

PETITION FOR ANNEXATION OF TERRITORY TO CITY OF MENASHA

Kwik Trip, Inc., Menasha Joint School District, BLC Community Bank, and WPPI Energy, the owners of more than 50% the land area in the following territory of the Town of Menasha, Winnebago County, Wisconsin petitions the Honorable Mayor and Common Council of the City of Menasha pursuant to Sec. 66.0217(3)(a), Wis. Stats., to annex the territory described below and shown on the attached scale map to the City of Menasha, Winnebago County, Wisconsin:

Parcel "A"

All that part of the South East one-quarter (1/4) of the South East one-quarter (1/4) of Section Ten (10), Township Twenty (20) North, Range Seventeen (17) East, in the Town of Menasha, Winnebago County, Wisconsin, and described as follows: to-wit: Beginning at a point on the South line of Section Ten (10), one hundred fifty-three (153) feet West of the South East corner of said Section Ten (10), thence North one hundred fifty-three (153) feet, thence West one hundred twenty (120) feet, thence South one hundred fifty-three (153) feet to the South line of Section Ten (10) thence East one hundred twenty (120) feet to the place of beginning. Containing 0.42 acres.

Parcel No. 008-0324

Parcel "B"

A parcel of land being part of the Southwest 1/4 of the Southwest 1/4 of Section 11, and part of the Southeast 1/4 of the Southeast 1/4 of Section 10, all in Township 20 North, Range 17 East, Town of Menasha, Winnebago County, Wisconsin, bounded and described as follows: Commencing at the Southwest corner of Section 11; thence N89°34'49"E, 308.61 feet (Recorded as 309.00 feet) along the South line of the Southwest 1/4 of Section 11 to the Southerly extension of the West right-of-way line of Appleton Street and the point of beginning; thence N00°02'47"E, 32.59 feet along the extended West right of way line of Appleton Street to the North right-of-way line of Ninth Street; thence continuing North along said West right of way line, 540 feet, more or less, to the South right of way line of Eleventh Street; thence West along said South right of way line, 342 feet, more or less, to the West right of way line of Warsaw Street; thence South along said West right of way line, 573 feet, more or less, to the South line of the Southeast 1/4 of said Section 10; thence East along said South line of said Sections 10 and 11 342 feet, more or less, to the point of beginning. Containing 4.50 acres.

Parcel No. 008-0355 and part of parcels 008-0323, 008-0328, and 008-0328-01

Parcel "C"

All that part of the Southeast 1/4 of the Southeast 1/4 of Section 10, Township Twenty (20) North Range Seventeen (17) East, Town of Menasha, Winnebago County, Wisconsin described as follows: Commencing at a point that is 684 feet north of and 660 feet west of the Southeast corner of said Section 10 and the point of beginning; thence East 517.69 feet, more or less, to the Westerly right of way line of CTH P, thence Northerly along said Westerly line 242.58 feet, more or less, to a point that is North 89 degrees, 52 minutes 49 seconds West 75.49 feet of a point on the East line of said Southeast 1/4, said point on said East line being 1742.23 South of the East 1/4 corner of said Section; thence North 89 degrees 52 minutes 49 seconds West 583.06 feet to a point; thence South 0 degrees 19 minutes 48 seconds West, 230.99 feet to the point of beginning. Containing 3.1 Acres.

