

**FILED**  
**07-15-2022**  
**Clerk of Circuit Court**  
**Eau Claire County, WI**  
**2022CV000347**  
**Honorable Emily M. Long**  
**Branch 3**

STATE OF WISCONSIN      CIRCUIT COURT      EAU CLAIRE COUNTY  
   BRANCH \_\_\_\_

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TOWN OF WASHINGTON,  
5750 Old Town Hall Road  
Eau Claire, Wisconsin 54701  
Plaintiff,

vs.

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

Case Code: 30701 Declaratory Judgment

CITY OF EAU CLAIRE,  
203 S. Farwell Street  
Eau Claire, Wisconsin 54701  
Defendant.

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## SUMMONS

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THE STATE OF WISCONSIN

To each person named above as a defendant:

You are hereby notified that the 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 Clerk of Circuit Court, Eau Claire County Courthouse, 721 Oxford Avenue, Room 1277, Eau Claire, Wisconsin 54703, and to Rick Manthe, plaintiff's attorney, whose address is 222 West Washington Avenue, Suite 900, P.O. Box 1784, Madison, Wisconsin 53701-1784. You may have an attorney help or represent you. If you require the assistance of auxiliary aids or services because of a disability, call (715) 839-4816.

If you do not provide a proper answer within 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 this 15th day of July, 2022.

STAFFORD ROSENBAUM LLP

By: *Electronically signed by Richard Manthe*

Larry A. Konopacki, SBN 1054011

Richard Manthe, SBN 1099199

David P. Hollander, SBN 1107233

*Attorneys for Plaintiff*

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608.256.0226



In addition, the petitioners failed to follow legal notice requirements, and the proposed annexation does not meet the judicially-created standards for annexations. For these reasons, the Court must declare the annexation ordinance invalid.

### **PARTIES**

1. The Town of Washington (“Town”) is a legally organized town government under chapter 60 of the Wisconsin statutes, with its principal place of business located at 5750 Old Town Hall Road, Eau Claire, Wisconsin 54701.

2. The City of Eau Claire (“City”) is an incorporated city under chapter 62 of the Wisconsin statutes, with its principal place of business located at 203 S. Farwell Street, Eau Claire, Wisconsin 54701.

### **FACTUAL BACKGROUND**

3. Two property owners, Laverne Stewart (“Stewart”) and Todd Hauge (“Hauge”) and collectively with Stewart, “Petitioners”), submitted an annexation petition with the City of Eau Claire to annex territory from the Town to the City.

4. Stewart owns approximately 235 acres of the territory located within the Town that the City attempted to annex. His portion of the annexed property comprises the southernmost area of the territory. His property does not touch or border the City.

5. Hauge owns approximately 64 acres of land located within the Town in the proposed annexation. His property lies between the Stewart property and Lowes Creek Park. His property does not touch or border the City.

6. Eau Claire County (“County”) owns approximately 122.65 acres of property (“County land” or “Lowe’s Creek Park”) within the Town that the City attempted to annex. The County land is commonly known as Lowe’s Creek Park.

7. The County land is the only territory in the proposed annexation that actually borders the City.

8. Stewart and Hauge drew their annexation map to include 122.65 acres of land owned by Eau Claire County without County approval.

9. Without the County land, no portion of the Stewart nor Hauge properties would be contiguous to the City.

10. The petition for annexation included only signatures from Laverne Stewart and Todd Hauge.

11. The County did not authorize signing the annexation petition.

12. No representative of the County signed the annexation petition.

13. Not all of the owners of all of the real property in the territory signed the petition.

14. Even though the County did not sign the petition, Stewart and Hauge asserted to the City and Wisconsin Department of Administration that the annexation petition was unanimous. Attached as Exhibit 1 is a copy of the annexation petition.

15. One way that a city may annex land is if all property owners and electors within territory described by an annexation sign an annexation petition (“unanimous annexation”). Wis. Stat. § 66.0217(2). If that occurs, the petitioners are not required to fulfill certain notice requirements under Wis. Stat. § 66.0217(4).

16. “No territory may be annexed by a city or village” through the unanimous consent procedure “unless the territory to be annexed is contiguous to the annexing city or village.” Wis. Stat. § 66.0217.

17. The territory in this proposed annexation does not include the signature of the property owner with lands contiguous to the City.

18. Alternatively, a city may annex territory if it receives an annexation petition signed by at least 50% of the electors and owners of at least 50% of the property based on assessed value or area (“annexation by 1/2 approval”). Wis. Stat. § 66.0217(3)(a)1.

19. Under this alternative procedure, the petitioners must also publish a notice in a newspaper of their intention to circulate an annexation petition that includes information specified in statute. Wis. Stat. § 66.0217(4)(a).

20. The annexation petitioners did not publish notice under Wis. Stat. § 66.0217(4)(a).

21. The annexation petitioners must also file the notice under paragraph 19 with the town clerk. Wis. Stat. § 66.0217(4)(b).

22. The Petitioners never filed the required notice with the Town.

### **The Department of Administration’s Review of the Annexation.**

23. Since Eau Claire County has a population of over 50,000 people, the annexation petition was subject to mandatory Department of Administration (“DOA”) review. Wis. Stat. § 66.0217(6)(a).

24. After receiving an annexation petition, the DOA analyzes whether it is in the public interest. That analysis requires review of whether “the governmental services,

including zoning, to be supplied to the territory could clearly be better supplied by the town or by some other village or city whose boundaries are contiguous” and the “shape of the proposed annexation and the homogeneity of the territory with the annexing village or city.” Wis. Stat. § 66.0217(6)(c)1 and 2.

25. The DOA solicited comments from both the Town and City to determine if this annexation petition was in the public interest.

26. On May 23, 2022, the DOA notified the Town and City that the annexation was **not** in the public interest because the territory was not in the City’s sewer service area, City utilities are located more than one mile away from the territory, and that the Town was in a better position to provide fire and emergency medical services. Attached as Exhibit 2 is a copy of the DOA opinion.

