

CITY OF EVANSVILLE
ORDINANCE # 2007-15

AN ORDINANCE DETACHING TERRITORY FROM THE
CITY OF EVANSVILLE, WISCONSIN

WHEREAS, the city of Evansville received a detachment petition from the Heissner Revocable Living Trust as signed by Robert Heissner; and

WHEREAS, the subject property, consisting of approximately 3,400 square feet, is contiguous to the Town of Union; and

WHEREAS, the subject property is currently zoned Residential District One (R-1); and

WHEREAS, the subject property does not contain habitable buildings; and

WHEREAS, the City Council finds that such detachment is not contrary to the public interest and will not inhibit the orderly development of the City.

NOW, THEREFORE, the Common Council of the City of Evansville, Rock County, Wisconsin, ordains as follows:

SECTION 1. In accordance with Sec. 66.0227, Wis. Stats., the following described territory located in the City of Evansville is detached from the City:

- 1) Part of Lot 161 of Countryside Estates Plat No. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26; T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County Wisconsin to wit: Beginning at a 3/4" rebar found at the southwest corner of said Lot 161; Thence N00 degrees 29'25"E, 3.85 feet along the west line of said Lot 161 to a former fence line; Thence S88 degrees 48'55"E, 84.99 feet along said former fence line to the east line of said Lot 161; Thence 00 degrees 31'40" W, 3.41 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 161; Thence N89 degrees 06'46"W, 84.99 feet along the south line of said Lot 161 to the point of beginning of this description. This parcel contains 308 square feet and is subject to easements of record.
- 2) Part of Lot 162 of Countryside Estates Plat No. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, to wit: Beginning at a 3/4" rebar found at the southwest corner of said Lot 162; Thence 00 degrees 28'48"E, 4.25 feet along the west line of said Lot 162 to a former fence line; Thence S88 degrees 48'55"E, 79.97 feet along said former fence line to the east line of said Lot 162; Thence S00 degrees 29'25"W, 3.85 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 162; Thence N89 degrees 06'03"W, 79.97 feet along the south line of said Lot 162 to the point of beginning of this description. This parcel contains 324 square feet and is subject to easements of record.
- 3) Part of Lot 163 of Countryside Estates Plat No. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, to wit: Beginning at a 3/4" rebar found at the southwest corner of said Lot 163; Thence 00 degrees 28'37"E, 4.72 feet along the west line of said Lot 163 to a former fence line; Thence S88 degrees 48'55"E, 80.00 feet along said former fence line to the east line of said Lot 163; Thence S00 degrees 28'48"W, 4.25 feet along said east line to a

- 3/4" rebar found at the southeast corner of said Lot 163; Thence N89 degrees 09'06"W, 80.00 feet along the south line of said Lot 163 to the point of beginning of this description. This parcel contains 358 square feet and is subject to easements of record.
- 4) Part of Lot 164 of Countryside Estates Plat No. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, to wit: Beginning at a 3/4" rebar at the southwest corner of said Lot 164; Thence N00 degrees 28'56"E, 5.84 feet along the west line of said Lot 164 to a former fence line; Thence S88 degrees 48'55"E, 80.03 feet along said former fence line to the east line of said Lot 164; Thence S00 degrees 28'37"W, 4.72 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 164; Thence 89 degrees 06'38"W, 80.03 feet along the south line of said Lot 164 to the point of beginning of this description. This parcel contains 394 square feet and is subject to easements of record.
- 5) Part of Lot 165 of Countryside Estates Plat No. 7, also being part of the proposed Countryside Condominiums, and located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin to wit: Beginning at a 3/4" rebar found at the southwest corner of said Lot 165; Thence N00 degrees 28'55"E, 5.84 feet along the west line of said Lot 165 to a former fence line; Thence S88 degrees 44'49"E, 109.98 feet along said former fence line of said Lot 165; Thence S00 degrees 28'56"W, 5.13 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 165; Thence 89 degrees 07'08"W, 109.97 feet along the south line of said Lot 165 to the point of beginning of this description. This parcel contains 603 square feet and is subject to the easements of record.
- 6) Part of Lot 166 of Countryside Estates Plat No. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin to wit: Beginning at a 3/4" rebar found at the southwest corner of said Lot 166; Thence N00 degrees 28'38"E, 6.46 feet along the west line of said Lot 166 to a former fence line; Thence S88 degrees 48'50"E, 109.97 feet along said former fence line to the east line of said Lot 166; Thence S00 degrees 28'55"W, 5.84 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 166; Thence N89 degrees 08'01"W, 109.96 feet along the south line of said Lot 166 to the point of beginning of this description. This parcel contains 677 square feet and is subject to easements of record.
- 7) Part of Lot 167 of Countryside Estates Plat No. 7, located in the Southwest 1/4 of the Northeast 1/4 Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, to wit: Beginning at a 3/4" rebar found at the southwest corner of said Lot 167; Thence N00 degrees 29'41"E, 7.09 feet along the west line of said Lot 167 to a former fence line; Thence S88 degrees 48'50"E, 108.54 feet along said former fence line to the east line of said Lot 167; Thence S00 degrees 28'38", 6.46 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 167; Thence N89 degrees 08'58"W, 108.54 feet along the south line of said Lot 167 to the point of beginning of this description. This parcel contains 735 square feet and is subject to the easements of record.