Parcel No. 008-0332, 008-0329-03
Parcel "D"

That part of Lot 1 of Certified Survey Map 1619 recorded as Document No. 665262 and corrected by affidavit as Document No. 667192 being part of Government Lot 4 and the Southeast ¼ of the Southeast ¼ of Section 10, Township 20 North, Range 17 East, Town of Menasha, Winnebago County, Wisconsin, commencing at the Southeast corner of said Section 10; thence N89° 52' 30"W, along the south line of said Section 10, 1409.34 ft. to the west right of way line of the C. M. St. Paul and Pacific Rail Road; thence N00° 29' 29"W, along the said right of way line 45.80 ft. to the point of curvature; thence northerly along said right of way line, 545.53 ft. along the arc of a 1942.86 ft. radius curve to the right, the chord of which bears N07° 33' 09"E, 543.74 ft.; thence S89° 24' 28"W, 359.75 ft. to the previous right of way line of the Tri-County Expressway; thence N32° 52' 52"W, along the said right of way line, 226.93 ft.; thence N74° 07' 22"W, along the said right of way line, 87.00 ft. to a point of intersection at the new right of way line of the Tri-County Expressway; thence N89° 10' 41"E, parallel with the Tri-County Reference Line, and also being the new right of way line for the Tri-County Expressway, 580 ft., more or less, to the City of Menasha corporate boundary and the point of beginning; thence N89° 10' 41"E, 62.51 ft., more or less, to the westerly right of way line of the C. M. St. Paul and Pacific Rail Road; thence southerly along said right of way line, 181 ft., more or less, along the arc of a 1942.86 ft. radius curve to the left, the chord of which bears S19° 01' 41"W, to a point of intersection with said corporate boundary; thence northerly along said corporate boundary 170 ft., more or less, to the point of beginning. Said parcel contains .10 acres.

Parcel No. 008-0334-01-01

Parcel "E"

Part of the NW 1/4 of the NW1/4 of Section 12, Township 20 North, Range 17 East in the Town of Menasha, Winnebago County, Wisconsin described as follows, viz: Commencing at the Northwest corner of said Section 12 and the point of beginning; thence South 89° 48' 00" East, along the North section line, 198 feet; thence South 00° 16' 31" West, parallel with the West line of said Section 12, a distance of 165 feet; thence North 89° 48' 0": West, parallel with the North line of said section, 198 feet more or less to the West line of said Section 12, thence Northerly along the West line of said Section 12, 165 feet more or less to the point of beginning. Containing 0.76 Acres.

Parcel No. 008-0381-02 and 008-0381-00

Parcel "F"

That part of the Southwest quarter of Section 1, Township 20 North, Range 17 East, Town of Menasha, Winnebago County, Wisconsin commencing at the Southwest corner of said Section 1; thence North 01°17'59" West along the West line of said Section 1, 1,123.94 feet to a point; thence North 88°41' 56" East, 140.33 feet to the point of beginning; thence North 67°51'39" east along the Northerly line of CSM 2503, recorded as Document Number 793929 Winnebago County R.O.D., 147 feet, more or less, to a point 140 feet South of the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 1; thence Westerly along a line 140 feet South of and parallel to the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 1, 278 feet, more or less, to the West line of said Section 1; thence South 1°17'59" East along the West line of said Section 1 to a point 250 feet south of the Northwest corner of the Southwest 1/4 of the Southwest 1/4 of said Section 1; thence Easterly along a line 250 feet

South of and parallel to the North line of the Southwest 1/4 of the Southwest 1/4 of said Section 1, 134 feet, more or less, to the Westerly line of said CSM 2503; thence North 5°38'27" East along the westerly line of said CSM, 55 feet, more or less, to the point of beginning. Containing 0.33 acres.

Parcel No. 008-0029-02

Parcel "G"

