

**TOWN OF SARATOGA
ORDINANCE NO. 2013-12-18
ORDINANCE APPROVING CHANGE IN TOWN BOUNDARY
PURSUANT TO BOUNDARY AGREEMENT
BETWEEN TOWN OF SARATOGA AND VILLAGE OF PORT EDWARDS**

WHEREAS, the VILLAGE OF PORT EDWARDS, Wood County, Wisconsin (the "**Village**") and the TOWN OF SARATOGA, Wood County, Wisconsin (the "**Town**") share a common boundary line and, as permitted by and in accordance with sections 66.0301 and 66.0305 of the Wisconsin Statutes, have entered into the Boundary Agreement which includes a Revenue Sharing Agreement (the "**Agreement**"), the original of which was recorded in the Woods County Register of Deeds Office on November 22, 2013 as Document No. 2013R11501, the first page of which is attached as Exhibit 1 and the whole of which is incorporated by reference; and,

WHEREAS, the Town and Village have determined that more than sixty (60) days have passed since the date that the Agreement became effective and that the Agreement binds the parties and is enforceable; and,

WHEREAS, the Town and Village wish to take such actions as are necessary to meet the requirements set forth in the Agreement and in Wis. Stat. § 66.0301(6)(e) to accomplish the boundary changes, which are to be effective as of January 1, 2014.

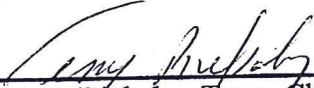
NOW, THEREFORE, THE TOWN BOARD OF THE TOWN OF SARATOGA ORDAINS AS FOLLOWS:

1. As set forth in Wis. Stat. § 66.0301(6), any and all boundary changes affecting the territory depicted on **Exhibit 2** and legally described on **Exhibit 3** (the "**Territory**") shall only be accomplished by the enactment of an ordinance by the governing body designated in the Agreement.
2. Pursuant to Section 3.b. of the Agreement, the Town is responsible for and hereby does adopt this ordinance approving a boundary change so that the mutually agreed upon municipal boundary between the Town and Village shall be as set forth in Exhibit 4, effective as of January 1, 2014.
3. The Territory is hereby ordained to be within the Town's jurisdiction effective January 1, 2014.
4. As set forth in the Agreement, the Territory remains subject to the Agreement.
5. As set forth in Section 14. of the Agreement, and in the event that the Agreement is found invalid or unenforceable as set forth therein, then the Territory shall revert to the Village, effective on the date that the Agreement is deemed void.

6. As required by Wis. Stat. § 66.0301(6)(e), the Town Clerk shall file and record this ordinance as set forth in Wis. Stat. § 66.0217(9)(a) and the requirements for the Secretary of State set forth in Wis. Stat. § 66.0217(9)(b) when he or she receives the Town Clerk's filing.

THIS ORDINANCE WAS ADOPTED BY THE TOWN BOARD OF THE TOWN OF SARATOGA AT A DULY NOTICED MEETING HELD ON THE 18th DAY OF DECEMBER, 2013.

TOWN OF SARATOGA


By: Terry Rickaby, Town Chair

Attested:


By: Heidi Kawleski, Town Clerk

Attachments Incorporated by Reference:

- Exhibit 1 – Recorded Notice of Boundary Agreement (page 1 only)
- Exhibit 2 – Map of Territory
- Exhibit 3 – Legal Description of Territory (with PIN numbers)
- Exhibit 4 – Transitional Municipal Boundary (effective January 1, 2014)

Approved as to form
as of this 18th day of
December, 2013.

STAFFORD ROSENBAUM LLP

Constance L. Anderson

By: Constance L. Anderson
Attorney for Town of Saratoga

CERTIFIED



* 2013R11501 *

2013R11501

SUSAN E. GINTER
WOOD COUNTY
REGISTER OF DEEDS
RECORDED ON
11/22/2013 02:50PM
REC FEE: 30.00
EXEMPT #: N/A
PAGES: 32

NOTICE OF BOUNDARY AGREEMENT BETWEEN
THE VILLAGE OF PORT EDWARDS
AND THE TOWN OF SARATOGA

Document Number

Title of Document

The Village of Port Edwards and the Town of Saratoga hereby provide the following record notice of BOUNDARY AGREEMENT BETWEEN THE VILLAGE OF PORT EDWARDS AND THE TOWN OF SARATOGA (the "Notice").

