

ORDINANCE O - 5 - 2014

AN ORDINANCE RELATING TO THE ANNEXATION OF CERTAIN PROPERTY TO THE CITY OF MENASHA, WISCONSIN (Gemelli Real Estate Wisconsin, LLC Annexation)

Introduced by Mayor Merkes.

The Common Council of the City of Menasha does ordain as follows:

SECTION 1: Territory Annexed. (Majority Annexation) In accordance with Sec. 66.0217(3)(a) Wis. Stats., and the Petition for Annexation filed with the City Clerk on the 5th day of February, 2014, signed by the majority of owners of land in the following described territory in the Town of Menasha, Winnebago County, Wisconsin, is annexed to the City of Menasha, Winnebago County, Wisconsin.

Legal description:

PARCEL "A"

All that part of the North 27 acres of the Northeast 1/4 of the Northeast 1/4 of Section 11, Township 20 North, Range 17 East, in the Town of Menasha, Winnebago County, Wisconsin, described as follows:

Commencing at the Northeast corner of said Section 11; thence South 89°40' West along the north line of Section 60 feet; thence South 01°39' East, 643.5 feet; thence South 89°40' West, 150 feet; thence South 1°39' East, 22.6 feet to a point of curvature of a 1,700.08 foot radius curve to the right; thence Southwesterly along the line of the 1,700.08 foot radius curve to the right, 145.8 feet to the point of beginning; thence continuing Southwesterly along the line of said 1,700.08 foot radius curve about 84.2 feet to the South line of the North 27 acres of the Northeast 1/4 of the Northeast 1/4 of said Section 11; thence Easterly along the said South line of the North 27 acres, 150.8 feet to the Westerly right-of-way line of State Trunk Highway No. 47; thence Northeasterly along the 1,850.08 foot radius curve in said Westerly highway right-of-way line to a point which is North 89°40' East of the point of beginning; thence South 89°40' West to the point of beginning, containing 0.30 acres.

Parcel No. 008-0337-02

Parcel "B"

All that part of the North 27 acres of the Northeast 1/4 of the Northeast 1/4 of Section 11, Township 20 North, Range 17 East, in the Town of Menasha, Winnebago County, Wisconsin, described as follows:

Commencing at the Northeast corner of said Section 11, thence South 89°40' West along the North line of said Section 60 feet; thence South 01°39' East 643.5 feet, thence South 89°40' West, 150 feet; thence South 1°39' East, 22.6 feet to a point of curvature of a 1,700.08 foot radius curve to the right; thence Southwesterly along the line of the 1,700.08 foot radius curve to the right, 145.8 feet to the point of beginning; thence South 89°40' West, 151 feet; thence Southwesterly 24.42 feet along the arc of a 50 foot radius curve to the right ; thence South 1°39' East, 80 feet to the South line of the North 27 acres of the Northeast 1/4 of the Northeast 1/4 of said Section 11; thence Easterly along the said South line of the North 27 acres, 165 feet, thence Northeasterly along the 1,700.08 radius curve, 84.2 feet to the point of beginning containing 0.30 acres.

Parcel No. 00833704

Parcel "C"

All that part of the North 27 acres of the Northeast 1/4 of the Northeast 1/4 of Section 11, Township 20 North, Range 17 East, in the Town of Menasha, Winnebago County, Wisconsin, described as follows:

Commencing at the Northeast corner of said Section 11, thence West along the North line of said Section 60 feet to the Westerly right-of-way line of State Trunk Highway No. 47; thence South 01°39' East along the Westerly line of said Highway, 643.5 feet, the place of beginning; thence West parallel with the North line of said Section, 150 feet; thence South 1°39' East, 22.6 feet to a point of curvature of a 1,700.08 foot radius curve to the right; thence Southwesterly along the line of the 1,700.08 foot radius curve to the right, 145.8 feet; thence East parallel with the North line of said Section to the Westerly line of said Highway; thence Northerly along the Westerly line of said Highway to the place of beginning containing 0.57 acres.

