

HIPPENMEYER, REILLY, MOODIE & BLUM, S.C.

ROBERT B. MOODIE
MARK G. BLUM
THOMAS G. SCHMITZER
LORI J. FABIAN

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WAUKESHA, WISCONSIN 53187-0766
TELEPHONE: (262) 549-8181
FACSIMILE: (262) 549-8191
www.hrmblawfirm.com

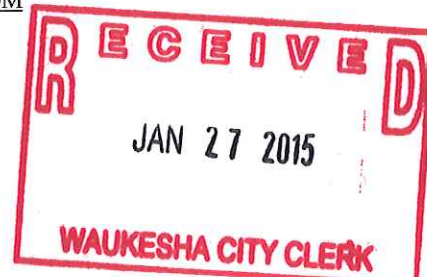
RICHARD S. HIPPENMEYER
(1911-1979)

WILLIAM F. REILLY
(1932-2007)

RONALD E. ENGLISH III

EMAIL: TSCHMITZER@HRMBLAWFIRM.COM

January 27, 2015



VIA HAND DELIVERY

Clerk – City of Waukesha
City Hall, Room 104
201 Delafield Street
Waukesha, WI 53188

Re: Petition for Direct Annexation by Unanimous Approval Pursuant to Section 66.0217(2)
Owners: Robert F. and Carol O. Smart Family Trust and Carol O. Smart Survivor's Trust
Tax Key No.: Part of WAKT 1349-989

Dear Sir or Madam:

This office represents the Robert F. and Carol O. Smart Family Trust and the Carol O. Smart Survivor's Trust (hereinafter the "Petitioner"), in regards to their ownership of the above-referenced property.

Find enclosed a Petition for Direct Annexation by Unanimous Approval, pursuant to Section 66.0217(2), Wisconsin Statutes. The property to be annexed is located adjacent to other property in the City of Waukesha owned by the Petitioner (WAKC 1350999009), is depicted in the attached Exhibit "A" and described in the attached Exhibit "B". The total area of land requested to be annexed is 20.4594 acres.

As evidence of the Petitioner's ownership of this property, I am also enclosing a copy of the Special Warranty Deed, dated October 15, 2014. It was recorded with the Waukesha County Register of Deeds as Document No. 4106159.

By copy of this letter, the Petition and enclosures are being mailed to the Clerk for the Town of Waukesha and the Wisconsin Department of Administration.

Sincerely,

HIPPENMEYER, REILLY, MOODIE & BLUM, S.C.


Thomas G. Schmitzer

TGS/ed
Enc.

Cc. Town of Waukesha Clerk (via hand delivery)
Wisconsin Department of Administration (via Certified Mail – Return Receipt Requested)
Carol O. Smart, Trustee

**Petition for Direct Annexation by Unanimous Approval
Pursuant to Section 66.0217(2), Wisconsin Statutes**

The Robert F. and Carol O. Smart Family Trust, by Carol O. Smart, its Trustee, and the Carol O. Smart Survivor's Trust, by Carol O. Smart, its Trustee (hereinafter "Owners"), own that real property as depicted in the attached Annexation Exhibit "A", and as further described in attached Annexation Exhibit "B" (Legal Description). This property is contiguous to the City of Waukesha but presently located within the Town of Waukesha. The property is vacant. No electors reside within the property. The current population of the territory to be annexed is zero.

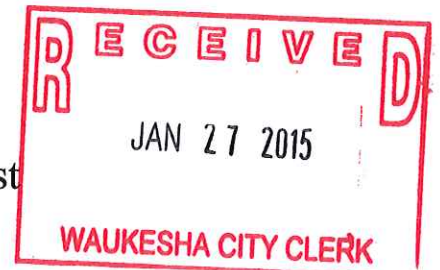
The Owners hereby petition the Common Council of the City of Waukesha to annex that territory as described in the attached Exhibit "B" to the City of Waukesha, Waukesha County, State of Wisconsin.

We, the undersigned, elect that this annexation shall take effect to the full extent consistent with outstanding priorities of other annexation, incorporation or consolidation proceedings, if any.

