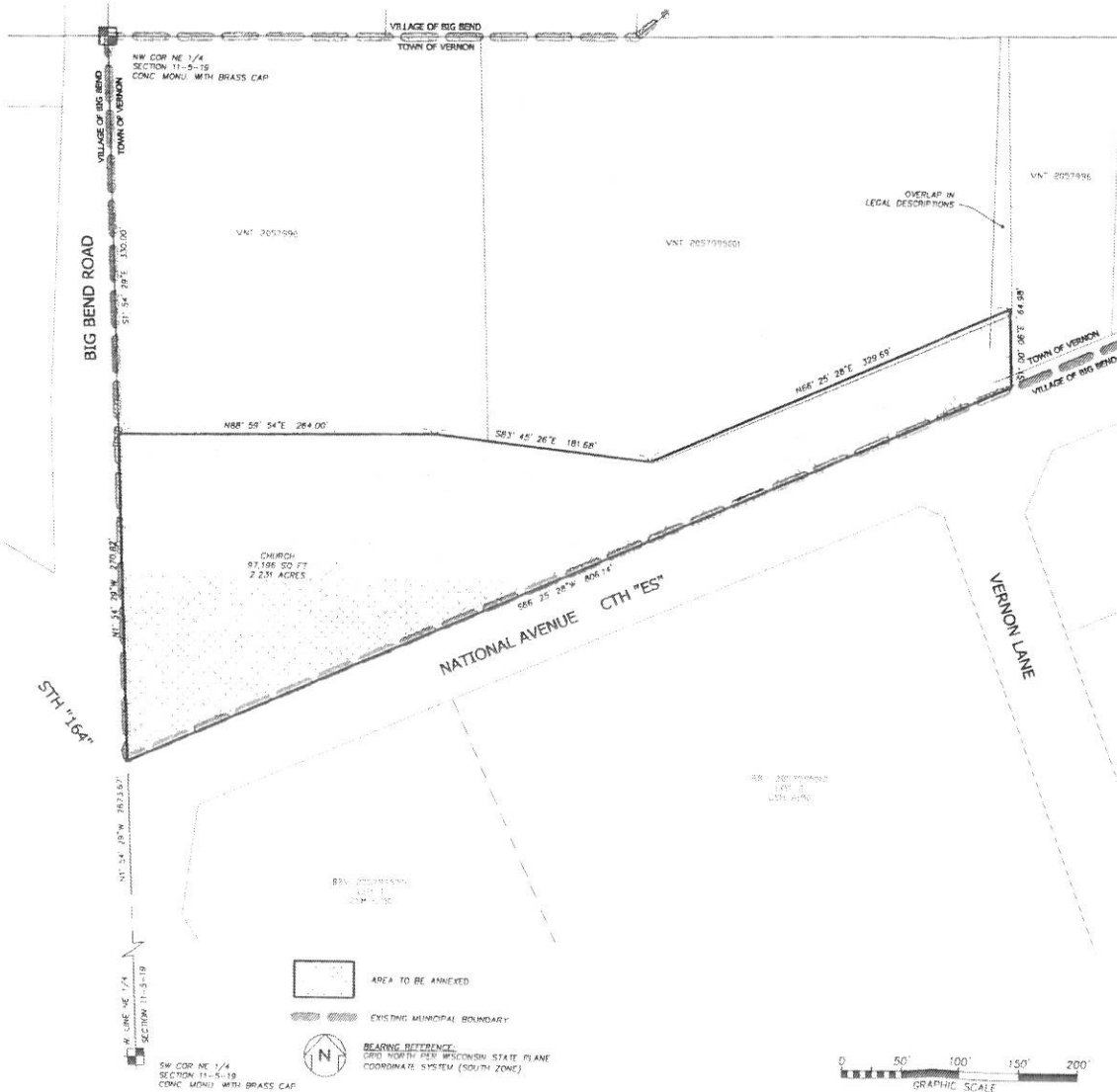
## LEGAL DESCRIPTION OF LANDS SUBJECT TO ANNEXATION

All that part of the NW ¼ of the NE ¼ of Section 11, T5N, R19E in the Town of Vernon and Waukesha County, Wisconsin bounded and described as follows:

Commencing at the northwest corner of said NE ¼; thence S01°54'29"E along the west line of said NE ¼, the Village of Big Bend Corporate limits line and the centerline of Big Bend Road 330.00 feet to the place of beginning of the lands hereinafter described; thence N88°59'54"E 264.00 feet; thence S83°45'26"E 181.68 feet to a point on the northerly right of way line of National Avenue (CTH ES); thence N66°25'28"E along said right of way line 329.69 feet; thence S01°00'06"E 64.98 feet to a point on the centerline of said CTH ES and said corporate limits line; thence S66°25'28"W along said centerline and corporate limits line 806.14 feet to a point on the west line of said NE ¼, centerline of Big Bend Road and corporate limits line; thence N01°54'29"W along said west line, centerline and corporate limits line 270.82 feet to the place of beginning.

Containing an area of 97,196 square feet (2.231 acres).

NOTE: THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM DOCUMENTS OF RECORD WITHOUT FIELD VERIFICATION AND 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 AND HIGHWAY RIGHT-OF-WAY PLATS). IT IS INTENDED THAT THE MUNICIPAL BOUNDARY AND RIGHT-OF-WAY LINES OF "NATIONAL AVENUE" AND "BIG BEND ROAD" BE HEREAFTER COINCIDENT WITH THE BOUNDARY OF PRIVATE LANDS ADJACENT THERETO, SUBJECT TO SURVEYS AND MONUMENTATION.