That part of the Northeast 1/4 of Section 11, Town 20 North, Range 17 East, in the Town of Menasha, Winnebago County, Wisconsin, described as follows, viz:- Commencing at the Southwest corner of said Northeast 1/4; thence North 89 degrees 25 minutes East, along the South line of said Northeast 1/4, 750 feet; thence North 0 degrees 35 minutes West, 1,054.65 feet, to the point of curvature of an 897.47 foot radius curve to the right, having a 356.67 foot long chord bearing North 10 degrees 52 minutes 42 second East and a 22 degree 55 minutes 24 second central angle; thence North 4 degrees 29 minutes east, 158.52 feet, along a subchord of the said curve which has a 10 degree 8 minutes central angle, to the place of beginning (said point also being 764 feet North 89 degrees 25 minutes East and 1,212.55 feet North 0 degrees 35 minutes West of the point of commencement); thence Northeasterly, along an arc of the above described curve having a 199.92 foot chord bearing North 15 degrees 56 minutes 42 second East and a 12 degree 47 minutes 24 second central angle to the point of curvature of an 897.47 foot radius curve to the left; thence continuing Northeasterly along an arc of said curve to the left to a point on the North right-of-way line of Wittmann Drive that is 1,558 feet North of (measured at right angles to) the South line and 865.11 feet East of the North-South 1/4 line of said Section 11; thence East along said North right-of-way line 493.46 feet, more or less to a point that is 1,358.57 feet East of the North-South 1/4 line of said Section 11; thence Northerly parallel with the North-South line of said Northeast 1/4, 194.3 feet to a point on the City of Menasha corporate boundary; thence Easterly 578.38 feet, more or less, to the Easterly right-of-way line of Parkside Drive; thence Southerly 344 feet, more or less, along said Easterly right-of-way line extended Southerly to the South right-of-way line of Wittmann Drive thence; Westerly 256.78 feet along said South right-of-way line to a point; thence South 0 degrees 35 minutes East, 285.45 feet; thence South 89 degrees 25 minutes West 736.55 feet to the point of beginning. Said parcel containing 7.73 acres.

Parcel No. Part of 008-0336-04, 008-0336-04-01, 008-0340-01 and part of 008-0336-05.

The population of the described parcels is 0.

Dated this 22nd day of may, 2015

Donald P. Zietlow
Donald P. Zietlow
Kwik Trip, Inc

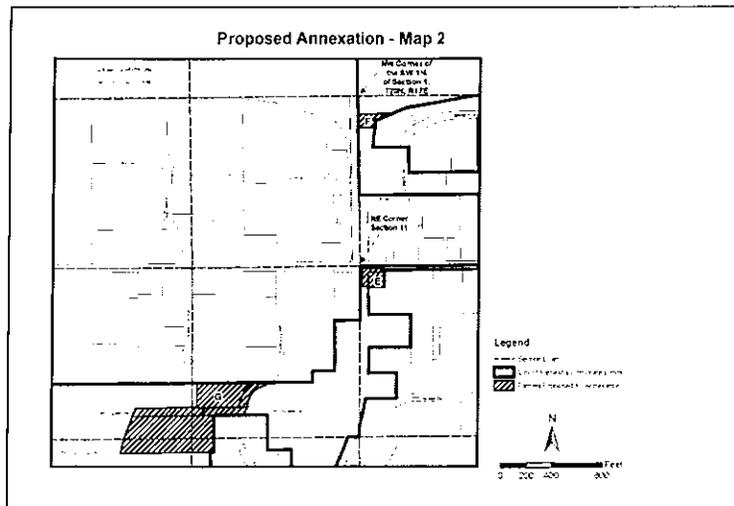
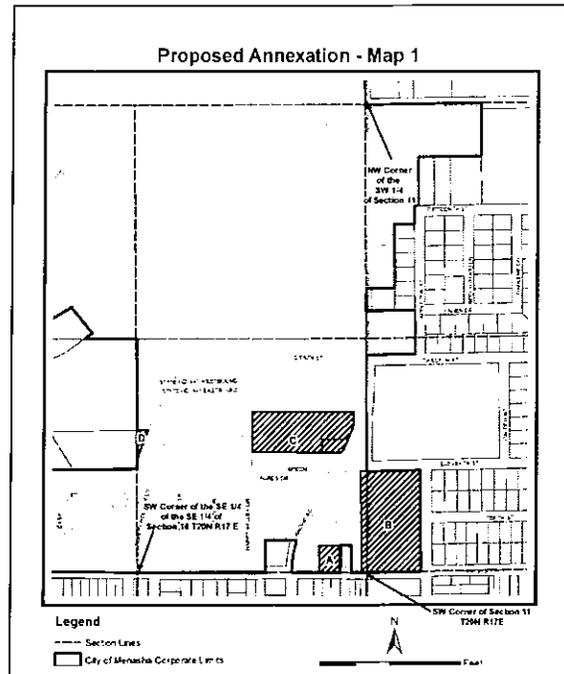
STATE OF WISCONSIN)
LA CROSSE COUNTY)