A. The Village of Port Edwards and the Town of Saratoga have entered into a boundary agreement with an effective date of January 1, 2014, and terminating 10 years thereafter on December 31, 2023 (the "Agreement"). A copy of the Agreement is attached hereto as Exhibit A.

B. The real estate subject to the terms of the Agreement is legally described on Exhibit 3 of the Agreement.

IN WITNESS WHEREOF, the Village of Port Edwards and the Town of Saratoga have executed this Notice as set forth below.

VILLAGE OF PORT EDWARDS

Diane M. Tremmel
Diane M. Tremmel, Clerk Treasurer
201 Market Avenue, Port Edwards, WI 54489

Dated: 11-5-13

TOWN OF SARATOGA

Heldi Kawleski
Heldi Kawleski, Clerk
1120 State Highway 73 South,
Wisconsin Rapids, WI 54494

Dated: 11-5-13

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss
COUNTY OF WOOD)

Personally came before me this 5TH
day of NOVEMBER, 2013, the above-
named Diane M. Tremmel, the Clerk Treasurer of the
Village of Port Edwards, Wood County, Wisconsin,
to me known to be the person who executed the
foregoing Instrument and acknowledged the same on
behalf of the Village of Port Edwards.

Diane M. Tremmel
Print Name: Diane M. Tremmel
Notary Public, State of Wisconsin
My Commission expires: October 29, 2017

Drafted by
Brazeau, Wefel, Kryshak & Nettesheim, LLP
Attorney, J.P. La Chapelle
262 West Grand Avenue
Wisconsin Rapids, WI 54495

Record this document with the Register of Deeds

Name and Return Address: ENL
Village of Port Edwards Brazeau Law Ofc.
201 Market Avenue PO Box 639
Port Edwards, WI 54489; WI Rapids, WI
54495-0639

302 P BLD

See Exhibit A attached hereto

(Parcel Identification Number)

ACKNOWLEDGMENT

STATE OF WISCONSIN)
) ss
COUNTY OF WOOD)

Personally came before me this 5th
day of November, 2013, the above-
named Heldi Kawleski, the Clerk of the Town of
Saratoga, Wood County, Wisconsin, to me known
to be the person who executed the foregoing Instrument
and acknowledged the same on behalf of the Town of
Saratoga.

Vacquerie E. Rodgers
Print Name: Vacquerie E. Rodgers
Notary Public, State of Wisconsin
My Commission expires: July 2017