27. Indeed, the City cannot provide utilities to the Stewart/Hauge areas unless it first receives authority from the Department of Natural Resources and the West Central Wisconsin Regional Planning Commission. *See* Wis. Admin. Code NR § 121.07. Thus, the City is currently prohibited from extending utilities to the territory, and there is no guarantee that the City will be able to actually extend utilities to serve the properties.

### **Eau Claire’s Review Process.**

28. Despite the significant issues facing the annexation petition, the City moved quickly to annex the territory.

29. On May 16, 2022, the City’s Plan Commission voted 5-4 to recommend approval of the annexation petition.

30. On May 17, counsel for the Town sent a letter to the City Attorney indicating that the annexation was not unanimous and that any ordinance treating the petition as unanimous would be invalid. The City did not respond.

31. The Town then sent a letter to the City Council members on June 8, 2022. That letter again re-iterated that the annexation petition was not unanimous and would be invalid if approved.

32. The Town's letter also implored the City to adhere to a 2011 intergovernmental agreement between the parties that made clear that development in areas outside of the City's sewer service area would be primarily regulated by the Town.

33. Nonetheless, the City's Common Council approved City Ordinance Number 7467 (the "Annexation Ordinance") to annex the territory described in the Stewart/Hauge petition on June 14, 2022. Attached as Exhibit 3 is a copy of the Annexation Ordinance.

### **Circuit Court Review For The Rule of Reason.**

34. Non-unanimous annexations must comply with the judicially created rule of reason. "Wisconsin courts have applied the rule of reason in annexation cases for over 50 years to serve as a check on whether a municipality has abused its powers of annexation." *Town of Wilson v. City of Sheboygan*, 2020 WI 16, ¶24, 390 Wis. 2d 266, 938 N.W.2d 493.

35. Courts evaluate three separate elements to determine if an annexation complies with the rule of reason.

36. "First, exclusions and irregularities in boundaries must not be the result of arbitrariness." *Id.* ¶25 (citations omitted).



37. “Second, some reasonable present or demonstrable future need for the annexed property must be shown.” *Id.* (citations omitted).

38. “Finally, no other factors must exist which would constitute an abuse of discretion.” *Id.* (citations omitted).

## CAUSES OF ACTION

### Count I

#### **The Annexation Ordinance Is Invalid For Erroneously Treating The Petition As Unanimous**

39. The Town re-alleges paragraphs 1 through 38 as if full set forth herein.

40. Unanimous annexation petitions must be “signed by all of the electors residing in the territory and the owners of all of the real property in the territory....” Wis. Stat. § 66.0217(2).

41. Within that requirement are two legislatively defined terms: “owner” and “real property.”

42. An owner means “the holder of record of an estate in possession in fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant is an owner to the extent of his or her interest.” Wis. Stat. § 66.0217(1d).

43. “Real property” is broadly defined as “land and the improvements to the land.” Wis. Stat. § 66.0217(1)(f).

44. The County is the owner of real property within the territory described in the annexation petition and Annexation Ordinance.

45. However, the County did not sign the annexation petition.

46. In interpreting a predecessor annexation statute, the Wisconsin Supreme Court recognized that the signature requirement does not contain any “limitation or exclusion of a municipality. None of the prior sections of the annexation statutes defining owner included any such limitation. We have held under these prior sections that land owned by one municipality could be included within the territory annexed to another municipality and such municipality counted as an owner.” *Town of Madison v. City of Madison*, 12 Wis. 2d 100, 105, 106 N.W.2d 264, 266 (1960).

47. In an earlier decision, the Court made clear that “[t]here is nothing in the statute regarding annexation of lands to a city that treats county-owned lands differently from privately-owned lands.” *Mueller v. City of Milwaukee*, 254 Wis. 625, 628–29, 37 N.W.2d 464, 465 (1949). *See also Int'l Paper Co. v. City of Fond du Lac*, 50 Wis. 2d 529, 532, 184 N.W.2d 834, 836 (1971) (stating that in annexations “the legislature intended a municipality should be counted as an owner like a private owner of land.”)

48. Wisconsin’s Supreme Court, in no uncertain terms, expressed that even if a single property owner in the annexed territory does not sign the petition, then it “is not a petition for direct annexation by unanimous approval.” *Town of Lincoln v. City of Whitehall*, 2019 WI 37, ¶37, 386 Wis. 2d 354, 925 N.W.2d 520.

49. There is no exception in statute or case law that County-owned land or parkland is exempt from the unanimous annexation signature requirement.

50. Even though the petition was not unanimous, the petitioners and the City treated it as such.

51. The Annexation Ordinance must be declared void. For this area to be annexed in the future, a new petition must be filed.

### **Count II**

#### **Even If The Annexation Petition Had Been Submitted As A Non-Unanimous Annexation The Annexation Ordinance Would Be Invalid Because The Statutory Notice and Publication Requirements Were Not Followed**

52. The Town re-alleges paragraphs 1 through 51 as if full set forth herein.

53. The petitioners did not provide notice as required for non-unanimous annexations under Wis. Stat. § 66.0217(4) nor file the petition or proof of the published notice with the Town.

54. The annexation must be declared invalid because even if this petition had been presented as a non-unanimous annexation, the City adopted the Annexation Ordinance without satisfying these statutory pre-requisites.