Personally came before me this
22nd day of may, 2015 the above
named Donald P. Zietlow,
known to me to be the persons who
executed the foregoing instrument,
and acknowledge the same.

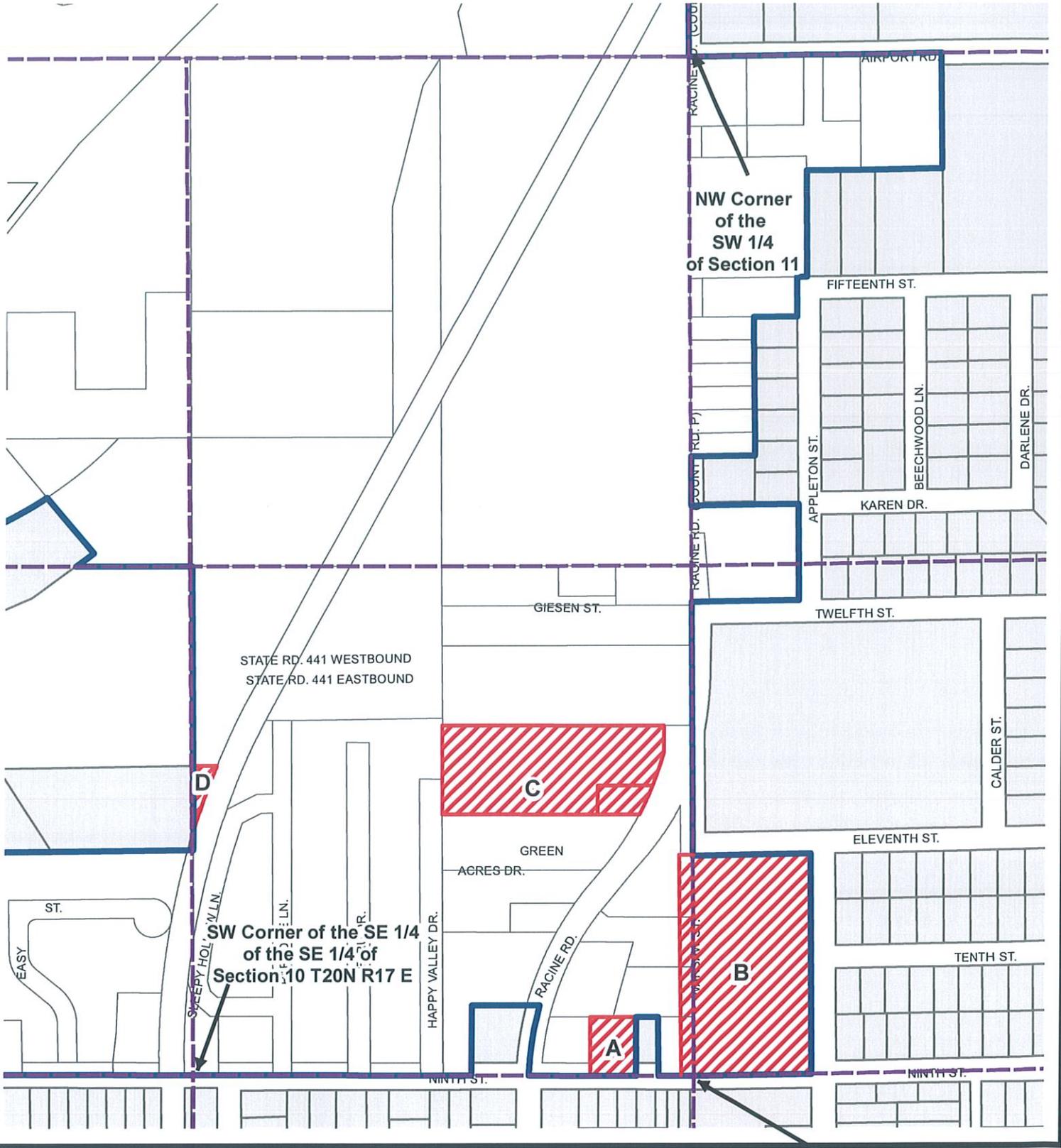
Janie Herold
Notary Public, LA CROSSE County, Wisconsin