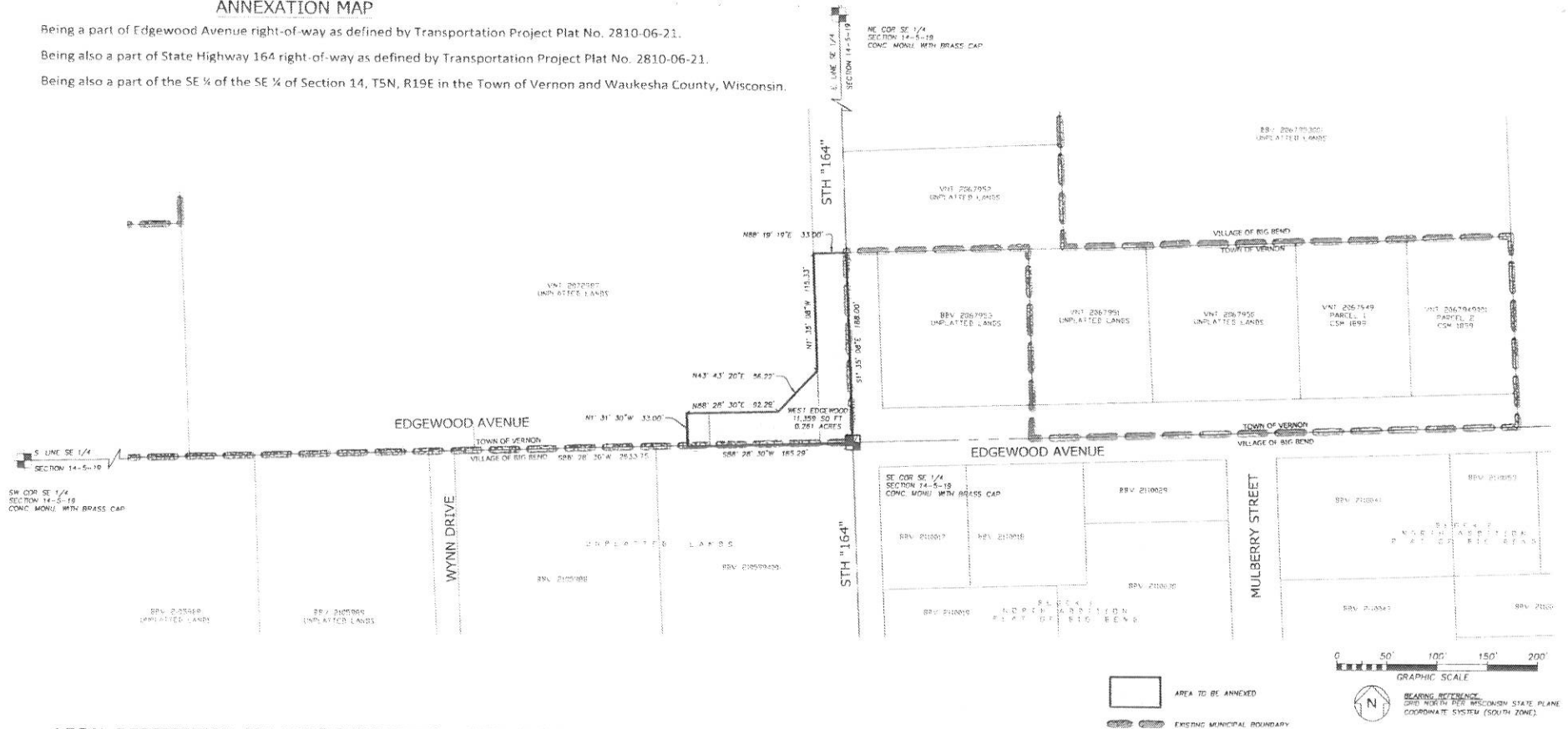


## ANNEXATION MAP

Being a part of Edgewood Avenue right-of-way as defined by Transportation Project Plat No. 2810-06-21.

Being also a part of State Highway 164 right-of-way as defined by Transportation Project Plat No. 2810-06-21.

Being also a part of the SE ¼ of the SE ¼ of Section 14, T5N, R19E in the Town of Vernon and Waukesha County, Wisconsin.



## LEGAL DESCRIPTION OF LANDS SUBJECT TO ANNEXATION

All that part of the SE ¼ of the SE ¼ of Section 14, T5N, R19E in the Town of Vernon and Waukesha County bounded and described as follows:  
Beginning at the southeast corner of said SE ¼; thence S88°28'30"W along the south line of said SE ¼, the Village of Big Bend Corporate Limits line and the centerline of Edgewood Avenue 165.29 feet; thence N01°31'30"W 33.00 feet to a point on the northerly right of way line of said Edgewood Avenue; thence N88°28'30"E along said right of way line 92.29 feet to a point on the westerly right of way line of STH 164; thence N43°43'20"E along said westerly line 56.22 feet; thence N01°35'08"W along said westerly line 115.33 feet; thence N88°19'19"E 33.00 feet to a point on the center line of said STH 164, the east line of said SE ¼, and the corporate limits line; thence S01°35'08"E along said centerline, east line and corporate limits line 188.00 feet to the place of beginning.

Containing an area of 11,359 square feet (0.261 acres).

NOTE: THE LEGAL DESCRIPTION WAS PREPARED FROM DOCUMENTS OF RECORD WITHOUT FIELD VERIFICATION AND 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 AND HIGHWAY RIGHT-OF-WAY PLATS). IT IS INTENDED THAT THE MUNICIPAL BOUNDARY AND RIGHT-OF-WAY LINES OF "STH 164" AND "EDGEWOOD AVENUE" BE HEREAFTER COINCIDENT WITH THE BOUNDARY OF PRIVATE LANDS ADJACENT THERETO, SUBJECT TO SURVEYS AND MONUMENTATION.