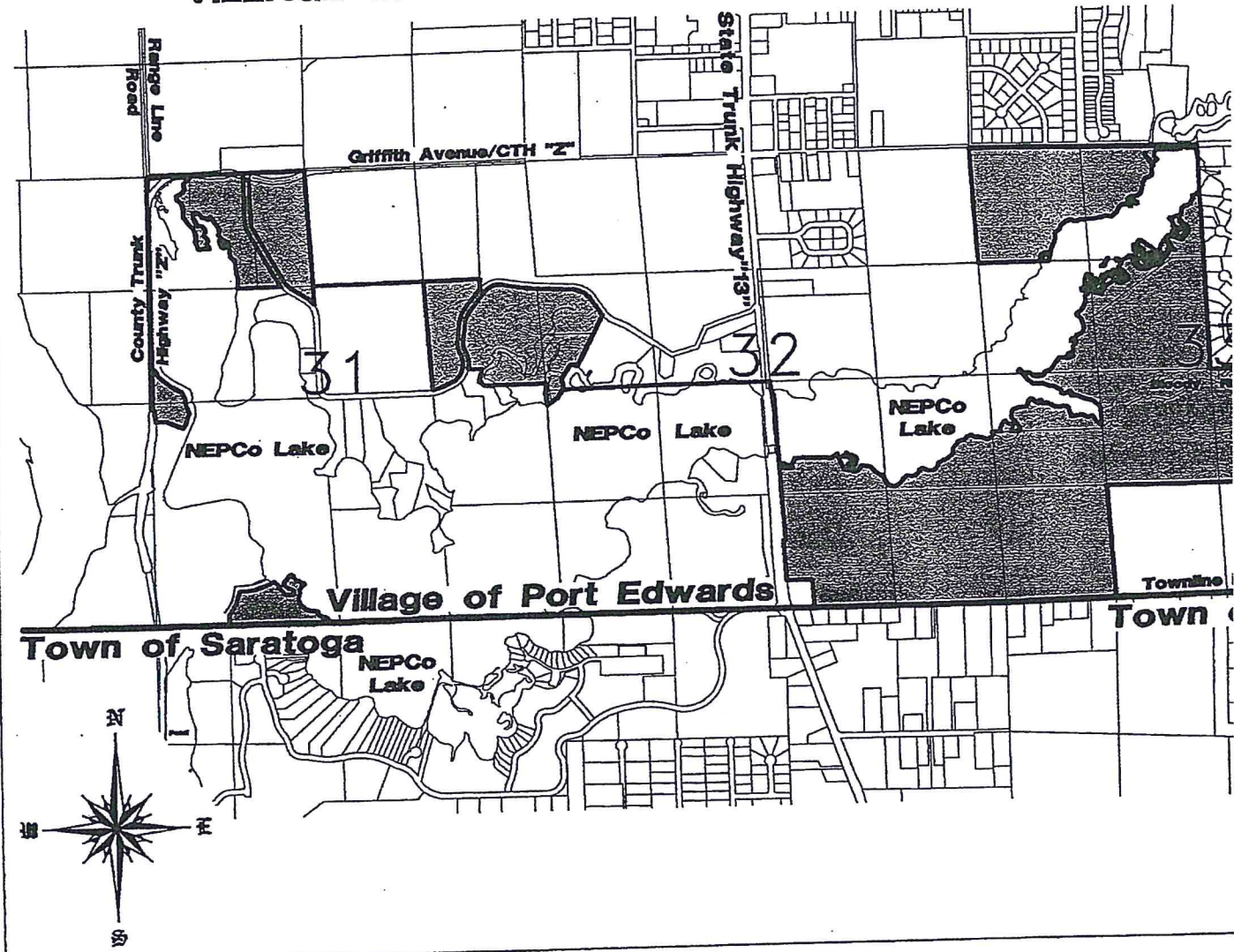


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CERTIFIED

EXHIBIT 2

THE TERRITORY = SHADED PARCELS
VILLAGE OF PORT EDWARDS / TOWN OF SARATOGA



Version: 31 July, 2013

CERTIFIED

EXHIBIT 3

The N Frl. ½ of the NW ¼ of Section 31, Township 22 North, Range 6 East, Village of Port Edwards, Wood County, Wisconsin, **EXCEPT** Wood County Certified Survey Map No. 5261 **ALSO EXCEPT** the West 150 feet of the South 465 feet. **ALSO EXCEPT** all lands below the ordinary high water mark of Nepco Lake. **ALSO EXCEPT** Commencing at the Northwest corner of said Section 31, thence S 00°18'27" E along the West line of the Northwest Quarter of said Section 31 a distance of 865.43 feet to the POINT OF BEGINNING, thence N 00°18'27" W along the West line of the Northwest Quarter of said Section 31 a distance of 865.43 feet to the Northwest corner thereof, thence N 88°50'01" E along the North line of the Northwest Quarter of said Section 31 a distance of 404 feet, thence S 01°09'59" E a distance of 20 feet to the ordinary high water line of NEPCO Lake, thence Westerly, Southwesterly and Southerly along said ordinary high water line to a point which lies N 89°02'25" E a distance of 107 feet from the POINT OF BEGINNING, thence S 89°02'25" W a distance of 107 feet to the POINT OF BEGINNING. Including any and all islands lying adjacent to the aforementioned ordinary high water line, if any.