My commission expires 10-27-17.

EXHIBIT A



Proposed Annexation - Map 1



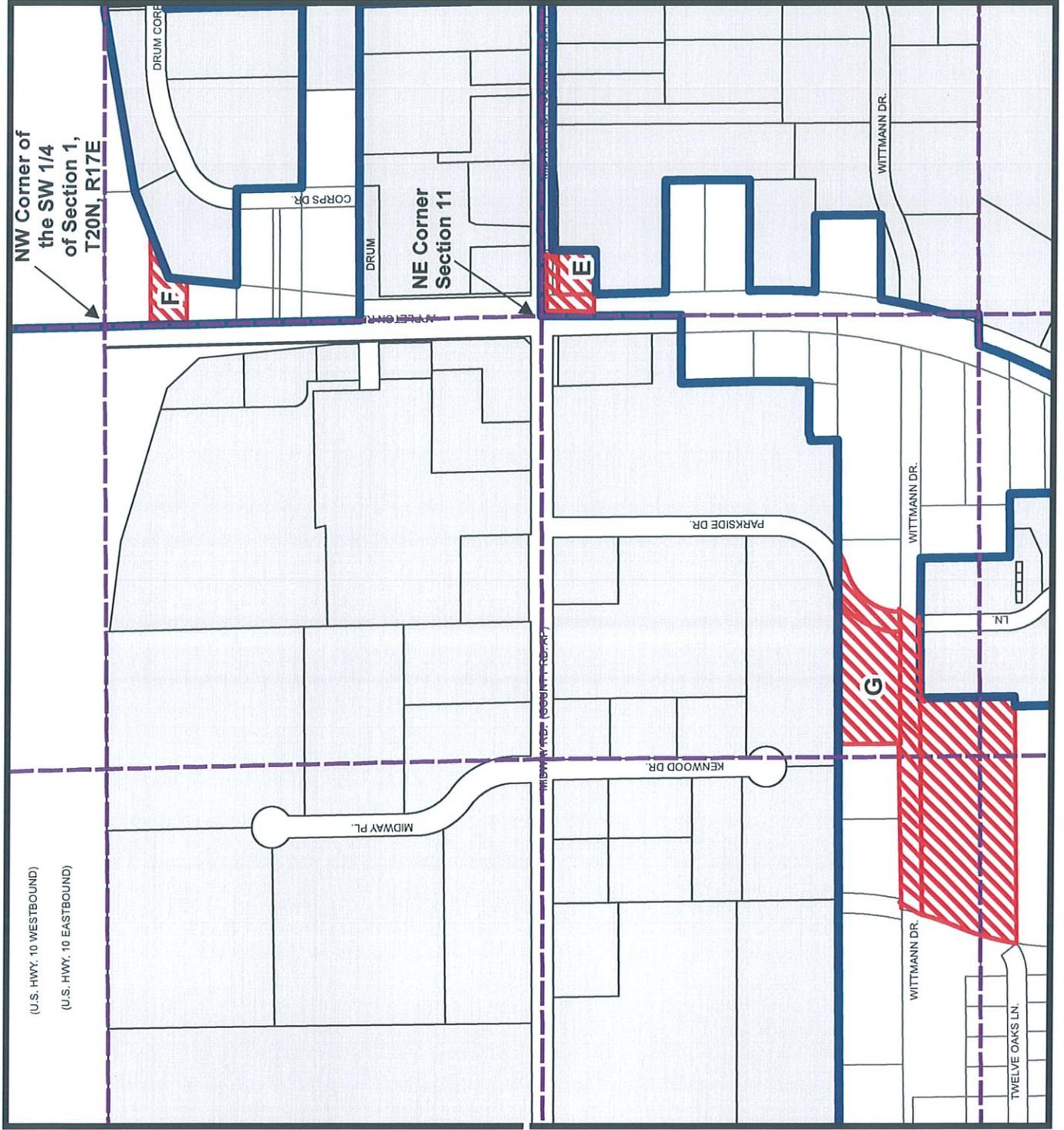
Legend

-  Section Lines
-  City of Menasha Corporate Limits
-  Parcels Proposed for Annexation



SW Corner of Section 11
T20N R17E

Proposed Annexation - Map 2



Legend

--- Section Lines

City of Menasha Corporate Limits

Parcels Proposed for Annexation





MEMORANDUM

To: Greg Keil, Community Development Director
From: Peggy Steeno, ^{PS}Administrative Services Director
Date: May 13, 2015
RE: Annexation Impact Report – Kwik Trip, Inc.

Pursuant to City of Menasha Ordinance 13-1-123, I am providing the following report regarding the above noted proposed annexation:

- The Administrative Services Department will not require any additional full-time personnel, equipment, buildings, or other improvements if the annexation is approved.
- The Administrative Services Department will not incur any costs over and above those costs normally incurred in any annexation if the annexation is approved.
- Based upon an estimated assessed value of \$897,300, at the City's current assessment rate of \$10.17, the City would realize an increase in tax collections of approximately \$9,125 annually if the annexation is approved.

Due to my statements above, and the absence of any negative effects, I am recommending that the Common Council vote to approve the annexation.



M E M O R A N D U M

TO: Administration Committee

FROM: Greg Keil, CDD 

DATE: May 14, 2015

RE: Annexation Impact Report – Kwik Trip, Inc

The Department of Community Development has considered the potential impacts of the Kwik Trip, Inc. annexation as related to duties and functions of the department and as related to the growth and development of the community.