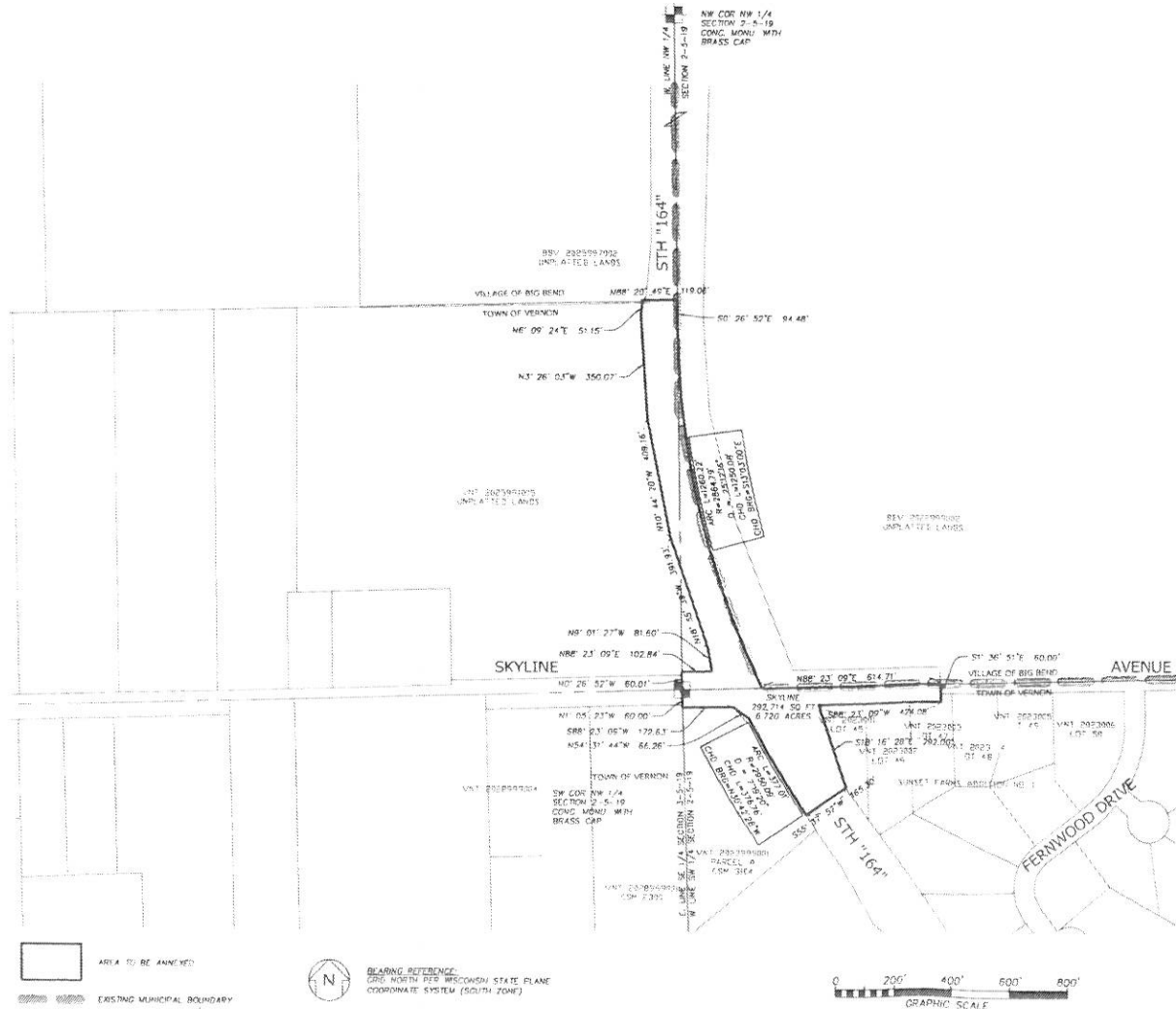
## ANNEXATION MAP

Being a part of State Highway 164 right-of-way as defined by State R/W Project No. 2781-01-20.

Being a part of Skyline Avenue right-of-way as defined by State R/W Project No. 2781-01-20 and the plat of Sunset Farms Addition #1.

Being also a part of the SW 1/4 of the NW 1/4 and the NW 1/4 of the SW 1/4 of Section 2, T5N, R19E in the Town of Vernon and Waukesha County, Wisconsin.

Being also a part of the SE 1/4 of the NE 1/4 of Section 3, T5N, R19E in the Town of Vernon and Waukesha County, Wisconsin.



## LEGAL DESCRIPTION OF LANDS SUBJECT TO ANNEXATION

All that part of the SE 1/4 of the NE 1/4 of Section 3, and the SW 1/4 of the NW 1/4 and NW 1/4 of the SW 1/4 of Section 2, T5N, R19E in the Town of Vernon and Waukesha County bounded and described as follows:

Beginning at the southwest corner of said NW 1/4; thence N00°26'52"W along the west line of said NW 1/4, 60.01 feet to a point on the northerly right of way line of Skyline Avenue; thence N88°23'09"E along said right of way line 102.84 feet to a point on the westerly right of way line of STH 164; thence N09°01'27"W along said westerly line 81.60 feet; thence N18°55'39"W along said westerly line 391.93 feet, thence N10°44'20"W along said westerly line 409.16 feet; thence N03°26'03"W along said westerly line 350.07 feet; thence N06°09'24"E along said westerly line 51.15 feet to a point on the corporate limits line for the Village of Big Bend; thence N88°20'49"E along said corporate limits line 119.06 feet to a point on the centerline of said STH 164; thence S00°26'52"E along said centerline and corporate limits line 94.48 feet; thence southeasterly 1260.22 feet along said centerline and corporate limits line and the arc of a curve of radius 2864.79 feet, center lies to the east, chord of said arc bears S13°03'00"E 1250.08 feet to a point of the centerline of said Skyline Avenue; thence N88°23'09"E along said centerline and corporate limits line 614.71 feet; thence S01°36'51"E 60.00 feet to a point on the southerly right of way line of said Skyline Avenue; thence S88°23'09"W along said right of way line 424.08 feet to a point on the easterly right of way line of said STH 164; thence S18°16'28"E along said easterly line 292.00 feet; thence S55°37'52"W 165.30 feet to a point on said westerly right of way line of STH 164; thence northwesterly 377.01 feet along said westerly line and the arc of a curve of radius 2950.09 feet, center lies to the northeast, chord of said arc bears N30°42'28"W 376.76 feet; thence N54°31'44"W along said westerly line 66.26 feet to a point on said southerly right of way line of Skyline Avenue; thence S88°23'09"W along said right of way line 172.63 feet to a point on the west line of said SW 1/4; thence N01°05'23"W along said west line 60.00 feet to the place of beginning.

Containing an area of 292,714 square feet (6.720 acres).