Parcel No. 008033703

Parcel D

That part of the Southeast One-quarter of Section 10, Township 20 North of Range 17 East in the Town of Menasha, Winnebago County, Wisconsin commencing at the at a point 377 feet North and 660 feet West of the Southeast corner of Section 10; thence North 307 feet; thence East 407 feet; thence North 75 feet; thence East to the West Line of County Trunk Highway P; thence Southwesterly along the West line of said highway to a point which is 363.2 feet West and 373 feet North of the Southeast corner of Section 10, the point of beginning; thence West 120 feet; thence north 75 feet; thence East to the West line of said highway ; thence Southwesterly along the West Line of said highway to the point of beginning, containing 0.34 acres.

Parcel No. 008032901

Parcel "E"

All that part of the West one half (W1/2) of the Southwest 1/4 (SW14), Section (11) Township 20 North, Range 17 East, Town of Menasha , County of Winnebago, State of Wisconsin described as follows:

Commencing at a point on the West Line on the West half of the Southwest Quarter of said Section 11, 183 feet South of the Northwest corner thereof, thence East 33 feet to the East Right of Way Line of County Trunk Highway P and the point of beginning, thence East 120 feet, thence South 81.75 feet, thence West 120 feet to the East Line of said highway, thence north 81.75 feet to the point of beginning, containing 0.228 acres.

Parcel No. 00834505

Parcel "F"

All that part of the Northwest 1/4 of the Southwest 1/4 of Section 11, Township 20 North of Range 17 East in the Town of Menasha, Winnebago County, Wisconsin described as follows: Commencing at a point on the West Line of said Section 11 at a point 1,853 North of the Southwest corner, running thence East at right angles to the said West line 33 feet to the East Right of Way line of County Trunk Highway P and the point of beginning, thence East 135 feet; thence North, parallel with said Right of Way Line 120 feet; thence West 135 feet to said Right of Way line; thence South along said Right of Way line to the point of beginning, containing 0.372 acres.

Parcel No. 008035404 and 008035406

Parcel "G"

All that part of the West one half (W1/2) of the Southwest 1/4 (SW14), Section (11) Township 20 North, Range 17 East, Town of Menasha , County of Winnebago, State of Wisconsin described as follows:

Commencing at a point on the West line of said Section 11 one thousand eight hundred fifty three (1,853) feet north of the Southwest corner of said Section; thence East 33 feet to the East Right of Way line of County Trunk Highway P and the point of beginning; thence East 135 feet, thence South 60 feet; thence West 135 feet to the East Right of Way Line of said highway, thence North along the East line of said highway to the point of beginning, containing 0.186 acres.

Parcel No. 008035411

The population of the described parcels is 0.

SECTION 2: Effect of Annexation. From and after the date of this Ordinance, the territory described in Section 1 shall be a part of the City of Menasha 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 City of Menasha.

SECTION 3: Pursuant to the recommendation of the Plan Commission, the temporary zoning classification for the annexed territory is as follows: Parcels A, B, C, D, E, F. and G; C-1 General Commercial.

SECTION 4: Aldermanic District Designation. The territory described in Section 1 of this Ordinance as Parcel A is hereby made a part of Aldermanic District 3, Ward 23. The territory described in Section 1 of this Ordinance as Parcel B is hereby made a part of Aldermanic District 3, Ward 24. The territory described in Section 1 of this Ordinance as Parcel C is hereby made a part of Aldermanic District 3, Ward 25. The territory described in Section 1 of this Ordinance as Parcel D is hereby made a part of Aldermanic District 4, Ward 26. The territory described in Section 1 of this Ordinance as Parcel E is hereby made a part of Aldermanic District 3, Ward 27. The territory described in Section 1 of this Ordinance as Parcel F is hereby made a part of Aldermanic District 3, Ward 28. The territory described in Section 1 of this Ordinance as Parcel G is hereby made a part of Aldermanic District 3, Ward 29. All subject to the ordinances, rules and regulations of the City governing wards and aldermanic districts.