PIN: 2700551A, 2700551B and part of 2700551C

Part of the South Half of the Fractional Northwest Quarter of Section 31, Township 22 North, Range 6 East, Village of Port Edwards, Wood County, Wisconsin lying Northerly and Easterly of a road through the Northeast corner thereof known as Nepco Lake Road. **EXCEPT** road.

PIN: 2700552A

That part of the South 400 feet of the South Frl. ½ of the NW ¼ of Section 31, Township 22 North, Range 6 East, Village of Port Edwards, Wood County, Wisconsin lying Southerly and Westerly of a line that is 75 feet Southerly and Westerly of and parallel with the ordinary high water mark of the Western shore of Nepco Lake **EXCEPT** road. **ALSO EXCEPT** Commencing at the West Quarter corner of said Section 31, thence N 89°13'41" E along the South line of the Northwest Quarter of said Section 31 a distance of 399.59 feet, thence N 01°03'57" E a distance of 41.53 feet to the **POINT OF BEGINNING**, thence N 25°50'43" W a distance of 97.47 feet, thence S 60°51'11" E a distance of 50.00 feet, thence S 01°03'57" W a distance of 63.38 feet to the **POINT OF BEGINNING**.

Part of PIN: 2700552B

That part of the North 350 feet of the SW Frl. ¼ of Section 31, Township 22 North, Range 6 East, Village of Port Edwards, Wood County, Wisconsin lying Westerly of a line that is 75 feet Westerly of and parallel with the ordinary high water mark of the Western shore of Nepco Lake **EXCEPT** all lands below the ordinary high water mark of Nepco Lake. **ALSO EXCEPT** highway. **ALSO EXCEPT** Commencing at the West Quarter corner of said Section 31, thence N 89°13'41" E along the North line of the Southwest Quarter of said Section 31 a distance 399.59 feet, thence S 20°05'50" E a distance of 142.80 feet, thence S 18°21'22" W a distance of 105.22 feet to the **POINT OF BEGINNING**, thence S 24°06'23" W a distance of 127.68 feet, thence S 89°13'41" W a distance of 314.35 feet to the Easterly right-of-way line of County Trunk Highway "Z", thence N 01°47'01" W along said Easterly right-of-way line a distance of 69.11 feet, thence N 02°41'06" W along said Easterly right-of-way line a distance of 49.12 feet, thence N 83°44'36" E a distance of 88.19 feet, thence S 82°44'53" E a distance of 64.10 feet, thence S 66°53'22" E a distance of 197.53 feet, thence N 25°46'50" E a distance of 87.34 feet to the **POINT OF BEGINNING**.

Part of PIN: 2700552B

33 acres, more or less, in Village of Port Edwards, Wood County, Wisconsin, described as the SE ¼ of the Fractional NE ¼ of Section 31, Township 22 North, Range 6 East, EXCEPT: WCCSM Nos. 4508, 5261, and 5952 and except that part lying Southerly of Nepco Lake Road and Westerly of WCCSM No. 4508.

PIN: 2700550

Part of the SW Fr. ¼ of Section 31, Township 22 North, Range 6 East, Village of Port Edwards, Wood County, Wisconsin, described as follows:

Commencing at the Southwest corner of said Section 31, thence East along the South line of the SW Fr. ¼ of said Section 31 a distance of 875.12 feet to the Northeast corner of the NW Fr. ¼ of the NW ¼ of Section 6, Township 21 North, Range 6 East and the Point of Beginning, thence North to a point which lies 50 feet Southeasterly of the Southeast edge of the canal between the Five Mile Creek reservoir and Nepco Lake, thence Northeasterly along a line which is 50 feet Southeasterly of and parallel with the Southeast edge of said canal to Westerly shoreline of Nepco Lake, thence Southeasterly along said Westerly shoreline to the South line of the SW Fr. ¼ of said Section 31, thence West along said South line to the Point of Beginning.

EXCEPT all lands below the ordinary high water mark of Nepco Lake.

ALSO EXCEPT any islands within Nepco Lake.

PIN: 2700554A

The N ½ of the SWNW of Section 32, Township 22N, Range 6E, EXCEPT WCCSM NoS. 5206, 5261, and 5952.