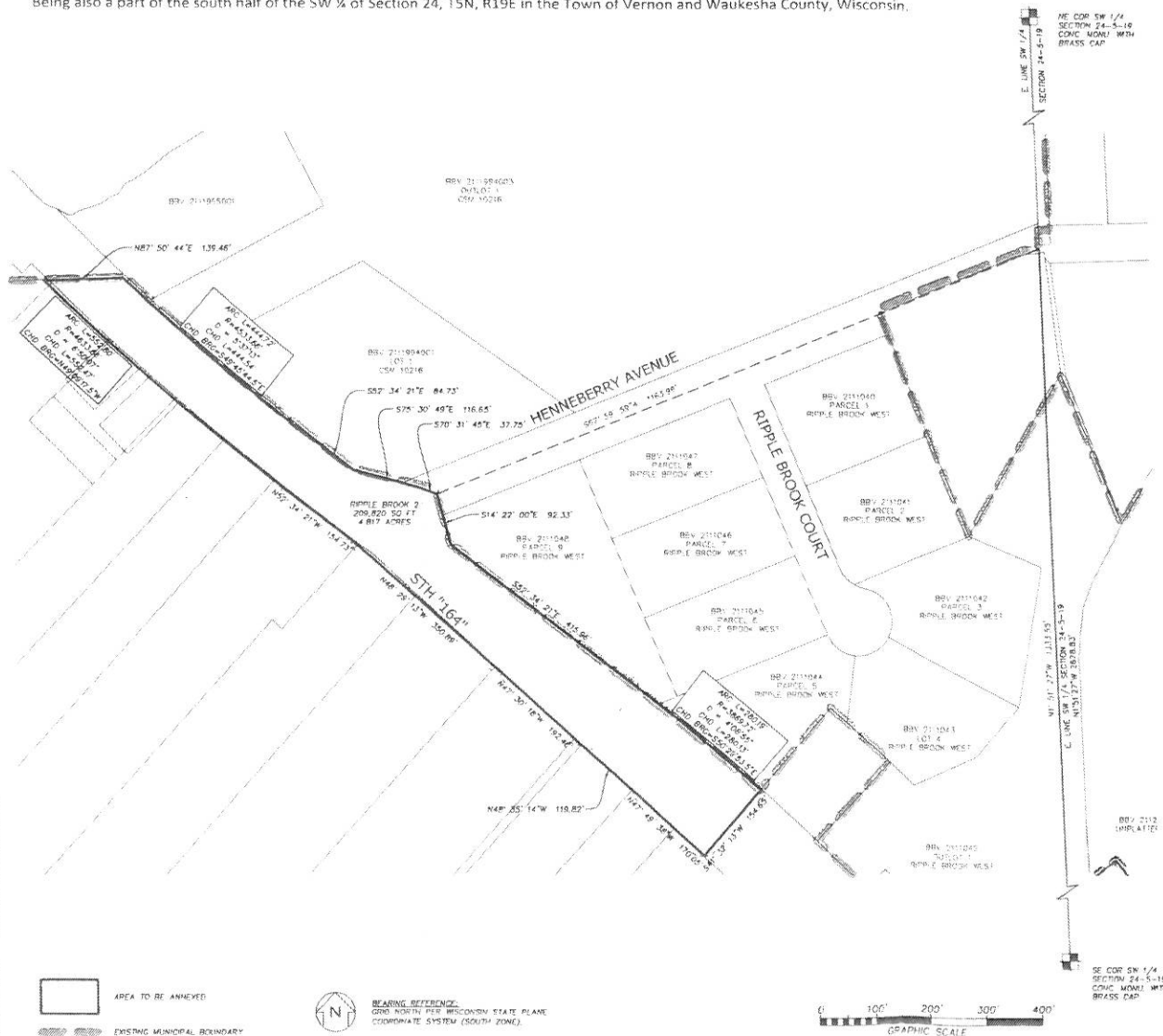
NOTE: THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM DOCUMENTS OF RECORD WITHOUT FIELD VERIFICATION AND MAY NOT EXACTLY MATCH RECORD DISTANCES OR BEARING CALLS CONTAINED IN ADJOINING DOCUMENTS OF RECORD. NUMEROUS DISCREPANCIES EXIST BETWEEN SEWRPC SECTION LINE CONTROL NETWORK, IF LEGAL DESCRIPTIONS AND OTHER INFORMATION CONTAINED IN DOCUMENTS OF RECORD (INCLUDES: DEEDS, CSM'S, SUBDIVISION PLATS AND HIGHWAY RIGHT-OF-WAY PLATS). IT IS INTENDED THAT THE MUNICIPAL BOUNDARY AND RIGHT-OF-WAY LINES OF "STH 164" AND "SKYLINE AVENUE" BE HEREAFTER COINCIDENT WITH THE BOUNDARY OF PRIVATE LANDS ADJACENT THERETO, SUBJECT TO SURVEYS AND MONUMENTATION.

## ANNEXATION MAP

Being a part of State Highway 164 right-of-way as defined by ROW Project Plat S 0475(2).

Being a part of Henneberry Avenue right-of-way as defined by the Ripple Brook West Subdivision Plat.

Being also a part of the south half of the SW ¼ of Section 24, T5N, R19E in the Town of Vernon and Waukesha County, Wisconsin.



## LEGAL DESCRIPTION OF LANDS SUBJECT TO ANNEXATION

All that part of the south half of the SW ¼ of Section 24, T5N, R19E in the Town of Vernon and Waukesha County bounded and described as follows:

Commencing at the southeast corner of said SW ¼ of Section 24; thence N01°51'27"W along the east line of said SW ¼, 1,333.56 feet to the centerline of Henneberry Avenue; thence S67°59'59"W along said centerline 1163.96 feet to a point on the Corporate Limits line for the Village of Big Bend, the easterly right of way line extended of STH 164 and the place of beginning of the lands hereinafter described; thence S14°22'00"E along said corporate limits line right of way line and line extended 92.33 feet; thence S52°34'21"E along said corporate limits line and right of way line 415.96 feet; thence southeasterly 280.19 feet along said corporate limits line, right of way line and the arc of a curve of radius 3869.72 feet, center lies to the southwest, chord of said arc bears S50°29'53.5"E 280.13 feet; thence S41°32'13"W 154.65 feet to a point on the westerly right of way line of STH 164; thence N47°49'38"W along said right of way line 170.05 feet; thence N48°35'14"W along said right of way line 119.82 feet; thence N47°30'18"W along said right of way line 192.46 feet; thence N48°29'13"W along said right of way line 350.89 feet; thence N52°34'21"W along said right of way line 154.73 feet; thence northwesterly 552.80 feet along said right of way line and the arc of a curve of radius 4633.66 feet, center lies to the east, chord of said arc bears N49°09'17.5"W 552.47 feet; thence N87°50'44"E 139.46 feet to a point on the easterly right of way line of said STH 164 and the corporate limits line for the Village of Big Bend; thence southeasterly 444.72 feet along said right of way line, corporate limits line and the arc of a curve of radius 4533.66 feet, center lies to the east, chord of said arc bears S49°45'44.5"E 444.54 feet; thence S52°34'21"E along said right of way line and corporate limits line 84.73 feet; thence S75°30'49"E along said right of way line and corporate limits line 116.65 feet; thence S70°31'45"E along said corporate limits line 37.75 feet to the place of beginning.