SECTION 2. Zoning of Property. Pursuant to Sec. 66.0227(4) Wis. Stats., the subject property shall be subject to the City's zoning code and the Town of Union shall be responsible for enforcing such regulations on the subject property as may apply until changed by official action of the Town Board.

SECTION 3. Population of Territory. The population of the detached territory is zero.

SECTION 4. Notice to Town of Union. Upon passage, the City Clerk is directed to send a copy of this ordinance to the Town Clerk for the Town of Union. Failure to do so shall not invalidate this ordinance.

SECTION 5. Duties of City Clerk. Upon passage, the city clerk is directed to do the following:


- 1) send the secretary of state a certified copy of the ordinance, certificate and plat
- 2) record the signed ordinance with the Rock County register of deeds
- 3) send a signed copy of the ordinance to the Evansville Community School District
- 4) send one copy to each company that provides any utility service

Failure to file, record, or send does not invalidate this ordinance. The duty to file, record, and send continues until completed.

SECTION 6. Severability. If any provision of this ordinance is invalid or unconstitutional, or if the application of the 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 detachment shall be effective when the Town of Union adopts an ordinance accepting the territory.

Passed and adopted this 11th day of December, 2007 by a three-fourths majority.


Sandra J. Decker, Mayor

ATTEST:


Judy L. Walton, Clerk/Treasurer

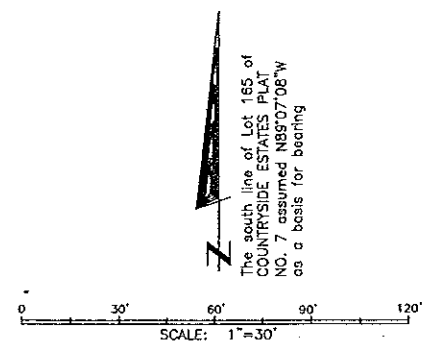
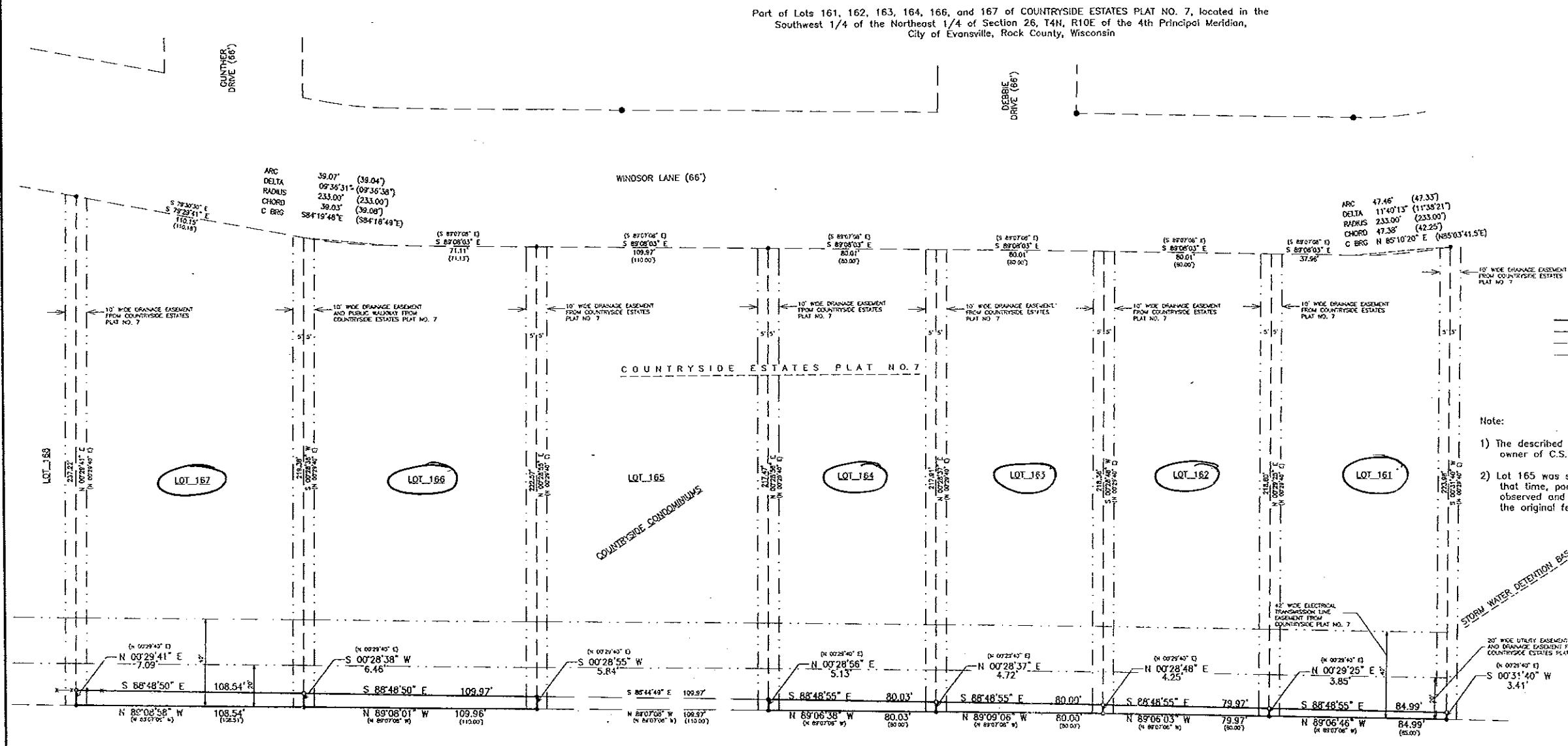
Introduced: 11/13/2007
Adopted: 12/11/2007
Published: 12/19/2007 (within 10 days of adoption)

Sponsors: This is a citizen-initiated ordinance.

Drafted on 8/29/07 by Tim Schwecke, AICP, City Planner

PLAT OF SURVEY