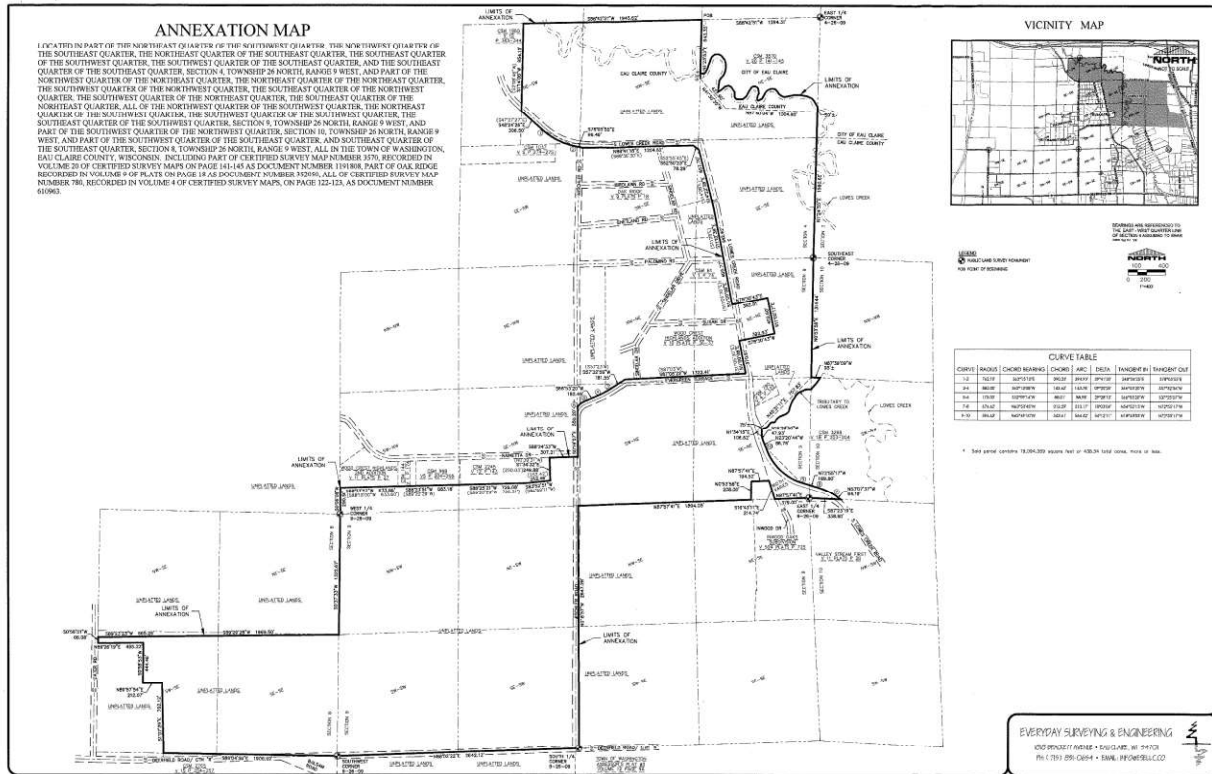
55. The Annexation Ordinance must be declared void. For this area to be annexed in the future, a new petition must be filed.

### **Count III**

#### **Even If The Annexation Petition Had Been Submitted As A Non-Unanimous Annexation The Annexation Ordinance Is Invalid Because The Boundary Violates The Rule Of Reason For Arbitrariness**

56. The Town re-alleges paragraphs 1 through 55 as if full set forth herein.

57. As shown in the annexation map below, the boundaries of the annexed territory do not comply with the first element of the rule of reason because the annexed territory is oddly shaped and exclusions and irregularities in the boundaries are arbitrary.



58. Even if this petition had been presented as a non-unanimous annexation and the required statutory notices were provided, the Annexation Ordinance does not comport with the first element of rule of reason and therefore must be invalidated.

**Count IV  
Declaration That The Annexation Ordinance Is Unlawful Because  
There Is No Demonstrable Future Need**

59. The Town re-alleges paragraphs 1 through 58 as if full set forth herein.

60. Under the rule of reason, the City must have some demonstrable future need for the territory it annexes.

61. The City had no demonstrable future need for the territory it annexed.

62. The City's comprehensive plan, which is a plan created by the City to guide development until 2030, anticipates that the Stewart property will be used for agriculture or rural housing.

63. The City plans for the County land to remain parkland. It will not serve any purpose to the City or developers.

64. Further, the Department of Administration determined the annexation petition was not in the public interest.

65. Consequently, the City has no demonstrable future need for the territory and the annexation is in violation of the second prong of the rule of reason.

66. Even if this petition had been presented as a non-unanimous annexation and the required statutory notices were provided, the annexation does not comply with the second prong of the rule of reason and Court must declare that the Annexation Ordinance is invalid.

### **Count V**

#### **Declaration That The Annexation Ordinance Is Invalid As An Abuse Of Discretion**

67. The Town re-alleges paragraphs 1 through 66 as if full set forth herein.

68. The third prong of the rule of reason requires that the Court evaluate "whether there are other factors that would constitute an abuse of discretion..." *Town of Wilson*, 2020 WI 16, ¶ 39.

69. The City and Town entered into an intergovernmental agreement in 2011 (“Intergovernmental Agreement”) that governed land division and development in areas within the Town that fell under the City’s extra-territorial jurisdiction.<sup>2</sup>

70. In the Intergovernmental Agreement the parties recognized that the area included in the annexation petition was “not anticipated to be annexed or connected to the City of Eau Claire’s public utilities within” its term.

71. With that understanding, the parties agreed that development within the area subject to the annexation petition “is expected to be served by individual private septic systems and wells for the foreseeable planning future. Development in these areas will be regulated primarily by the comprehensive plan[] and applicable ordinances of the ... Town and County.”

72. Indeed, City staff previously found that development occurring within the Town on the Stewart property would be consistent with the Intergovernmental Agreement.

73. Despite the Intergovernmental Agreement and the City’s prior approval of development within the Town, the City chose to annex the property.

74. Even if this petition had been presented as a non-unanimous annexation and the required statutory notices were provided, the Annexation Ordinance must be declared invalid for violating the third prong of the rule of reason.

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<sup>2</sup> Extra-territorial jurisdiction refers to an area three miles beyond the corporate boundaries of the City. Wis. Stat. § 236.02(5). The City may enforce some land division regulations within this area despite the territory being part of a town.

## REQUEST FOR RELIEF

WHEREFORE, for the foregoing reasons, the Town respectfully requests this Court grant the following relief:

- A. Enter an order invalidating and voiding the City's Annexation Ordinance;
- B. Declare that the annexed territory shall remain under the Town's jurisdiction and not under the City's jurisdiction;
- B. An award of reasonable attorney's fees and costs; and
- C. Order any other relief as the Court deems just and equitable.

DATED this 15th day of July, 2022.