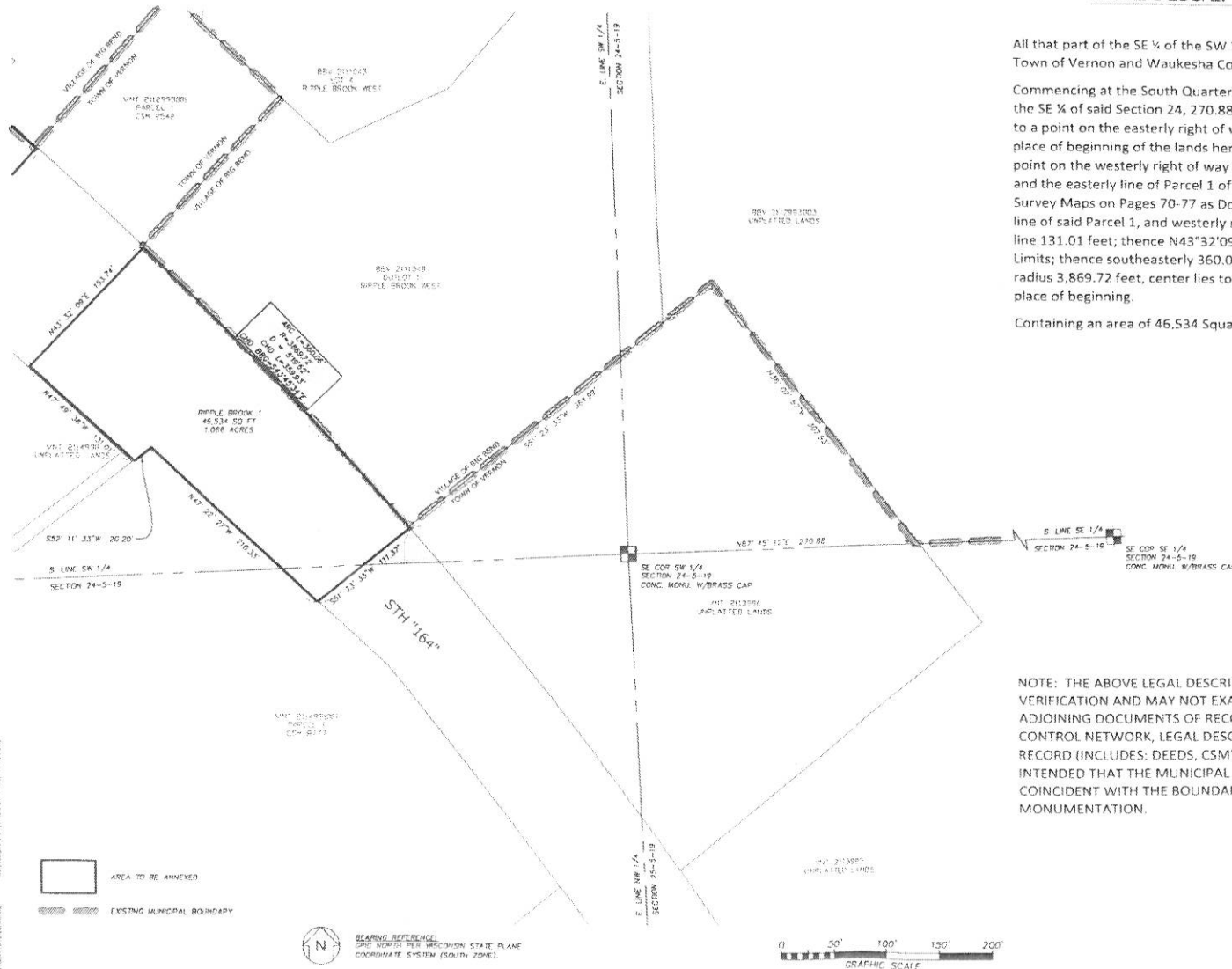
Containing an area of 180,850 square feet (4.152 acres).

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## ANNEXATION MAP

Being a part of State Highway 164 right-of-way as defined by ROW Project Plat S 0475(2).

Being also a part of the SE ¼ of the SW ¼ of Section 24 and NE ¼ of the NW ¼ of Section 25, T5N, R19E in the Town of Vernon and Waukesha County, Wisconsin.



## LEGAL DESCRIPTION OF LANDS SUBJECT TO ANNEXATION

All that part of the SE ¼ of the SW ¼ of Section 24 and the NE ¼ of the NW ¼ of Section 25, T5N, R19E in the Town of Vernon and Waukesha County, Wisconsin bounded and described as follows:

Commencing at the South Quarter corner of said Section 24; thence N87°45'12"E along the south line of the SE ¼ of said Section 24, 270.88 feet; thence N38°07'57"W 307.93 feet; thence S51°23'33"W 364.99 feet to a point on the easterly right of way line of STH 164, the westerly limits of the Village of Big Bend and the place of beginning of the lands hereinafter described; thence continuing S51°23'33"W 111.37 feet to a point on the westerly right of way line for said STH 164; thence N47°22'27"W along said right of way line and the easterly line of Parcel 1 of Certified Survey Map No. 8777 as recorded in Volume 78 of Certified Survey Maps on Pages 70-77 as Document No. 2466896, 210.33 feet; thence S52°11'33"W along the north line of said Parcel 1, and westerly right of way line 20.20 feet; thence N47°49'38"W along said right of way line 131.01 feet; thence N43°32'09"E 153.74 feet to a point on said easterly right of way line and Village Limits; thence southeasterly 360.06 feet along said right of way line, Village Limits and the arc of a curve of radius 3,869.72 feet, center lies to the southwest, chord of said arc bears S43°45'34"E 359.93 feet to the place of beginning.