The seven parcels included in this annexation comprise approximately seventeen acres. The parcels are currently vacant. It is expected that these properties will develop into residential and commercial uses respectively.

There will be additional work load imposed upon the Community Development Department primarily related to zoning, site plan review and building permit issuance. These events will occur over a period of time, and it is not anticipated that it will have a significant impact on the workload within the Community Development Department.

This annexation is consistent with the boundary agreement with the Town of Menasha. Adding this territory will make additional lands available for commercial and residential development and will result in increased tax base for the community. The Community Development Department supports this annexation as a logical extension of the city's boundary.



To: Debbie Galeazzi, City Clerk
From: Tim Styka, Police Chief
Date: May 18, 2015
RE: Annexation Impact Reports – 1233 Midway Rd and others

As with any annexation by the City, the service area for the Police Department does increase. However, I do not anticipate where these annexations would have an adverse impact requiring additional staffing or equipment above our current levels.



Memorandum

DATE: May 18, 2015

TO: Debbie Galeazzi, City Clerk

FROM: Mark Radtke, Public Works Director

RE: Impact Report for Kwik Trip Annexation

There would be relatively minor street related costs and minor recycling and refuse collection costs associated with servicing the Kwik Trip annexation, but those costs would be easily supported by the expected added property value. This is assuming a residential development of a portion of the annexed area. There is potential for more significant costs for extending street and storm sewer to the Wittmann Drive area parcels, but these costs would expect to be recovered through a special assessment process.