Date: January 8th, 2015

Signed by: Robert F. and Carol O. Smart Family Trust

By: Carol O. Smart
Carol O. Smart, Trustee



Signed by: Carol O. Smart Survivor's Trust

By: Carol O. Smart
Carol O. Smart, Trustee

Legal description and scale map of the Property is attached. Part of Tax Key No. WAKT 1349-989

ANNEXATION EXHIBIT "A"

N. 1/4 CORNER,
SEC. 14-6-19

1329.155

S00°15'16"W

CITY OF WAUKESHA

TOWN OF WAUKESHA

S00°15'16"W

1329.155

S00°15'16"W

UNPLATTED LANDS

CITY OF WAUKESHA
TOWN OF WAUKESHA

LOT 1
C.S.M. #5190

LOT 2
C.S.M. #5190

UNPLATTED
LANDS

C.S.M. #1638

C.S.M. #1133

SUNSET VIEW

UNPLATTED
LANDS

S88°25'32"W 673.04

P.O.B.

(N. LINE, S.W. 1/4,
N.E. 1/4, SEC. 14-6-19)

ANNEXATION AREA

891,210 S.F.
20.4594 Ac.

PART OF
TAX KEY
#WAKT 1349-989

1326.26

N00°22'41"E

BROOK

PEBBLE

(S. LINE, N.E. 1/4, SEC. 14-6-19)

CENTER, N88°10'12"E 670.28
SEC. 14-6-19

UNPLATTED
LANDS

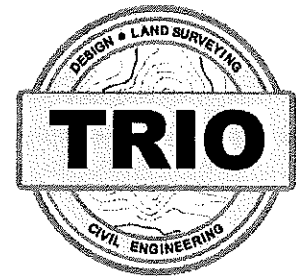
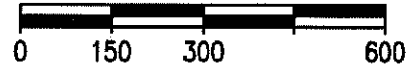
LES PAUL PARKWAY
"S.T.H. 59/164"

DEERFIELD ESTATES
SUBDIVISION

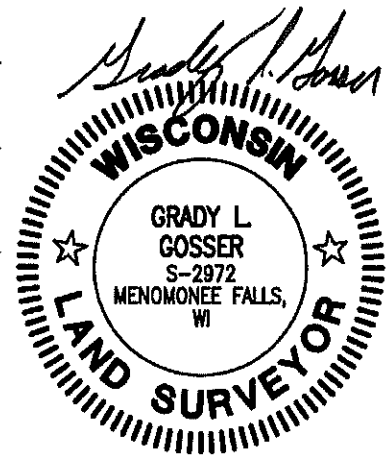


NORTH

SCALE: 1"=300'



12660 W. North Avenue
Building "D"
Brookfield, WI 53005
Phone: (262) 790-1480
Fax: (262) 790-1481



THIS EXHIBIT WAS PREPARED BY GRADY L. GOSSER, P.L.S. (S-2972)

DATE: 1/6/15

ANNEXATION EXHIBIT "B"

LEGAL DESCRIPTION:

All that part of the Southwest 1/4 of the Northeast 1/4 of Section 14, Town 6 North, Range 19 East, in the Town of Waukesha, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

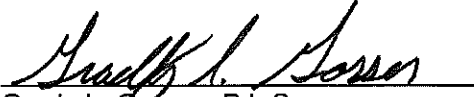
Commencing at the North 1/4 Corner of said Section 14; Thence South 00°15'16" West and along the West line of the said Northeast 1/4 Section, 1329.155 feet to a point marking the Northwest corner of the said Southwest 1/4 of the said Northeast 1/4 Section and the place of beginning of lands hereinafter described;

Continuing thence South 00°15'16" West and along the said West line of the said Northeast 1/4 Section, 1329.155 feet to a point marking the Center of said Section 14; Thence North 88°10'12" East and along the South line of the said Northeast 1/4 Section, 670.28 feet to a point; Thence North 00°22'41" East, 1326.26 feet to a point on the North line of the said Southwest 1/4 of the said Northeast 1/4 Section; Thence South 88°25'32" West and along the said North line of the said Southwest 1/4 of the said Northeast 1/4 Section, 673.04 feet to the point of beginning of this description

Said Parcel contains 891,210 Square Feet (or 20.4594 Acres) of land, more or less.

Date: 1/6/15




Grady L. Gosser, P.L.S.
Professional Land Surveyor, S-2972
TRIO ENGINEERING, LLC
12660 W. North Avenue, Building "D"
Brookfield, WI 53005
Phone: (262)790-1480 Fax: (262)790-1481

State Bar of Wisconsin Form 6 - 2003
SPECIAL WARRANTY DEED

COPY

Document Number

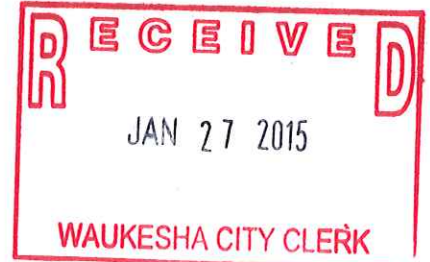
Document Name

THIS DEED, made between Harmony Homes, Inc.