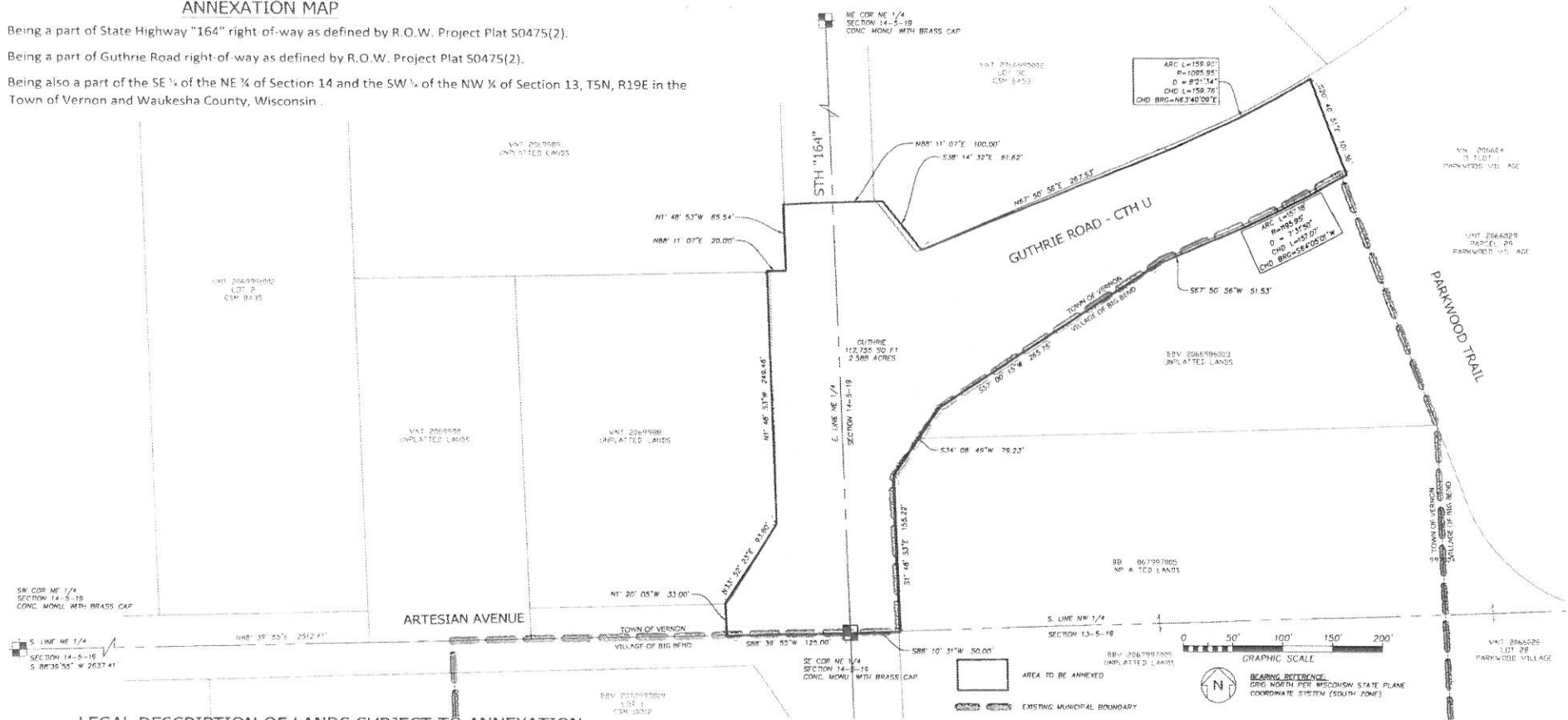
Containing an area of 46,534 Square feet (1.068 acres).

## ANNEXATION MAP

Being a part of State Highway "164" right-of-way as defined by R.O.W. Project Plat S0475(2).

Being a part of Guthrie Road right-of-way as defined by R.O.W. Project Plat S0475(2).

Being also a part of the SE ¼ of the NE ¼ of Section 14 and the SW ¼ of the NW ¼ of Section 13, T5N, R19E in the Town of Vernon and Waukesha County, Wisconsin.



NOTE: THE LEGAL DESCRIPTION WAS PREPARED FROM DOCUMENTS OF RECORD WITHOUT FIELD VERIFICATION AND 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 AND HIGHWAY RIGHT-OF-WAY PLATS). IT IS INTENDED THAT THE MUNICIPAL BOUNDARY AND RIGHT-OF-WAY LINES OF "STH 164", "ARTESIAN AVENUE", "GUTHRIE ROAD" AND "PARKWOOD TRAIL" BE HEREAFTER COINCIDENT WITH THE BOUNDARY OF PRIVATE LANDS ADJACENT THERETO, SUBJECT TO SURVEYS AND MONUMENTATION.

## ANNEXATION MAP

Being a part of State Highway 164 right of way as defined by the Woodward Subdivision Plat.

Being also a part of the SE ¼ of the SE ¼ of Section 14, T5N, R19E in the Town of Vernon and Waukesha County, Wisconsin.



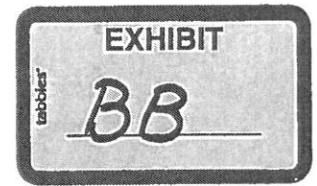
## LEGAL DESCRIPTION OF LANDS SUBJECT TO ANNEXATION

All that part of the SE ¼ of the SE ¼ of Section 14, T5N, R19E in the Town of Vernon and Waukesha County, Wisconsin bounded and described as follows:

Commencing at the southeast corner of said SE ¼; thence N01°35'08"W along the east line of said SE ¼, 699.16 feet to the place of beginning of the lands hereinafter described; thence S 88°28'30"W 50.00 feet to the southeast corner of Woodward Subdivision, a recorded subdivision in the Waukesha County Registry, and the corporate limits line for the Village of Big Bend; thence N01°35'08"W along the east line of said subdivision, and corporate limits line 624.97 feet to the northeast corner of said Woodward Subdivision; thence N88°33'55"E along said corporate limits line 50.00 feet to the east line of said SE ¼; thence N01°35'08"W along said east line and corporate limits line 863.20 feet; thence N88°39'55"E 50.00 feet to a point on the easterly right of way line of STH 164; thence S01°35'08"E along said right of way line 100.87 feet; thence S88°13'52"W along said right of way line 17.00 feet; thence S01°35'08"E along said right of way line 1386.98 feet; thence S88°28'30"W 33.00 feet to the place of beginning.