STAFFORD ROSENBAUM LLP

By: Electronically signed by Richard Manthe

Larry A. Konopacki, SBN 1054011

Richard Manthe, SBN 1099199

David P. Hollander, SBN 1107233

*Attorneys for Plaintiff*

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[rmanthe@staffordlaw.com](mailto:rmanthe@staffordlaw.com)

[dhollander@staffordlaw.com](mailto:dhollander@staffordlaw.com)

608.256.0226

# Petition for Annexation Review

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

Wisconsin Department of Administration

### Petitioner Information

Name: Mr. LaVerne L. Stewart & Mr. Todd A. Hauge

Phone: 715-559-3661 & 410-263-8356

Email: [stewartll1@yahoo.com](mailto:stewartll1@yahoo.com) & [tahauge@verizon.net](mailto:tahauge@verizon.net)

**RECEIVED**  
May 3, 2022  
Municipal Boundary Review  
Wisconsin Dept. of Admin.

### Contact Information if different than petitioner:

Representative's Name: Mark A. Erickson at Everyday Surveying and Engineering, LLC.

Phone: 715-831-0654

E-mail: [MARK@ESELLC.CO](mailto:MARK@ESELLC.CO)

1. Town where property is located: **Town of Washington**

2. Petitioned City or Village: **City of Eau Claire**

3. County where property is located: **Eau Claire**

4. Population of the territory to be annexed: **2**

5. Area (in acres) of the territory to be annexed: **438.34**

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

### Include these required items with this form:

- 1.  Legal Description meeting the requirements of [s.66.0217 \(1\) \(c\)](#) [see attached annexation guide]
- 2.  Map meeting the requirements of [s. 66.0217 \(1\) \(g\)](#) [see attached annexation guide]
- 3.  Signed Petition or Notice of Intent to Circulate [see attached annexation guide]
- 4.  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

**\$2,000 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

**\$2,350 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: 5-3-22

Payer: Everyday Surveying & Engineering LLC

Check Number: 002995

Check Date: 4-22-22

Amount: \$2350.00

**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 adjoining 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 \(4\)](#).

**Petition for Annexation  
under Wisconsin Statutes 66.0217 (2)**

To the City Council of the City of Eau Claire, Wisconsin:

1. The undersigned hereby petition for direct annexation of the territory legally described attached hereto the City of Eau Claire, Eau Claire County, State of Wisconsin.
2. Attached hereto is a scale map which accurately reflects the legal description of the property to be annexed and the boundary of the annexing the City.
3. The current population of the territory to be annexed is 1.
4. The petition has been signed by the owners of all of the land within the territory proposed to be annexed, and by all of the electors residing within the territory proposed to be annexed.

Owners of all Lands within the Territory

Proposed to be Annexed:

Name of the Owner: Laverne L. Stewart  
Address of Owner: 5902 Mischler Road Eau Claire, WI 54701  
Date of Signing: 03/29/2022  
Signature: [Handwritten Signature]

# Petition for Annexation under Wisconsin Statutes 66.0217 (2)

To the City Council of the City of Eau Claire, Wisconsin:

1. The undersigned hereby petition for direct annexation of the territory legally described attached hereto the City of Eau Claire, Eau Claire County, State of Wisconsin.
2. Attached hereto is a scale map which accurately reflects the legal description of the property to be annexed and the boundary of the annexing the City.
3. The current population of the territory to be annexed is 1.
4. The petition has been signed by the owners of all of the land within the territory proposed to be annexed, and by all of the electors residing within the territory proposed to be annexed.

Owners of all Lands within the Territory

Proposed to be Annexed:

Name of the Owner: TODD A. HAUGE

Address of Owner: 5551 S. LOWES CREEK RD.  
EAU CLAIRE, WI, 54701

Date of Signing: 3/29/2022

Signature: Todd A. Hauge

STEVEN FRANCIS  
 Notary Public-Maryland  
 Howard County  
 My Commission Expires  
 September 26, 2024

*sf*

## ANNEXATION PETITION NARRATIVE

Lands currently within the Town of Washington, Eau Claire County, Wisconsin.

Purpose:

The petitioners desire to annex 13 parcels of their ownership and 5 parcels of public land to the City of Eau Claire to allow a future residential development to have sanitary sewer and water main services when the City makes the services available.

This will be direct annexation by unanimous approval.

The total area of the 18 parcels of land requesting to be annexed is 438.34 acres and currently has two (2) residents. Eau Claire County has a total population of 104,646 as of 2019.

4/22/22, 4:33 PM

Eau Claire County, WI » WG Xtreme

## Tax Parcels

Parcel Id	PIN	Alternate No	Name	Property Address	Acres
1802422609043100001	1802422609043100001	024113408000	EAU CLAIRE COUNTY		18.2500
1802422609044100002	1802422609044100002	024113506000	EAU CLAIRE COUNTY		9.8000
1802422609044200001	1802422609044200001	024113508000	EAU CLAIRE COUNTY		40.0000
1802422609044400002	1802422609044400002	024113602000	EAU CLAIRE COUNTY		31.3000
1802422609084300001	1802422609084300001	024115401000	STEWART, LAVERNE		21.5000
1802422609084400001	1802422609084400001	024115405000	STEWART, LAVERNE		39.3100
1802422609091100001	1802422609091100001	024115502000	EAU CLAIRE COUNTY		23.3300
1802422609091100003	1802422609091100003	024115503010	HAUGE, TODD		0.1950
1802422609091300001	1802422609091300001	024115510000	HAUGE, TODD		38.8000
1802422609091400003	1802422609091400003	024115601030	HAUGE, TODD		3.7200
1802422609091400004	1802422609091400004	024115601040	HAUGE, TODD		19.6610
1802422609091409000	1802422609091409000	024115601020	HAUGE, TODD	5551 S LOWES CREEK RD	1.5200
1802422609092300001	1802422609092300001	024115706000	STEWART, LAVERNE		8.7860
1802422609092400001	1802422609092400001	024115710000	STEWART, LAVERNE		5.5450
1802422609093100001	1802422609093100001	024115810000	STEWART, LAVERNE	5902 MISCHLER RD	40.0000
1802422609093200001	1802422609093200001	024115901000	STEWART, LAVERNE		40.0000
1802422609093300001	1802422609093300001	024115902000	STEWART, LAVERNE		40.0000
1802422609093400001	1802422609093400001	024115903000	STEWART, LAVERNE		40.0000
18 Total Records					