It is anticipated that no additional staffing will be needed to provide services for these fully developed annexation areas. I am in favor of the proposed annexation.

CITY OF MENASHA
Plan Commission
Council Chambers, City Hall – 140 Main Street
May 19, 2015
DRAFT MINUTES

A. CALL TO ORDER

The meeting was called to order at 3:31 PM by Mayor Merkes.

B. ROLL CALL/EXCUSED ABSENCES

PLAN COMMISSION MEMBERS PRESENT: Mayor Merkes, Ald. Benner, DPW Radtke and Commissioners Schmidt, Cruickshank and DeCoster.

PLAN COMMISSION MEMBERS EXCUSED: Commissioner Sturm.

OTHERS PRESENT: CDD Keil, CDC Heim, Jim Stahl, Miron Construction and Steve Grenell, Menasha Utilities.

3:30 PM – Informal Public Hearing on the Proposed Amendment of the City of Menasha Year 2030 Comprehensive Plan – Rezoning of Parcel #4-00792-03

Mayor Merkes opened the public hearings at 3:32 PM.

CDD Keil explained the purpose of the proposed amendment to the City of Menasha Year 2030 Comprehensive Plan and rezoning.

No public input was received.

The hearings were closed at 3:33 PM.

C. MINUTES TO APPROVE

1. **Minutes of the April 28, 2015 Plan Commission Meeting**

Motion by Ald. Benner, seconded by DPW Radtke to approve the April 28, 2015 Plan Commission meeting minutes. The motion carried.

D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA

1. No one spoke.

E. DISCUSSION

1. None.

F. ACTION ITEMS

1. **Amendment of the City of Menasha Year 2030 Comprehensive Plan Future Land Use Map– Racine Road – Parcel #4-00762-03 – Re-designate Future Land Use Classification from Community Commercial to Industrial**
CDD Keil indicated that the rezoning of parcel #4-00762-03 be from Commercial to Industrial. The intent is that the rezoning would be consistent with the parcels to the south and west. The rezoning would also allow Miron Construction to utilize the parcel as a laydown yard whereas the current zoning of commercial would not allow such use.

Motion by Comm. Schmidt, seconded by DPW Radtke to recommend to the Common Council the amendment of the City of Menasha Year 2030 Comprehensive Plan Future Land Use Map, Racine Road, parcel #4-00762-03 to re-designate the future land use classification from Community Commercial to Industrial to make it more consistent with surrounding parcels. The motion carried.

2. **Rezoning of Parcel Immediately North of 1737 Racine Road – Parcel #4-00762-03 (previously discussed April 7, 2015)**

Motion by Comm. DeCoster, seconded by DPW Radtke to recommend to the Common Council the rezoning of parcel immediately north of 1737 Racine Road, parcel #4-00762-03 from C-1 General Commercial to I-1 Heavy Industrial. The motion carried.

3. **Landscape Plan – 1737 Racine Road**

CDD Keil indicated that the landscape plan was prepared due to comments and concerns in previous Plan Commission meetings. Discussion ensued with Commissioners and Jim Stahl, Miron Construction:

- DPW Radtke review of vision clearance issues. No concerns to the south, to the north slight penetration where elm trees on north end of site would need to be trimmed up
- Type of fence selected. Jim Stahl indicated that the 7 foot cyclone fence was determined based more on safety and security than screening
- Addition of vines to the fence to improve screen but could become a maintenance issue over time
- Use of taller plantings in place of vines

Motion by Comm. DeCoster, seconded by Comm. Cruickshank to revise the landscape plan to show additional plantings along with deciduous and evergreen trees while complying with the electrical transmission easement restrictions with staff to review and approve. The motion carried.