Containing an area of 82,067 square feet (1.884 acres).

NOTE: THE ABOVE LEGAL DESCRIPTION WAS PREPARED FROM DOCUMENTS OF RECORD WITHOUT FIELD VERIFICATION AND 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 AND HIGHWAY RIGHT-OF-WAY PLATS). IT IS INTENDED THAT THE MUNICIPAL BOUNDARY AND RIGHT-OF-WAY LINE OF "STH 164" BE HEREAFTER COINCIDENT WITH THE BOUNDARY OF PRIVATE LANDS ADJACENT THERETO, SUBJECT TO SURVEYS AND MONUMENTATION.



Board Minutes  
May 1, 2014

The meeting was called to order at 7:00 pm. Those present were Trustees Treichel, Conn, Heinemann, Peterson, Kelenic, President Soneberg, Attorney Schober, and Clerk Woppert. Trustee Fickau was excused.

--Motion made by Trustee Treichel seconded by Trustee Peterson to dispense with the reading of April 3, 2014, Board minutes. Motion carried.

--Motion made by Trustee Conn seconded by Trustee Heinemann to approve the April 3, 2014, Board minutes. Motion carried.

--Motion made by Trustee Conn seconded by Trustee Peterson to dispense with the reading of the April 24, 2014, Public Hearing minutes. Motion carried.

--Motion made by Trustee Peterson seconded by Trustee Heinemann to approve the April 24, 2014, Public Hearing minutes. Motion carried.

--Motion made by Trustee Heinemann seconded by Trustee Conn to dispense with the reading of the March 20, 2014 Public Hearing minutes. Motion carried.

--Motion made by Trustee Conn seconded by Trustee Treichel to approve the March 20, 2014 Public Hearing minutes. Motion carried.

**President's Report –**

- Gary Gabert from the Braves Baseball League came and gave the Village an up date. They are very happy to be here and hope the Village is happy with them. They have finished all the improvements they said they would do except for the scoreboard at Cherry St. Park. They still have two years to complete that. They have ordered dirt for both infields and yellow fence topping for Riverside Park. They would like to start talks for extending their agreement. President Soneberg told him to contact Public Work Commission when he is ready.
- President Soneberg welcome new Trustee Joe Kelenic.
- He has been working with finance to get financing for Industrial.
- He has been working with Engineer Hein, the DNR and Mr. Kaishian to get him into compliance.

### Unfinished Business

1. **Discussion and possible approval of Ordinance 2014-03, Seasonal or non-permanent Merchants in the Village.** There was some discussion on the charge for the fee.

--Motion made by Trustee Conn seconded by Trustee Heinemann to approve, as written, Ordinance 2014-03, Seasonal or non-permanent Merchants in the Village.

Amendment to the previous motion made by President Soneberg seconded by Trustee Treichel to raise the fee from \$200 to \$300.

Amendment carried. 1-no/Heinemann

New motion to read, approval of Ordinance 2014-03, Seasonal or non-permanent Merchants in the Village with the fee raise from \$200 to \$300.

Motion carried.

2. **Discussion and possible approval of bid for the work on Industrial Ave.** The bid was actually passed last month but tabled for the Finance to find a way to fund it. Funding will be by bond that will be discussed in new business items 4, 5, & 6. No action was taken at this time.

3. **Discussion and possible approval of a loan for Celebration Committee to purchase bleachers.** Trustee Conn feels the Board should make some money available to the Committee should bleachers become available. They move rather quickly. Trustee Treichel was concerned with using tax payer money and funding an unbudgeted item. The Committee would be making the payments and the bleachers themselves would be collateral. Trustee Treichel was also had a concern if the Committee paid off the bleacher and folded who would get the bleachers. He was told the bleacher would belong to the Village. President Soneberg said the Village might be able to borrow it to the Committee without having to take out a loan.

--Motion made by Trustee Conn seconded by Trustee Peterson to have finance make available not to exceed \$50,000 for a loan to Celebrations, and to have finance decide where the money would come from. Motion carried.

1-no/Soneberg.

### New Business

At this point, the Board decided to act on items 4,5, & 6.



4. **Discussion and possible approval of Resolution 2014-02, an initial resolution authorizing \$1,190,000 general obligation bonds for street improvement.**

--Motion made by Trustee Treichel seconded by Trustee Conn to approve Resolution 2014-02, an initial resolution authorizing not to exceed \$1,190,000 general obligation bonds for street improvement. Motion carried.

5. **Discussion and possible approval of Resolution 2014-03, authorizing \$160,000 general obligation bonds for Fire Department Equipment.**

--Motion made by Trustee Heinemann seconded by Trustee Peterson to approve Resolution 2014-03, authorizing not to exceed \$160,000 general obligation bonds for Fire Department Equipment. Motion carried.

6. **Discussion and possible approval of Resolution 2014-04, an initial resolution providing for the sale of, \$1,350,000 general obligation corporate purpose bonds, Series 2014A.**

--Motion made by Trustee Conn seconded by Trustee Heinemann to approved Resolution 2014-04, an initial resolution providing for the sale not to exceed \$1,350,000 general obligation corporate purpose bonds, Series 2014A. Motion carried.

1. **Discussion and possible approval of Committees & Commissions for 2014-15.** President Soneberg would like to keep most of the Committees and Commissions the same. He wants to appoint Trustee Kelenic to Public Works to take Keith Peterson place. He would like to table Plan Commission until he gets a chance to speak to Commissioner Stadler and Sadie Soneberg has to see if the members on Library Board want to remain.

--Motion made by Trustee Treichel seconded by Trustee Kelenic to approve all the appointments to Committees and Commissions and table Library Board and Plan Commission until the June meeting. Motion carried.

2. **Discussion and possible approval of Ordinance 2014-10, Prohibiting quadricycles.** Quadricycles are pedal taverns.

--Motion made by Trustee Peterson seconded by Trustee Conn to approve Ordinance 2014-10, prohibiting quadricycles. Motion carried.