("Grantor," whether one or more),
and Robert F. & Carol O. Smart Revocable Trust of
2010

("Grantee," whether one or more).
Grantor for a valuable consideration, conveys to Grantee the following
described real estate, together with the rents, profits, fixtures and other
appurtenant interests, in Waukesha County, State of
Wisconsin ("Property") (if more space is needed, please attach addendum):

See Exhibit A attached.



Recording Area

Name and Return Address
Carol O. Smart
1411 Lookout Drive
Waukesha, WI 53186

Part of Tax Key No. WAKT 1349.989

Parcel Identification Number (PIN)

This is not homestead property.
~~(is)~~ (is not)

Grantor warrants that the title to the Property is good, indefeasible, in fee simple and free and clear of encumbrances arising by, through, or under Grantor, except: municipal and zoning ordinances, covenants, reservations, conditions and easements of record and current taxes and assessments not yet due.

Dated October 15, 2014

HARMONY HOMES, INC.

* _____

(SEAL) _____ (SEAL)
* Bryce P. Styza, President

* _____

(SEAL) _____ (SEAL)
* _____

AUTHENTICATION

ACKNOWLEDGMENT

Signature(s) _____

STATE OF WISCONSIN

authenticated on _____

Waukesha COUNTY) ss.

* _____

Personally came before me on October 14, 2014,
the above-named Bryce P. Styza, President

TITLE: MEMBER STATE BAR OF WISCONSIN

(If not, _____
authorized by Wis. Stat. § 706.06)

to me known to be the person(s) who executed the
foregoing instrument and acknowledged the same.

THIS INSTRUMENT DRAFTED BY:

Bryce P. Styza, Broker



* Glenda R. Scheel-Weidner

Notary Public, State of Wisconsin
My Commission (~~is permanent~~) (expires: March 20, 2018)

NOTE: THIS IS A STANDARD FORM FOR TRANSACTIONS TO THIS FORM SHOULD BE CLEARLY IDENTIFIED.
SPECIAL WARRANTY DEED

FORM No. 6-2003

*Type name below signatures.

Exhibit A

All that part of the Southwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 14, in Township Six (6) North, Range Nineteen (19) East, in the Town of Waukesha, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the North $\frac{1}{4}$ Corner of said Section 14; thence South $00^{\circ}15'16''$ West and along the West line of the said Northeast $\frac{1}{4}$ Section, 1329.155 feet to a point marking the Northwest corner of the said Southwest $\frac{1}{4}$ of the said Northeast $\frac{1}{4}$ Section and the place of beginning of lands hereinafter described;

Continuing thence South $00^{\circ}15'16''$ West and along the said West line of the said Northeast $\frac{1}{4}$ Section, 1329.155 feet to a point marking the Center of said Section 14; thence North $88^{\circ}10'12''$ East and along the South line of the said Northeast $\frac{1}{4}$ Section, 670.28 feet to a point; thence North $00^{\circ}22'41''$ East; 1326.26 feet to a point on the North line of the said Southwest $\frac{1}{4}$ of the said Northeast $\frac{1}{4}$ Section; thence South $88^{\circ}25'32''$ West and along the said North line of the said Southwest $\frac{1}{4}$ of the said Northeast $\frac{1}{4}$ Section, 673.04 feet to the point of beginning of this description.

Tax Key No.: Part of WAKT 1349.989

LAW OFFICES OF
HIPPENMEYER, REILLY, MOODIE & BLUM, S.C.