SECTION 5: Severability. If any provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance to any person or circumstance 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: This Ordinance shall become effective upon its passage and publication as provided by law.

Passed and approved this day of , 2014.

Donald Merkes, Mayor

ATTEST:

Deborah A. Galeazzi, City Clerk



MEMORANDUM

TO: Administration Committee

FROM: Greg Keil, CDD

DATE: March 12, 2014

RE: Annexation Impact Report – Gemelli Real Estate Wisconsin LLC Annexation

The Department of Community Development has considered the potential impacts of the Gemelli Real Estate Wisconsin, LLC 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 two acres. The parcels are currently vacant. It is expected that these properties will develop into small scale commercial establishments.

Due to the small amount of territory included in the annexation, 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 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.



MEMORANDUM

To: Common Council

From: PRD Tungate *BT*

Date: March 11, 2014

RE: Parks and Recreation Impact Report

Staff has reviewed the parcels proposed for this annexation. Due to the size and locations of the parcels, there will be no significant impact on parks and recreation services. Should it be necessary, the Park Board is prepared to take action on this recommendation at their March 18, 2014 meeting.



Memorandum

TO: Debbie Galeazzi, City of Menasha Clerk

FROM: Al Auxier, Fire Chief Neenah-Menasha Fire Rescue

DATE: March 10, 2014

RE: Impact Report on Gemelli Real Estate Wisconsin, LLC Annexation(s)

In reviewing the proposed Gemelli Real Estate Wisconsin, LLC annexations, I found that the annexation(s) would have almost no impact to the operations of Neenah-Menasha Fire Rescue, NMFR. The properties are well within normal response times and protection capabilities that exist at NMFR currently.