Part of Lots 161, 162, 163, 164, 166, and 167 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin



- LEGEND**
- 3/4" X 1/8" IRON REBAR SET WEIGHING 1.50 LB./FT.
 - 3/4" IRON STAKE FOUND
 - 1-1/4" IRON STAKE FOUND
 - () PREVIOUSLY RECORDED DIMENSION BOUNDARY OF PROPERTY SURVEYED
 - OTHER LOT OR RIGHT-OF-WAY LINES
 - - - FENCE
 - - - EASEMENT LINE

- Note:**
- 1) The described portions of the subject lots are intended to be transferred to the property owner of C.S.M. Vol. 11, Pg. 320.
 - 2) Lot 165 was surveyed by us for CountrySide Condominiums Plat on October 31, 2005. At that time, portions of the original fence line shown on CountrySide Estates Plat No. 7 were observed and surveyed. The northerly lines of the accompanying descriptions coincide with the original fence location. Most of the fence has been removed.

SURVEYOR'S CERTIFICATE:
 I, Keith C. Notbohm, Wisconsin Registered Land Surveyor No. S-1386, hereby certify that I have surveyed the property described hereon, and that the plat shown is a correct and true scaled representation of that survey.

Keith C. Notbohm
 Keith C. Notbohm, Registered Land Surveyor, S-1386
 SURVEYED: July 7, 2006



DESCRIPTION OF PART OF LOT 161:

Part of Lot 161 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, more fully described as follows:

Beginning at a 3/4" rebar found at the southwest corner of said Lot 161;
 Thence N00°29'25"E, 3.85 feet along the west line of said Lot 161 to a former fence line;
 Thence S88°48'55"E, 84.99 feet along said former fence line to the east line of said Lot 161;
 Thence S00°31'40"W, 3.41 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 161;
 Thence N89°06'46"W, 84.99 feet along the south line of said Lot 161 to the point of beginning of this description.
 This parcel contains 308 square feet and is subject to easements of record.