**ANNEXATION BOUNDARY**

LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 4, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHEAST QUARTER OF THE NORTHEAST QUARTER, ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER, SECTION 9, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 10, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER, AND SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER, SECTION 8, TOWNSHIP 26 NORTH, RANGE 9 WEST, ALL IN THE TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN. INCLUDING PART OF CERTIFIED SURVEY MAP NUMBER 3570, RECORDED IN VOLUME 20 OF CERTIFIED SURVEY MAPS ON PAGE 141-145 AS DOCUMENT NUMBER 1191808, PART OF OAK RIDGE RECORDED IN VOLUME 9 OF PLATS ON PAGE 18 AS DOCUMENT NUMBER 352050, ALL OF CERTIFIED SURVEY MAP NUMBER 780, RECORDED IN VOLUME 4 OF CERTIFIED SURVEY MAPS, ON PAGE 122-123, AS DOCUMENT NUMBER 610963. THE PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the East Quarter Corner of said Section 4;

Thence S88°42'51"W, 1294.31 feet along the East-West Quarter line of said Section 4 to the Point of Beginning;

Thence continuing along said East-West Quarter line S88°42'51"W, 1945.62 feet to the Northeast Corner of Certified Survey Map Number 1960, recorded in Volume 10 of Certified Survey Maps, on Pages 343-344, Document Number 837346;

Thence S01°14'06"W, 954.15 feet along the West line of said Certified Survey Map Number 1960 and a southerly extension thereof, to the North Corner of Lot 2, Certified Survey Map Number 1037, recorded in Volume 5 of Certified Survey Maps on Pages 274-275, as Document Number 665917, and the southwesterly right-of-way line of South Lowes Creek Road;

Thence S48°24'26"E, 306.50 feet along said right-of-way line;

Thence 394.93 feet along said right-of-way line and the arc of a curve, concave northeasterly, with a chord bearing of S63°15'10"E, a chord length of 390.53 feet, and a radius of 762.10 feet;

Thence S78°05'55"E, 96.46 feet along said right-of-way line;

Thence N88°41'18"E, 1204.62 feet along the southerly right-of-way line of South Lowes Creek Road;

Thence S52°50'23"E, 78.29 feet to the westerly right-of-way line of South Lowes Creek Road;

Thence S14°22'38"E, 657.70 feet along said westerly right-of-way line;

Thence S11°02'38"E, 602.62 feet along said westerly right-of-way line;

Thence S11°00'08"E, 469.77 feet along said westerly right-of-way line;

Thence N78°30'43"E, 392.91 feet;

Thence S11°00'17"E, 402.60 feet;

Thence S78°30'43"W, 392.93 feet to the westerly right-of-way line of South Lowes Creek Road;

Thence S11°00'08"E, 370.61 feet along said right-of-way line, to the northerly right-of-way line of Evergreen Terrace;

Thence S87°08'22"W, 1322.41 feet along said northerly right-of-way line;  
Thence S57°32'56"W, 181.55 feet along the northwesterly right-of-way line of South Lowes Creek Road;  
Thence 143.78 feet along said right-of-way line and the arc of a curve, concave northwesterly, with a chord bearing of S62°13'08"W, a chord length of 143.62 feet, and a radius of 882.00 feet;  
Thence S66°53'20"W, 182.49 feet along said right-of-way;  
Thence 88.98 feet along said centerline and the arc of a curve, concave southeasterly, with a chord bearing of S52°09'14"W, a chord length of 88.01 feet, and a radius of 173.00 feet to a point on the East line of said Southeast Quarter of the Northwest Quarter;  
Thence S00°18'57"E, 550.20 feet along said East line, to a point on the easterly extension of the southerly right-of-way line of Rainetta Drive;  
Thence S88°24'33"W, 307.21 feet along the southerly right-of-way line of Rainetta drive to the northeast corner of Certified Survey Map 2245, recorded in Volume 12 of Certified Survey Maps, on Page 143 as Document Number 919517;  
Thence S01°34'32"E, 249.88 feet to the southeast corner of said Certified Survey Map Number 2245;  
Thence S83°52'51"W, 252.46 feet along the southerly line of said Certified Survey Map Number 2245;  
Thence S88°25'21"W, 726.08 feet to the southwest corner of said Certified Survey Map Number 2245 and the southeast corner of Certified Survey Map Number 999, recorded in Volume 5 of Certified Survey Maps, on Page 204-205 as Document Number 657951;  
Thence S88°23'51"W, 683.18 feet to the Southwest corner of Certified Survey Map recorded in Volume 1, on Page 174 and the southeast corner of Wood Crest Highlands 2<sup>nd</sup> Addition recorded in Volume 11 of Plats, on Page 27 as Document Number 421167;  
Thence S88°33'52"W, 633.86 feet to the Southwest Corner of said Wood Crest Highlands 2<sup>nd</sup> Addition and the West line of the Northwest Quarter of said Section 9;  
Thence S00°06'08"W, 290.50 feet to the West Quarter Corner of Section 9;  
Thence S00°37'33"W, 1322.67 feet to the southwest corner of said Northwest Quarter of the Southwest Quarter;  
Thence S89°29'28"W, 1969.50 feet;  
Thence S89°23'23"W, 665.26 feet to the West line of the Southeast Quarter of said Section 8;  
Thence S00°56'51"W, 66.08 feet along said West line;  
Thence N89°26'19"E, 495.22 feet;  
Thence S00°58'53"W, 444.46 feet;  
Thence N89°57'54"E, 212.07 feet;  
Thence S01°07'29"E, 762.12 feet to the South line of the Southeast Quarter of said Section 8;  
Thence S89°04'56"E, 1906.92 feet to the Southwest Corner of said Section 9;  
Thence N88°02'22"E, 2642.12 feet to the South Quarter Corner of said Section 9;  
Thence N00°18'57"W, 2647.28 feet along the East line of the Southwest Quarter of said Section 9;  
Thence N87°57'41"E, 1894.05 feet along the South line of the Northeast Quarter of said Section 9;  
Thence N00°53'58"E, 208.00 feet;  
Thence N87°57'41"E, 194.52 feet to the westerly right-of-way line of South Lowes Creek Road;  
Thence S16°43'11"E, 214.74 feet along said right-of-way line to the South line of said Northeast Quarter;  
Thence N87°57'41"E, 379.00 feet to the East Quarter Corner of said Section 9;  
Thence S87°23'19"E, 338.60 feet along the South line of the Northwest Quarter of said Section 10 to the easterly right-of-way line of South Lowes Creek;  
Thence N53°07'37"W, 64.19 feet along said right-of-way;  
Thence 213.17 feet along said right-of-way and the arc of a curve, concave southwesterly, with a chord bearing of N63°53'45"W, a chord length of 212.29 feet, and a radius of 676.62 feet;  
Thence N72°55'17"W, 189.80 feet along said right-of-way;  
Thence 564.42 feet along said right-of-way and the arc of a curve, concave northeasterly, with a chord bearing of N45°49'10"W, a chord length of 543.61 feet, and a radius of 596.62 feet;  
Thence N23°20'44"W, 86.76 feet along said right-of-way;  
Thence N16°28'50"W, 47.93 feet along said right-of-way;



