

ORDINANCE NO. 2018-04

Ordinance Approving the Detachment of Territory from the City of Peshtigo to the Town of Peshtigo owned by Michael P. Bayer, Louise E. Bayer, C & E Frank LLC, Sentinel Structures Inc., Brian J. Olson, Nicole L. Olson, William A. Labunski and State of Wisconsin (hereinafter “landowners”).

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, the Petition has been signed by a majority of the owners of three-fourths of the taxable land in area within the territory to be detached; 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 June 22, 2018, signed by a majority of the owners of three-fourths of the taxable land in area within 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:

All of Lot 2 of Certified Survey Map 3655, Parts of the NE ¼, Part of the NW ¼ of the SE ¼, all in Section 25, Township 30N, Range 22E, City of Peshtigo, Marinette, County, Wisconsin.

Commencing at the North ¼ corner of said Section; thence S 00°27'21" W along ¼ line, a distance of 185.57 feet to an iron rebar on the Southwesterly line of USH 41 and the Northeasterly line of Lot 2 of CSM 3655 and the **POINT OF BEGINNING**; thence S 56°20'10" E along said lines, a distance of 701.98 feet to an iron pipe; thence S 52°42'58" E along said lines, a distance of 699.95 feet to an iron pipe; thence S 53°54'08" E along said lines, a distance of 218.24 feet to an iron rebar at the Northeast corner of said Lot 2; thence S 53°51'30" E along said Southwesterly line of USH 41, a distance of 681.30 feet to an iron pipe; thence S 51°42'29" E along said line, a distance of 301.32 feet to an iron pipe; thence S 53°28'19" E along said line, a distance of 133.88 feet to an iron pipe on the Northwesterly line of Railroad; thence S 68°36'06" W along said line, a distance of 2396.76 feet to an iron rebar on the North-South ¼ line; thence N 00°27'21" E along said line, a distance of 2484.47 feet to the

POINT OF BEGINNING; said described tract containing 64.35 acres (2,803,226.70 square feet), more or less.

Said territory is owned in its entirety by the landowners, except .51 acres owned by the State of Wisconsin Department of Transportation, and contains approximately 64.35 acres, more or less, with a current population of seven (7) 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 and I-1 General Industrial. 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 _____ day of _____, 2018.

OFFERED BY:

Brigitte Schmidt, Alderperson

SECONDED BY:

Michael Behnke, Alderperson

APPROVED:

ATTEST:

Catherine Malke, Mayor

Tammy Kasal, City Clerk/Treasurer

Approved as to form:

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 _____ day of _____, 20__.

Tammy Kasal
City Clerk-Treasurer