DESCRIPTION OF PART OF LOT 162:

Part of Lot 162 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, more fully described as follows:

Beginning at a 3/4" rebar found at the southwest corner of said Lot 162;
 Thence N00°28'48"E, 4.25 feet along the west line of said Lot 162 to a former fence line;
 Thence S88°48'55"E, 79.97 feet along said former fence line to the east line of said Lot 162;
 Thence S00°29'25"W, 3.85 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 162;
 Thence N89°06'03"W, 79.97 feet along the south line of said Lot 162 to the point of beginning of this description.
 This parcel contains 324 square feet and is subject to easements of record.

DESCRIPTION OF PART OF LOT 163:

Part of Lot 163 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, more fully described as follows:

Beginning at a 3/4" rebar found at the southwest corner of said Lot 163;
 Thence N00°28'37"E, 4.72 feet along the west line of said Lot 163 to a former fence line;
 Thence S88°48'55"E, 80.00 feet along said former fence line to the east line of said Lot 163;
 Thence S00°28'37"W, 4.25 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 163;
 Thence N89°09'06"W, 80.00 feet along the south line of said Lot 163 to the point of beginning of this description.
 This parcel contains 358 square feet and is subject to easements of record.

DESCRIPTION OF PART OF LOT 164:

Part of Lot 164 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, more fully described as follows:

Beginning at a 3/4" rebar at the southwest corner of said Lot 164;
 Thence N00°28'56"E, 5.13 feet along the west line of said Lot 164 to a former fence line;
 Thence S88°48'55"E, 80.03 feet along said former fence line to the east line of said Lot 164;
 Thence S00°28'37"W, 4.72 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 164;
 Thence N89°06'38"W, 80.03 feet along the south line of said Lot 164 to the point of beginning of this description.
 This parcel contains 394 square feet and is subject to easements of record.

DESCRIPTION OF PART OF LOT 166:

Part of Lot 166 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, more fully described as follows:

Beginning at a 3/4" rebar found at the southwest corner of said Lot 166;
 Thence N00°28'38"E, 6.46 feet along the west line of said Lot 166 to a former fence line;
 Thence S88°48'50"E, 109.97 feet along said former fence line to the east line of said Lot 166;
 Thence S00°28'55"W, 5.84 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 166;
 Thence N89°08'01"W, 109.96 feet along the south line of said Lot 166 to the point of beginning of this description.
 This parcel contains 677 square feet and is subject to easements of record.

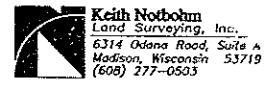
DESCRIPTION OF PART OF LOT 167:

Part of Lot 167 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin, more fully described as follows:

Beginning at a 3/4" rebar found at the southwest corner of said Lot 167;
 Thence N00°29'41"E, 7.09 feet along the west line of said Lot 167 to a former fence line;
 Thence S88°48'50"E, 109.97 feet along said former fence line to the east line of said Lot 167;
 Thence S00°28'38"W, 6.46 feet along said east line to a 3/4" rebar found at the southeast corner of said Lot 167;
 Thence N89°08'58"W, 108.54 feet along the south line of said Lot 167 to the point of beginning of this description.
 This parcel contains 735 square feet and is subject to easements of record.