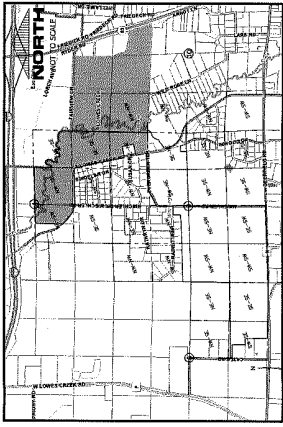
Thence N01°34'15"E, 106.62 feet along said right-of-way to a point lying 25 feet, more or less, northeasterly of the thread of an unnamed tributary to Lowes Creek and the beginning of a meander line;  
Thence N45°31'11"E, 757.83 feet along said meander line, to a point lying N87°39'09"W, 95 feet, more or less, along the North line of the Southwest Quarter of the Northwest Quarter, said Section 10, from the thread of an unnamed tributary to Lowes Creek and the end of said meander line;  
Thence N00°53'58"E, 1314.44 feet along the East line of the Northeast Quarter of said Section 9 to the Northeast Corner of said Section 9;  
Thence N01°24'55"E, 1590.65 feet along the East line of the Southeast Quarter of said Section 4 to a point lying 59 feet, more or less, southerly of the northerly ordinary high water mark of Lowes Creek and the beginning of a meander line;  
Thence N87°40'04"W, 1004.80 feet along said meander line;  
Thence N41°30'35"W, 422.90 feet along said meander line to the West line of the Northeast Quarter of the Southeast Quarter of said Section 4, and a point lying 60 feet, more or less, southerly of the said ordinary high water mark;  
Thence N01°23'53"E, 643.35 feet to the Point of Beginning.

Said parcel contains 19,094,359 square feet or 438.34 total acres, more or less, including those lands lying between the property line and meander line.

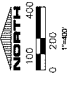
# ANNEXATION MAP

LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 4, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, THE NORTHEAST QUARTER OF THE NORTHWEST QUARTER, SECTION 9, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 10, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 8, TOWNSHIP 26 NORTH, RANGE 9 WEST, ALL IN THE TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN. INCLUDING PART OF CERTIFIED SURVEY MAP NUMBER 3570, RECORDED IN VOLUME 20 OF CERTIFIED SURVEY MAPS ON PAGE 141-145 AS DOCUMENT NUMBER 119188, PART OF OAK RIDGE RECORDED IN VOLUME 9 OF PLATS ON PAGE 18 AS DOCUMENT NUMBER 352890, ALL OF CERTIFIED SURVEY MAP NUMBER 780, RECORDED IN VOLUME 4 OF CERTIFIED SURVEY MAPS, ON PAGE 122-123, AS DOCUMENT NUMBER 610960.

# VICINITY MAP



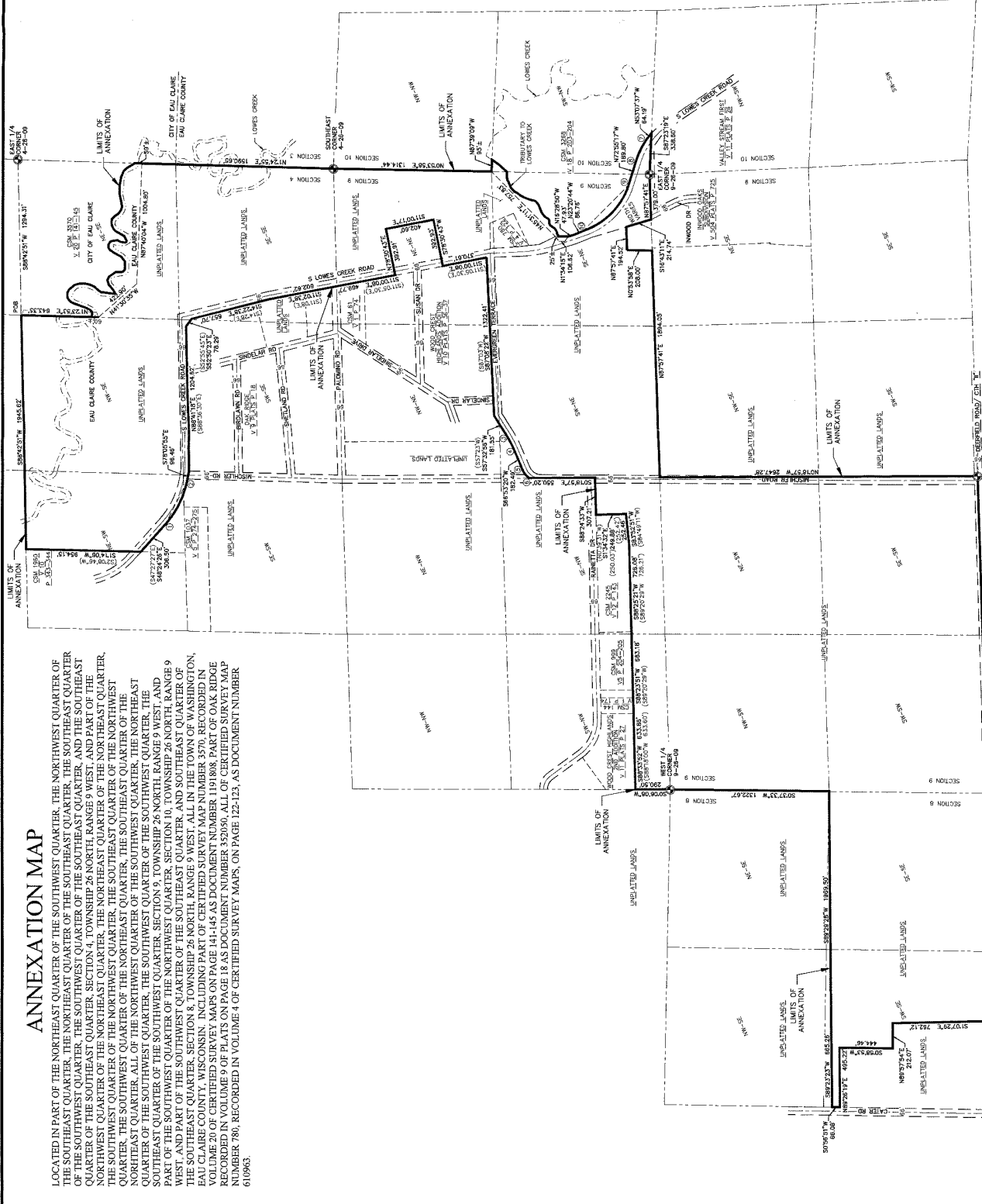
BEARINGS ARE REFERENCED TO THE CENTER LINE OF SECTION 4 ASSUMED TO BEAK SECTION 4.