4. **Proposed Annexation – 1233 Midway Road and Others – Kwik Trip, Inc.**

CDD Keil gave an overview of the proposed annexation. This is a majority annexation which means that one-half of the property owners are consenting while the other one-half are non-consenting property owners. Per the boundary agreement with the Town of Menasha, we are able to annex unimproved properties without detaching equal property size to the Town. All parcels listed in the proposed annexation are unimproved. The majority of the parcels would have a commercial zoning, with Parcel B remaining as a soccer field used by the high school and Parcel G which would likely be residential. There are precious little unincorporated parcels on the Town's east side. This annexation would provide new grow area and put the City in better position if the Town incorporates. Only one property owner has objected at this point.

Motion by Ald. Benner, seconded by DPW Radtke to recommend to the Common Council the proposed annexation at 1233 Midway Road in relationship with Kwik Trip, Inc. and others. The motion carried.

H. ADJOURNMENT

Motion by Ald. Benner, seconded by Comm. DeCoster, to adjourn at 4:05 PM. The motion carried.

Minutes respectfully submitted by CDC Heim.



WISCONSIN DEPARTMENT OF
ADMINISTRATION

SCOTT WALKER
GOVERNOR
SCOTT A. NEITZEL
SECRETARY

Municipal Boundary Review
PO Box 1645, Madison WI 53701
Voice (608) 264-6102 Fax (608) 264-6104
Email: wimunicipalboundaryreview@wi.gov
Web: <http://doa.wi.gov/municipalboundaryreview/>

May 21, 2015

PETITION FILE NO. 13850

DEBORAH A. GALEAZZI, CLERK
CITY OF MENASHA
140 MAIN ST
MENASHA, WI 54952-3190

KAREN BACHMAN, CLERK
TOWN OF MENASHA
2000 MUNICIPAL DR
NEENAH, WI 54956-5665

RECEIVED

MAY 26 2015

CITY OF MENASHA
BY dg

Subject: KWIK TRIP, INC. ANNEXATION

The proposed annexation submitted to our office on May 01, 2015, has been reviewed and we have found the annexation of parcels labeled as "A", "B", "D", "E", "F", and "G" in the Notice of Intent 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 and any other contiguous village or city..." so as unincorporated land transitions to city or village status, the resulting boundaries are rational and easy for jurisdictions and residents to follow. The above referenced parcels within the Notice are reasonably shaped and contiguous to the **CITY OF MENASHA**.

The parcel labeled "C" in the Notice is not contiguous to the City of Menasha, being separated from the City by the adjacent Racine Road right-of-way; s. 66.0217 (3), Wis. Stats. requires that territory being annexed to the City by the one-half approval method must be contiguous to the municipality. However, the Wisconsin Supreme Court in *International Paper v. City of Fond du Lac*, (50 Wis. 2d 529) has determined that municipalities may, on their own accord, annex public road right-of-way that is contiguous to their boundaries. We suggest that the City include the Racine Road right-of-way between parcel "C" and the existing municipal boundary in any ordinance that annexes the parcel. Inclusion of the right-of-way will allow the Department to find such annexation to be in the public interest.

Note regarding the creation of Town "islands" by annexation:

It appears that the annexation of parcels "E", "F", and "G" as labeled in the Notice may be creating areas of the Town of Menasha that are completely surrounded by the City. While generally prohibited, the creation of these island areas is permitted by s. 66.0221 (2), Wis. Stats., for towns and municipalities that enter into a boundary agreement under s. 66.0301 or .0307 (formerly s. 66.30), Wis. Stats. The Department is aware that such an agreement exists between the City and Town of Menasha.

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 state 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 Secretary of State. Please file a copy of your annexing ordinance, including a statement certifying the population of the annexed territory. **Please also include the MBR number with your ordinance as this assists with record keeping. Your MBR number is: 13850**

The address of the Office of the Secretary of State is:

Annexations and Railroads
Division of Government Records
Office of the Secretary of State
PO Box 7848
Madison WI 53707-7848

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

Sincerely,



Erich Schmidtke, Municipal Boundary Review

cc: petitioner