ROBERT B. MOODIE
MARK G. BLUM
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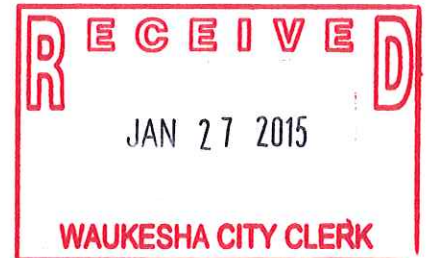
RICHARD S. HIPPENMEYER
(1911-1979)
WILLIAM F. REILLY
(1932-2007)

EMAIL: TSCHMITZER@HRMBLAWFIRM.COM

January 27, 2015

Via Certified Mail – Return Receipt Requested

State of Wisconsin Department of Administration
Municipal Boundary Review
101 East Wilson Street, 9th Floor
Madison, WI 53703



Re: Annexation of Lands from Town of Waukesha to City of Waukesha
Owners: Robert F. and Carol O. Smart Family Trust & Carol O. Smart Survivor's Trust
Tax Key No.: Part of WAKT 1349-989

Dear Sir or Madam:

Enclosed please find for your review the Petition for Direct Annexation by Unanimous Approval of Lands from the Town of Waukesha to the City of Waukesha and the Request for Annexation Review. The land to be annexed is described in the documents attached to the Petition for Annexation. I have also enclosed a check made payable to the Department of Administration in the amount of \$1,150.00.

If you have any questions regarding this Annexation Petition, please feel free to contact me at (262) 549-8181.

Sincerely,

HIPPENMEYER, REILLY, MOODIE & BLUM, S.C.


Thomas G. Schmitzer

TGS/ed
Enc.

Cc. Town of Waukesha Clerk (via Hand delivery)
City of Waukesha Clerk (via Hand Delivery)
Carol O. Smart, Trustee

Request for Annexation Review

Wisconsin Department of Administration

WI Dept. of Administration
Municipal Boundary Review
101 E. Wilson Street, 9th Floor
Madison WI 53703
608-264-6102 Fax: 608-264-6104
wimunicipalboundaryreview@wi.gov
<http://doa.wi.gov/municipalboundaryreview/>

Petitioner Information

Name: **ROBERT F. AND CAROL O. SMART FAMILY TRUST BY CAROL O. SMART, ITS TRUSTEE, AND CAROL O. SMART SURVIVOR'S TRUST BY CAROL O. SMART, ITS TRUSTEE**

Address: **1411 LOOKOUT DRIVE**

WAUKESHA, WI 53186

Email: **COSMART@WAUKNET.COM**

Office use only:

1. Town where property is located: **TOWN OF WAUKESHA**

2. Petitioned City or Village: **CITY OF WAUKESHA**

3. County where property is located: **WAUKESHA**

4. Population of the territory to be annexed: **0**

5. Area (in acres) of the territory to be annexed: **20.45**

6. Tax parcel number(s) of territory to be annexed
(if the territory is part or all of an existing parcel): **PART OF
WAKT 1349.989**

Petitioners phone:

(262)542-9588

Town clerk's phone:

(262)542-5030

City/Village clerk's phone:

(262)524-3550

Contact Information if different than petitioner:

Representative's Name and Address:

**THOMAS G. SCHMITZER, SR.
HIPPENMEYER, REILLY, MOODIE &
BLUM, S.C.**

720 CLINTON ST., P.O. BOX 766

WAUKESHA, WI 53187-0766

Phone: **(262)549-8181**

E-mail:

TSCHMITZER@HRMBLAWFIRM.COM

Surveyor or Engineering Firm's Name & Address:
TRIO ENGINEERING

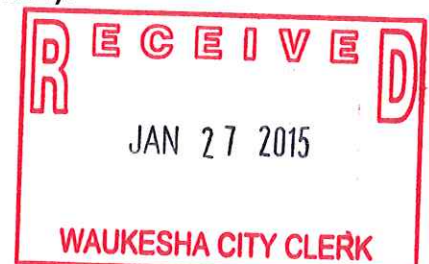
12660 W. NORTH AVENUE

BROOKFIELD, WI 53005

Phone: **(262)790-1480**

E-mail: **JPUDELKO@TRIOENG.COM**

Required Items to be provided with submission (to be completed by petitioner):



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 is included
4. Indicate Statutory annexation method used:
 - Unanimous per s. 66.0217 (2), or,
 - OR
 - Direct by one-half approval per s. 66.0217 (3)
5. Check or money order covering review fee [see next page for fee calculation]

(2012)

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

\$800 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

\$1150 TOTAL FEE DUE (Add the Filing Fee to the Review Fee)

Attach check or money order here, payable to: **Department of Administration**

**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**

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 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).
- If the lands being annexed are within a County of 50,000 or greater population, the petition must also be filed with the Department of Administration for review

[Note that no municipality within a County of 50,000 or greater population may enact an annexation ordinance prior to receiving a review determination from the Department of Administration.]