3. **Discussion and possible approval of Ordinance 2014-14, Rezoning of multiple properties in the Village.**  
--Motion made by Trustee Treichel seconded by Trustee Heinemann to approve Ordinance 2014-14, Rezoning of multiple properties in the Village. Motion carried.
7. **Discussion and possible approval of Ordinance 2014-15, STH 164 Annexation Cleanup.** This ordinance cleans up several right-of-ways.  
--Motion made by Trustee Treichel seconded by Trustee Conn to approve Ordinance 2014-15, STH 164 Annexation Cleanup. Motion carried.
8. **Discussion and possible approval of wage increase and bonus for the Public Works Superintendent.** The Board decided to table this and look at it next month in a closed session.  
--Motion made by Trustee Conn seconded by Trustee Peterson to table the wage increase and bonus for the Public Works Superintendent. Motion carried.

### Department Reports

#### **Fire Department –**

- a. **Monthly Report.** There were 13 calls in April. We had 2 fire, 2 accidents, 2 mutual aid, and 7 EMS.
  - The grass rig is getting the pump installed.
  - Pancake breakfast served 472 people.
  - Mukwonago Fire can be our ALS intercept right now, but don't want to do anything further until their upgrading in service is complete.

#### **Police Department –**

- a. **Monthly Report.** The monthly report was on the table. There were a total of 9 Crimes, 152 Clearances (this includes traffic citations), and 275 Other Activity
  - There were 3 OWI.
  - Getting ready for the Bike Rodeo on the 31<sup>st</sup>.
  - Spend 13hours and 43 minutes in the Town of Vernon
- b. **Discussion and possible approval of posting no parking signs between Hwy 164 North of L to W229 S9070 Clark St and from Edgewood Ave North on Hwy 164 to W229 S8650 Big Bend Dr.** These areas narrow and when there are programs at the school, people park there and cause a hazard.

--Motion made by Trustee Peterson seconded by Trustee Heinemann to approve the putting up of no parking signs between Hwy 164 North of L to W229 S9070 Clark St and from Edgewood Ave North on Hwy 164 to W229 S8650 Big Bend Dr. Motion carried.

- c. **Discussion and possible action on retaining squad 686 within the fleet and allowing the Police Chief to take it home.** The Police Chief explained that if the Village lets him take the car home he can respond directly to calls instead of coming into the station first and getting a car.

--Motion made by Trustee Conn seconded by Trustee Heinemann to retain the squad 686 and allow the Police Chief to take it home. Motion carried.

### Standing Committees

#### 1. Finance

- a. Report on discussion and action taken at previous meetings.

- b. Payment of the Bills.

--Motion made by Trustee Peterson seconded by Trustee Treichel to approve the bills in the amount of \$40,790.30. Motion carried.

#### 2. Public Works – Superintendent's report:

- Weight limits have been lifted.
- Will be fixing the shoulders on Chateau & Villa.
- Did minimal work in cemetery. Cleaned up refuse and replaced the garbage can.
- There was a resident in the Village cutting and removing trees from Village property.
- WIS DOT contacted him that he must take his entire salt order in the beginning of winter and will need to have it stored to DNR standards.
- Contacted regarding road issues on Big Bend Dr.
- Brush pick up was completed in 3 days due to the new system.
- There are road issues on Townline in front of the Jacobsen property. He has damaged the road and will be repairing it.
- Utility work has began on Industrial. Easement have been sign and filed at Waukesha County.

#### 3. Public Safety – no report

Attorney's Report – no report

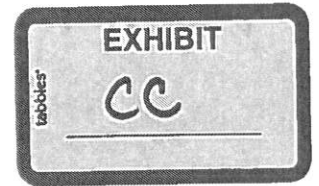
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Board minutes/May 1, 2014

**Correspondence** – In the packets.

--Motion made by Trustee R. Peterson seconded by Trustee Conn to adjourn. Motion carried. Meeting adjourned at 9:45 pm.

Respectfully submitted,  
Barbara Woppert, Village Clerk



VILLAGE BOARD MEETING  
MAY 01, 2014  
7:00 P.M.  
VILLAGE HALL, VILLAGE OF BIG BEND  
W230 S9185 NEVINS STREET BIG BEND, WI

AGENDA (revised 4-29-14)

- A. Call to order/pledge/roll call
- B. Approval of April 3, 2014 Board Minutes  
Approval of April 24, 2014 Public Hearing Minutes  
Approval of March 20, 2014 Public Hearing Minutes
- C. President's Report.
  - 1. Update by the Waukesha Braves
- D. Unfinished Business
  - 1. Discussion and possible approval of Ordinance 2014-03, Seasonal or non-permanent Merchants in the Village
  - 2. Discussion and possible approval of bid for the work on Industrial Ave.
  - 3. Discussion and possible approval of a loan for Celebration Committee to purchase bleachers.
- E. New Business
  - 1. Discussion and approval of Committees & Commissions for 2014-2015
  - 2. Discussion and possible approval of Ordinance 2014-10, Quadricycles
  - 3. Discussion and possible approval of Ordinance 2014-14, Rezoning of multiple properties in the Village
  - 4. Discussion and possible approval of Resolution 2014-02, an initial resolution authorizing \$1,190,000 general obligation bonds for street improvement projects
  - 5. Discussion and possible approval of Resolution 2014-03, an initial resolution authorizing \$160,000 general obligation bonds for Fire Department Equipment
  - 6. Discussion and possible approval of Resolution 2014-04, an initial resolution providing for the sale of \$1,350,000 general obligation corporate purpose bonds, Series 2014A
  - 7. Discussion and possible approval of wage increase and bonus for Public Works Superintendent

F Department Reports

1. Fire Department

a. Monthly Incident Report

2. Police Department

a. Monthly Incident Report

b. Discussion and possible approval of posting no parking signs between Hwy 164 North of L to W229 S9070 Clark St. and then from Edgewood Ave North on Hwy 164 to

c. Discussion and possible action on retaining squad 686 within the fleet and allowing the Police Chief to take it home.

G. Standing Committee and Commission reports

1. Finance

a. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meeting.

b. Bills for approval

2. Public Works

a. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meeting.

3. Public Safety

a. Report on discussion and action taken at previous meeting, future agenda items and upcoming scheduled meetings

H. Attorney's Report

, I. Correspondence

J. Adjourn