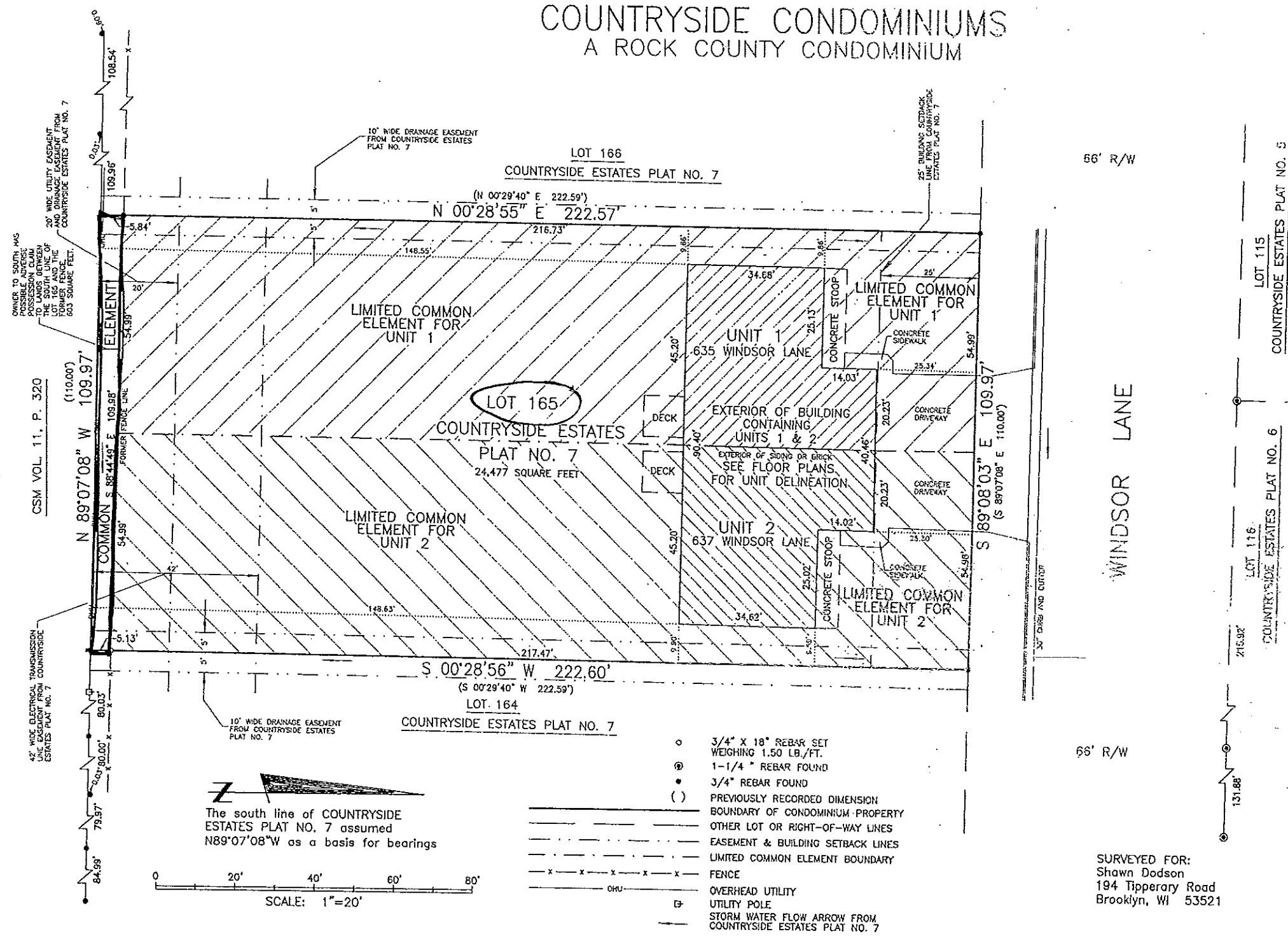
REFERENCE MAP:
 OFFICE MAP NO. 643

SURVEYED FOR:
 Robert Heissner
 13628 W. U.S. Hwy 14
 Evansville, WI 53536



OFFICE MAP NO. 723

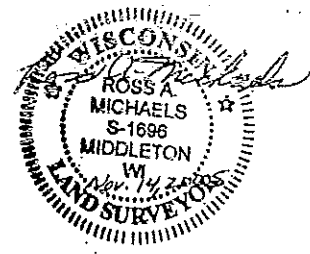
COUNTRYSIDE CONDOMINIUMS A ROCK COUNTY CONDOMINIUM



DESCRIPTION: Lot 165 of COUNTRYSIDE ESTATES PLAT NO. 7, located in the Southwest 1/4 of the Northeast 1/4 of Section 26, T4N, R10E of the 4th Principal Meridian, City of Evansville, Rock County, Wisconsin.

SURVEYOR'S CERTIFICATE:
I, Ross A. Michaels, Wisconsin Registered Land Surveyor No. S-1696, hereby certify that I have surveyed the condominium described hereon, and that the plat shown is a correct and true scaled representation of the condominium described hereon, and that the identification and location of each unit and the common elements can be determined from the plat.

Ross A. Michaels
Ross A. Michaels
Registered Land Surveyor S-1696
SURVEYED: October 31, 2005



SURVEYED FOR:
Shawn Dodson
194 Tipperary Road
Brooklyn, WI 53521

Keith Notbohm
Land Surveying, Inc.
6314 Odana Road, Suite A
Madison, Wisconsin 53719
(608) 277-0503