

**ORDINANCE NO. 2013-08**

**Ordinance Approving the Detachment of Territory from the City of Peshtigo  
to the Town of Peshtigo owned by Kyle and Megan Cheney**

WHEREAS, the City of Peshtigo has received a Petition for Detachment of the subject territory located in the City of Peshtigo, Marinette County, Wisconsin to be Attached to the Town of Peshtigo, Marinette County, Wisconsin; and

WHEREAS, it appears that there are no electors residing in the territory proposed to be detached and the Petition has been signed by all owners of the Property within such territory; and

WHEREAS, it further appears that all the requirements of Sections 66.0227 of the Wisconsin Statutes have been fully complied with; and

WHEREAS, the City Council by at least a three-fourths majority has approved the detachment petition,

NOW THEREFORE, the Common Council of the City of Peshtigo, Wisconsin, does hereby ordain as follows:

**SECTION 1. Territory Detached.** In accordance with Section 66.0227 of the Wisconsin Statutes and the Petition to Detach a portion of land from the City of Peshtigo and Attach to the Town of Peshtigo filed with the City Clerk for the City of Peshtigo on November 7, 2013, signed by all owners of the real property in the territory, the following described territory in the City of Peshtigo is detached from the City of Peshtigo and attached to the Town of Peshtigo, Wisconsin:

Outlot 2 of Certified Survey Map No. 3721 recorded in Volume 25, Page 96 containing .428 acres, more or less.

(Certified Survey Map No. 3721 is more fully described as follows: Part of the Fractional S  $\frac{1}{2}$  of the NW  $\frac{1}{4}$  in the Town of Peshtigo and Part of the Fractional N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  in the City of Peshtigo, all in Section 18, Township 30N, Range 23E, Marinette County, Wisconsin described as follows: Commencing at the West  $\frac{1}{4}$  corner of said Section 18; thence N84°13'45"E along the East-West  $\frac{1}{4}$  line of said Section 18, 1817.50 feet to an iron pin at the Center  $\frac{1}{4}$  corner of said Section 18, and the POINT OF BEGINNING; thence S5°16'10"E 49.76 feet to the southwest corner of Lot 7, Certified Survey Map #3670, Doc. #769902, thence S85°47'52"W along the south line of Document #641064, Marinette County Records, (M.C.R.) 424.57 feet, thence N3°47'50"W 236.60 feet, thence N85°55'49"E 418.59 feet to the west line of said Lot 1, C.S.M. #3670, thence S5°14'50"E 185.90 feet to the POINT OF BEGINNING, said parcel containing 2.285 acres.)

Said territory is owned in its entirety by Kyle and Megan Cheney and contains approximately .428 acres, more or less, with a current population of two (2) owners as defined in Wis. Stats. §66.0227. A certified survey map reasonably showing the boundaries of said territory in relation of said territory to the municipalities involved is attached hereto as Exhibit A.

**SECTION 2. Effect of Detachment.** From and after the date of this ordinance, the territory described in Section 1 shall no longer be a part of the City of Peshtigo and shall be a part of the Town of Peshtigo, for any and all purposes provided by law, and all persons coming or residing on the property shall be subject to all ordinances, rules and regulations governing the Town of Peshtigo.

**SECTION 3. Zoning Classification.** The territory being detached from the City of Peshtigo by this Ordinance is zoned as follows, pursuant to Sec. 66.0227(4) of the Wisconsin Statutes: R-1 Single Family Residential. The territory shall continue to be zoned as such until such time as it is re-zoned by the Town of Peshtigo.

**SECTION 4. Aldermanic District Designation.** If necessary, the Code of Ordinances of the City of Peshtigo is hereby amended to incorporate the detachment of the territory to comply with all ordinances, rules and regulations of the City governing aldermanic districts.

**SECTION 5. Detachment.** That the above-described territory situated in the City of Peshtigo will be and the same is hereby Detached and Attached to the Town of Peshtigo, Marinette County, Wisconsin. The City Clerk is hereby directed to provide the Ordinance to the Town of Peshtigo so that the Town of Peshtigo may act upon the Ordinance within the time period set forth in Section 66.0227 Wis. Stats.. The City Clerk is further directed to make the mailings pursuant to Wis. Stats. Section 66.0217, i.e., to mail a copy of the Ordinance of Detachment to the Town Clerk of the Town of Peshtigo, to the Secretary of State of the State of Wisconsin, and the Clerk of the Peshtigo School District, a copy to the Register of Deeds of Marinette County, and one copy to any company that provides any utility service to the area detached. All mailings shall occur within thirty (30) days of the date hereof pursuant to Wis. Stats. Section 66.03.

**SECTION 6. Severability.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this ordinance, which can be given effect without the invalid or unconstitutional provision or application.

**SECTION 7. Effective Date.** This ordinance shall take effect upon passage and publication as provided by law.

Adopted this 7<sup>th</sup> day of January, 2014.

OFFERED BY: Bart Stolt  
Aldersperson

SECONDED BY: Michael Burke  
Aldersperson

APPROVED: ATTEST:

Allan J. Krizenesky  
Allan J. Krizenesky, Mayor

Mary Ann Wills  
Mary Ann Wills, City Clerk/Treasurer

Approved as to form:

David Spangenberg  
David Spangenberg, City Attorney

I hereby certify that the foregoing ordinance was duly adopted by the City of Peshtigo at a legal meeting on this 7<sup>th</sup> day of January, 2014.

Mary Ann Wills  
Mary Ann Wills  
City Clerk-Treasurer