To: Greg Keil, CDD

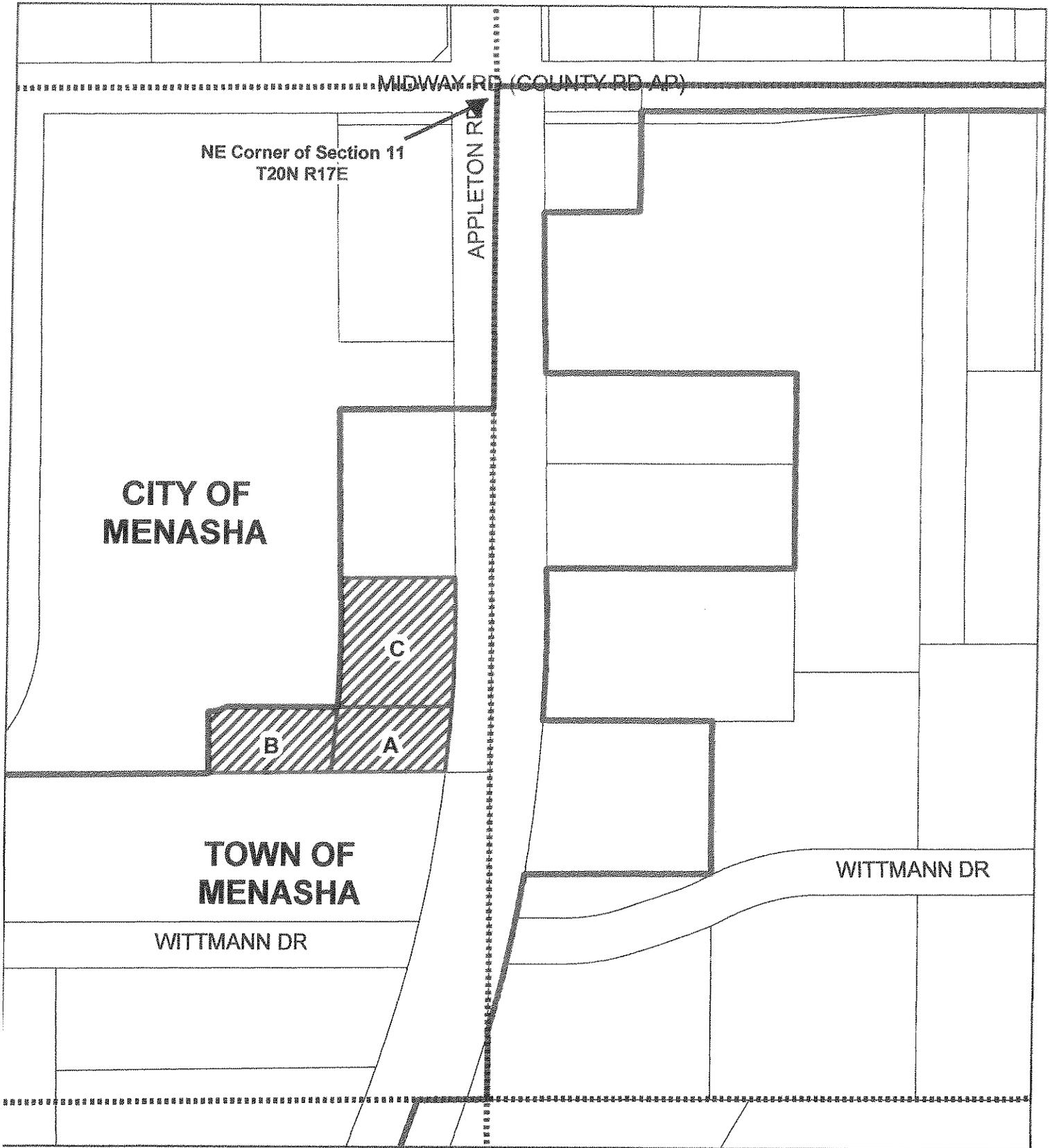
From: Tim Styka, Police Chief

Date: March 7, 2014

RE: Gemelli Real Estate Wisconsin LLC Annexation

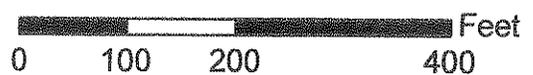
As with any annexation by the City, the service area for the Police Department does increase. However, I do not anticipate where these annexations would have an adverse impact requiring additional staffing or equipment above our current levels.