LEGEND  
 \* INTERCOMPARISON COMMENT FOR POINT OF BEGINNING

CURVE	RADIUS	CHORD BEARING	CHORD	ARC	DETA	TANGENT	M	TANGENT CUT
1-3	763.93	S47°10'E	763.93	84.85	27°14'30"	147.02	0.19	153.95
3-4	860.00	S67°18'30"W	860.00	143.38	0°02'22"	144.02	0.24	159.26
5-4	170.00	S29°09'45"W	170.00	86.01	86.01	209.32	0.44	137.02
7-8	874.62	N47°54'45"W	212.27	212.17	19°03'41"	184.35	0.23	177.22
9-10	874.62	N47°54'45"W	212.27	212.17	19°03'41"	184.35	0.23	177.22

\* Solid lined contains 10,094,359 square feet of 436.34 total acres, more or less.



EVERYDAY SURVEYING & ENGINEERING  
 1518 BRACKET WARE • EAU CLAIRE, WI 54601  
 PH: (715) 834-0654 • EMAIL: INFO@ESLCO

**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](mailto:wimunicipalboundaryreview@wi.gov)Web: <http://doa.wi.gov/municipalboundaryreview>

May 23, 2022

PETITION FILE NO. 14502

CARRIE RIEPL, CLERK  
CITY OF EAU CLAIRE  
PO BOX 5148  
EAU CLAIRE, WI 54702-5148

JANELLE HENNING, CLERK  
TOWN OF WASHINGTON  
5750 OLD TOWN HALL ROAD  
EAU CLAIRE, WI 54701-8948

Subject: STEWART AND HAUGE ANNEXATION

The proposed annexation submitted to our office on May 03, 2022, has been reviewed and found to be against the public interest.

In determining whether an annexation is in the public interest, s. 66.0217 (6), Wis. Stats. requires the Department to examine "[t]he shape of the proposed annexation and the homogeneity of the territory with the annexing village or city...." 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.

In this case, the shape of the proposed annexation is somewhat irregular. The proposed annexation is long and irregularly shaped, narrowing in places, and nearly bisects the Town. However, this shape appears to be similar to an annexation to the City of Sheboygan which was upheld in *Town of Wilson v. City of Sheboygan*, 2020 WI 16.

Regarding services, the Town appears better able to continue providing services to the annexation territory because the City appears to be in the early planning stages with services to this area. Only a portion of the proposed annexation is located within the City's approved sewer service area. The part of the annexation owned by Eau Claire County and used as parkland appears to be located within the approved sewer service area. The Eau Claire County parkland appear to be included in the annexation to gain contiguity to an area further to the south in Sections 8 and 9 which the Petitioners and the City propose to be developed with residential uses. Unfortunately, this area proposed for development currently lies outside of the sewer service area. This means that an amendment to the service area would be necessary. Furthermore, existing City sewer and water facilities are located more than a mile to the north, just off Interstate 94 along Lorch Avenue. Extending sewer and water facilities south to Sections 8 and 9 appears to be in the very early planning stages. Finally, it appears that the Town can better provide fire and EMS services because it is currently providing these services while the City is 2.2 miles away by roadway. The City did not address fire or EMS services in its questionnaire. As with sewer and water service, the City may be in the very early stages planning for fire protection and EMS services.

Notes: 1) It appears that the call in line 26 of the metes and bounds description to the northwesterly right of way line South Lowes Creek Road should be to Evergreen Terrace, and that the call in line 67 to South Lowes Creek should be to South Lowes Creek Road. 2) Petitioners state that this is a unanimous consent petition under s. 66.0217(2), Wis. Stats. However, it appears that Eau Claire County has not signed the petition, despite Eau Claire County parkland being included as part of this annexation as required by a unanimous consent petition.

Should the City decide to enact an ordinance accepting this annexation, 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 14502 with your ordinance.** Ordinance filing checklist available at <http://mds.wi.gov/>, click on "Help on How to Submit Municipal Records". Email scanned copy of required materials (color scan maps with color) to [mds@wi.gov](mailto:mds@wi.gov) or mail to: Wisconsin Department of Administration, Municipal Boundary Review, PO Box 1645, Madison WI 53701-1645.