PIN: 2700568C

The NW Fr. ¼ of the SE ¼ of Section 32, Township 22 North, Range 6 East, Village of Port Edwards, Wood County, Wisconsin, EXCEPT that part lying North of Nepco Lake, ALSO EXCEPT highway. ALSO EXCEPT all lands below the ordinary high water mark of Nepco Lake. INCLUDING any and all islands.

PIN: 2700573

The NE Fr. ¼ of the SE ¼ of Section 32, Township 22 North, Range 6 East, Village of Port Edwards, Wood County, Wisconsin, EXCEPT that part lying North of Nepco Lake. ALSO EXCEPT all lands below the ordinary high water mark of Nepco Lake.

PIN: 2700570C

The SE ¼ of the fractional SE ¼ of Section 32, Township 22N, Range 6E.

PIN: 2700574B

The SW ¼ of the fractional SE ¼ of Section 32, Township 22N, Range 6E EXCEPT Hwy ROW and EXCEPT the South 300 feet of the West 300 feet North and East of the Hwy.

PIN: 2700574

The N ½ of the NW Fr. ¼ of the SW ¼ of Section 33, Township 22 North, Range 6 East, Village of Port Edwards, Wood County, Wisconsin. EXCEPT all lands below the ordinary high water mark of Nepco Lake. INCLUDING any and all islands.

Part of PIN: 2700582A

The S ½ of the NW ¼ of the fractional SW ¼ of Section 33, Township 22N, Range 6E.

Part of PIN: 2700582A

The SW ¼ of the fractional SW ¼ of Section 33, Township 22N, Range 6E.
PIN: 2700583

The NE ¼ of the fractional SW ¼ of Section 33, Township 22N, Range 6E.
PIN: 2700581

The NW ¼ of the fractional SE ¼ of Section 33, Township 22N, Range 6E.
PIN: 2700585

The SW Frl. ¼ of the NW ¼ of Section 33, Township 22 North, Range 6 East, Village of Port Edwards, Wood County, Wisconsin, **EXCEPT** that part lying North and West of Nepco Lake. **ALSO EXCEPT** all lands below the ordinary high water mark of Nepco Lake.
PIN: 2700579B

The SE ¼ of the fractional NW ¼ of Section 33, Township 22N, Range 6E, **EXCEPT** all lands below the ordinary high water mark of Nepco Lake.
PIN: 2700580 and 2700580B

The NE Frl. ¼ of the NW ¼ of Section 33, Township 22 North, Range 6 East, Village of Port Edwards, Wood County, Wisconsin, **EXCEPT** all lands below the ordinary high water mark of Nepco Lake.
PIN: 2700575

The NW Frl. ¼ of the NW ¼ of Section 33, Township 22 North, Range 6 East, Village of Port Edwards, Wood County, Wisconsin, **EXCEPT** all lands below the ordinary high water mark of Nepco Lake.
PIN: 2700577