PROPOSED ANNEXATION - MAP 1

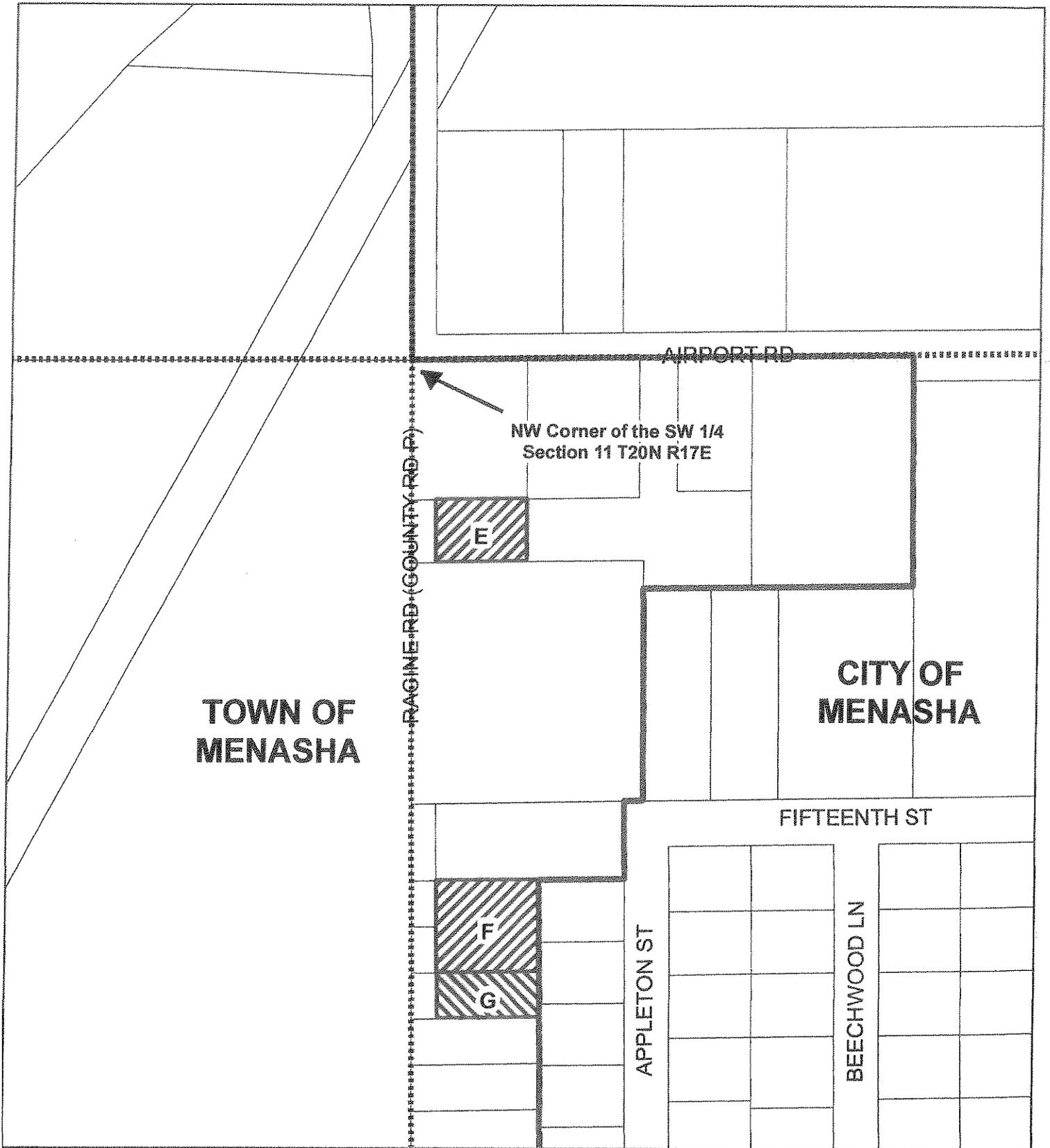


Legend

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

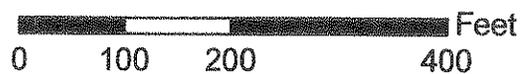


PROPOSED ANNEXATION - MAP 2

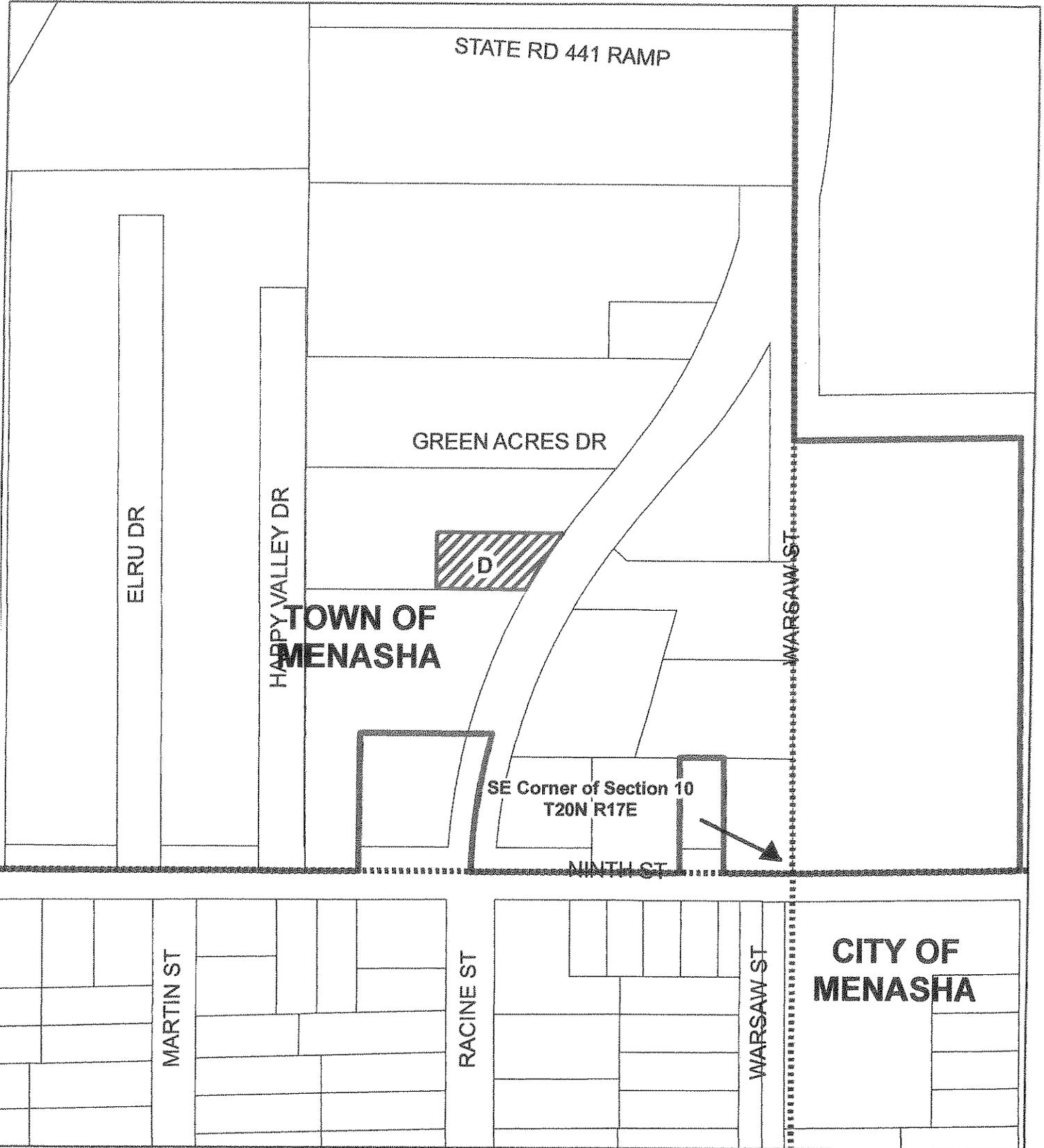


Legend

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



PROPOSED ANNEXATION - MAP 3



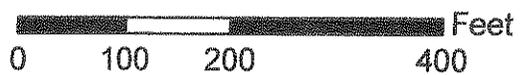
Legend

..... Section Lines

 Parcels Proposed for Annexation

 Parcel Lines

 City of Menasha Corporate Limits



RECEIVED

MAR 5 2014

SCOTT WALKER
GOVERNOR

MIKE HUEBSCH
SECRETARY

CITY OF MENASHA

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/>



WISCONSIN DEPARTMENT OF
ADMINISTRATION

February 28, 2014

PETITION FILE NO. 13749

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

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

Subject: GEMELLI REAL ESTATE WISCONSIN, LLC ANNEXATION

The proposed annexation submitted to our office on February 10, 2014, 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 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 subject petition consists of seven parcels of reasonable shape; two of those parcels are not contiguous with the City of Menasha. However, the City and Town of Menasha have entered into an Intermunicipal Agreement per s. 66.027, Wis. Stats. and dated April 13, 1999 that provides for the annexation of non-contiguous parcels into the City of Menasha.

Note: The legal description of the parcel identified as Parcel "G" in the petition does not close; the course 'North along the East line of County Highway P to the point of beginning' must be added to the description.

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: 13749**

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