The petition file is available for viewing at: <http://mds.wi.gov/View/Petition?ID=2576>

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

Sincerely,



Erich Schmidtke, Municipal Boundary Review

cc: petitioner

**ORDINANCE NO. 7467****ORDINANCE ANNEXING TERRITORY TO THE CITY OF EAU CLAIRE.****THE CITY COUNCIL OF THE CITY OF EAU CLAIRE DOES ORDAIN AS FOLLOWS:**

**Section 1. Territory Annexed.** In accordance with Section 66.0217 of the Wisconsin Statutes, the following described territory in the Town of Washington, Eau Claire County, Wisconsin, is annexed to the City of Eau Claire, Wisconsin.

**STEWART/HAUGE ANNEXATION (Petition #14502)**  
**Town of Washington**

LOCATED IN PART OF THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHEAST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 4, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE NORTHWEST QUARTER OF THE NORTHEAST QUARTER, THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, ALL OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 9, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER, SECTION 10, TOWNSHIP 26 NORTH, RANGE 9 WEST, AND PART OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, AND SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER, SECTION 8, TOWNSHIP 26 NORTH, RANGE 9 WEST, ALL IN THE TOWN OF WASHINGTON, EAU CLAIRE COUNTY, WISCONSIN. INCLUDING PART OF CERTIFIED SURVEY MAP NUMBER 3570, RECORDED IN VOLUME 20 OF CERTIFIED SURVEY MAPS ON PAGE 141-145 AS DOCUMENT NUMBER 1191808, PART OF OAK RIDGE RECORDED IN VOLUME 9 OF PLATS ON PAGE 18 AS DOCUMENT NUMBER 352050, ALL OF CERTIFIED SURVEY MAP NUMBER 780, RECORDED IN VOLUME 4 OF CERTIFIED SURVEY MAPS, ON PAGE 122-123, AS DOCUMENT NUMBER 610963. THE PARCEL IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

Commencing at the East Quarter Corner of said Section 4;  
Thence S88°42'51"W, 1294.31 feet along the East-West Quarter line of said Section 4 to the Point of Beginning;  
Thence continuing along said East-West Quarter line S88°42'51"W, 1945.62 feet to the Northeast Corner of Certified Survey Map Number 1960, recorded in Volume 10 of Certified Survey Maps, on Pages 343-344, Document Number 837346;  
Thence S01°14'06"W, 954.15 feet along the West line of said Certified Survey Map Number 1960



and a southerly extension thereof, to the North Corner of Lot 2, Certified Survey Map Number 1037, recorded in Volume 5 of Certified Survey Maps on Pages 274-275, as Document Number 665917, and the southwesterly right-of-way line of South Lowes Creek Road;

Thence S48°24'26"E, 306.50 feet along said right-of-way line;

Thence 394.93 feet along said right-of-way line and the arc of a curve, concave northeasterly, with a chord bearing of S63°15'10"E, a chord length of 390.53 feet, and a radius of 762.10 feet;

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Thence S57°32'56"W, 181.55 feet along the northwesterly right-of-way line of Evergreen Terrace;

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Thence 88.98 feet along said right-of-way and the arc of a curve, concave southeasterly, with a chord bearing of S52°09'14"W, a chord length of 88.01 feet, and a radius of 173.00 feet to a point on the East line of said Southeast Quarter of the Northwest Quarter;

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Thence S00°06'08"W, 290.50 feet to the West Quarter Corner of Section 9;

Thence S00°37'33"W, 1322.67 feet to the southwest corner of said Northwest Quarter of the

Southwest Quarter;

Thence S89°29'28"W, 1969.50 feet;

Thence S89°23'23"W, 665.26 feet to the West line of the Southeast Quarter of said Section 8;

Thence S00°56'51"W, 66.08 feet along said West line;

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Thence N01°34'15"E, 106.62 feet along said right-of-way to a point lying 25 feet, more or less, northeasterly of the thread of an unnamed tributary to Lowes Creek and the beginning of a meander line;

Thence N45°31'11"E, 757.83 feet along said meander line, to a point lying N87°39'09"W, 95 feet, more or less, along the North line of the Southwest Quarter of the Northwest Quarter, said Section 10, from the thread of an unnamed tributary to Lowes Creek and the end of said meander line;

Thence N00°53'58"E, 1314.44 feet along the East line of the Northeast Quarter of said Section 9 to the Northeast Corner of said Section 9;

Thence N01°24'55"E, 1590.65 feet along the East line of the Southeast Quarter of said Section 4 to a point lying 59 feet, more or less, southerly of the northerly ordinary high water mark of Lowes Creek and the beginning of a meander line;

Thence N87°40'04"W, 1004.80 feet along said meander line;

Thence N41°30'35"W, 422.90 feet along said meander line to the West line of the Northeast Quarter of the Southeast Quarter of said Section 4, and a point lying 60 feet, more or less, southerly of the said ordinary high water mark;

Thence N01°23'53"E, 643.35 feet to the Point of Beginning.

Said parcel contains 19,094,359 square feet or 438.34 total acres, more or less, including those lands lying between the property line and meander line.

Current population of such territory is one (1).

**Section 2. Effect of Annexation.** From and after the date of this ordinance, the territory described in Section 1 shall be part of the City of Eau Claire 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 Eau Claire.

**Section 3. Temporary Zoning Classification.** The territory annexed to the City of Eau Claire by this ordinance is temporarily designated to be R-1A -- Non-Sewered One-Family Dwelling District for zoning purposes and subject to all provisions of the zoning ordinance of the City of Eau Claire relating to such district classification and to zoning in the city.

**Section 4. Ward Designation.** The territory described in Section 1 of this ordinance is hereby made a part of the 15<sup>th</sup> Assessment Ward and the 2<sup>nd</sup> Aldermanic District of the City of Eau Claire, subject to all ordinances, rules and regulations of the city governing wards and 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 application of this ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

(SEAL) President Terry L. Weld  
(SEAL) City Manager Stephanie A. Hirsch  
(ATTESTED) City Clerk Carrie L. Riepl

First Reading	May 10, 2022
Final Reading	June 14, 2022
Adopted	June 14, 2022
Published	June 20, 2022
Effective	June 21, 2022