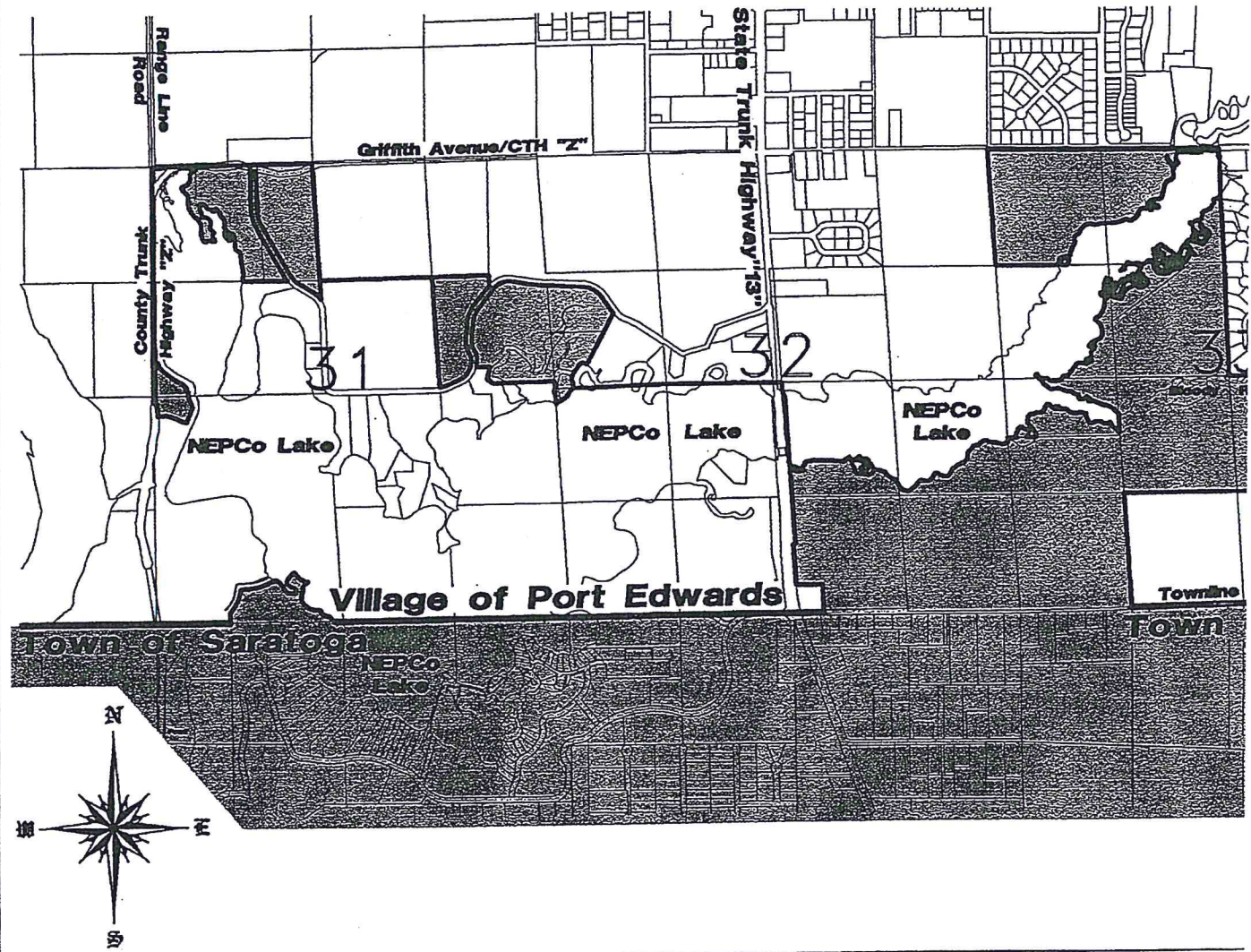
The S ½ of the SW Frl. ¼ of the NW ¼ of Section 32, Township 22 North, Range 6 East, Village of Port Edwards, Wood County, Wisconsin, **EXCEPT** Wood County Certified Survey Map Nos. 5206, 5261 and 5952. **ALSO EXCEPT** Lot 1 of Wood County Certified Survey Map No. 9588. **ALSO EXCEPT** all lands below the ordinary high water mark of Nepco Lake. **INCLUDING** any and all islands **ALSO INCLUDING** those lands below the ordinary high water mark of Nepco Lake located between such islands and the Northerly shoreline of Nepco Lake.
Part of PIN: 2700568D

That part of the NW Frl. ¼ of the SW ¼ of Section 32, Township 22 North, Range 6 East, Village of Port Edwards, Wood County, Wisconsin lying North of Nepco Lake: **EXCEPT** Wood County Certified Survey Map No. 5206, **ALSO EXCEPT** Lot 1 of Wood County Certified Survey Map No. 9588. **INCLUDING** any and all islands, **ALSO INCLUDING** those lands below the ordinary high water mark of Nepco Lake located between such islands and the Northerly shoreline of Nepco Lake
Part of PIN: 2700568D

EXHIBIT 4

TRANSITION BOUNDARY LINE

VILLAGE OF PORT EDWARDS / TOWN OF SARATOGA



Version: 31 July, 2013

CERTIFIED