



Village of Menomonee Falls

**W156 N8480 Pilgrim Road
Menomonee Falls WI 53051-3140**

Telephone: 262.532.4200

September 23, 2022

ORD11547

RECEIVED

09/23/2022

Municipal Boundary Review
Wisconsin Dept. of Admin.

Wisconsin Department of Administration
Municipal Boundary Review
PO Box 1645, Madison WI 53701-1645

To whom this may concern,

The following submittal is for the Detachment of land, pursuant to Wis. Stats, 66.0227, from the Village of Menomonee fall to the City of Brookfield, for your review.

The parcel is located at Tax Key Number MNFV 0127994 with a zero population.

If you have any questions or concerns regarding this matter, please feel free to contact Attorney Adam Koenings at 262-532-4254 or akoenings@menomonee-falls.org.

Sincerely,

A handwritten signature in blue ink that reads "Amy Dishinger".

Amy Dishinger
Village Clerk
Village of Menomonee Falls

CERTIFICATION

I, Amy Dishinger, duly appointed as the Village Clerk of the Village of Menomonee Falls, Waukesha County, State of Wisconsin, do hereby certify that the attached Ordinance No. 857-O-22 approved on August 15, 2022, regarding the detached parcel of land at N48W20275 Lisbon Road, Tax Key MNFV 0127994, to the City of Brookfield from the Village of Menomonee Falls, is a true and correct copy of the original.

In testimony whereof, I have hereunto set my hand and affixed the seal of said Village of Menomonee Falls in said County and State this 23rd day of September 2022.

Village Clerk

Official Position

Amy Dishinger

Signature



VILLAGE OF MENOMONEE FALLS ORDINANCE NO. 857-O-22

**AN ORDINANCE TO DETACH A PORTION OF LAND
FROM THE VILLAGE OF MENOMONEE FALLS
TO THE CITY OF BROOKFIELD**

WHEREAS, on June 29, 2022 the Village received a Notice of Intention to Circulate a Petition of Detachment from Tomich Investments X, LLC stating they would petition the Village of Menomonee Falls and the City of Brookfield for an Order to detach the following described real estate from the Village of Menomonee Falls and it would then become a part of the City of Brookfield:

All that part of lands located in a part of the Southwest 1/4 of the Southwest 1/4 of Section 32, Town 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

Commencing at the Southwest Corner of said Section 32; Thence North 89°03'04" East and along the South line of the said Southwest 1/4 Section, 318.60 feet to the place of beginning of lands hereinafter described;

Thence North 00°25'50" West and along the East line of Certified Survey Map No. 7392, 547.14 feet to a point on the Southwesterly Right-of-Way line of "Lisbon Road" (C.T.H "K"); Thence South 69°06'20" East and along the said Southwesterly Right-of-Way line, 98.47 feet to a point; Thence South 20°53'40" West and along the said Southwesterly Right-of-Way line, 15.00 feet to a point; Thence South 69°06'20" East and along the said Southwesterly Right-of-Way line, 479.96 feet to an angle point; Thence South 68°37'01" East and along the said Southwesterly Right-of-Way line, 429.56 feet to a point of curvature; Thence Southeasterly 81.79 feet along the said Southwesterly Right-of-Way line and the arc of a curve, whose center lies to the Northeast, whose radius is 2929.93 feet, whose central angle is 01°35'58", and whose chord bears South 69°25'00" East, 81.79 feet to a point; Thence South 00°13'37" East and along the West line of Outlot 2 of "Bradon Preserve" (A Subdivision Plat of record), 124.74 feet to a point on the said South line of the said Southwest 1/4 Section; Thence South 89°03'04" West and along the said South line of the said Southwest 1/4 Section, 1008.125 feet to the point of beginning of this description.

Said Parcel contains 332,750 Square Feet (or 7.6389 Acres) of land, more or less; and

WHEREAS, the subject parcel is located at N48W20275 Lisbon Road, Menomonee Falls, Wisconsin and identified by Tax Key Number MNFV0127994; and

WHEREAS, the subject parcel is located directly adjacent to Lisbon road on the edge of the southern border of the Village of Menomonee Falls; and

WHEREAS, the subject parcel is owned in its entirety by Tomich Investments X, LLC, with Town Bank being the Corporate Mortgagee; and

WHEREAS, on July 18, 2022 the Village received a Petition from Tomich Investments X, LLC petitioning the Village of Menomonee Falls to “to detach said Property from the Village of Menomonee Falls and it will then become part of the City of Brookfield”; and

WHEREAS, the Plan Commission has recommended that the subject property be detached; and

WHEREAS, pursuant to Wis. Stats. §66.0227, the Village Board is authorized to adopt an ordinance approving the detachment, rejecting the detachment, or approving the detachment subject to certain conditions; and

WHEREAS, the Village of Menomonee Falls finds that, subject to the conditions below, it is in the interest of the Village of Menomonee Falls to permit detachment of the subject property.

NOW, THEREFORE, the Board of Trustees of the Village of Menomonee Falls do hereby ordain as follows:

Section 1. The Village of Menomonee Falls hereby approves the detachment of the subject property (Tax Key No. MNFV 0127994) subject to the payment of \$30,000.00 by the City of Brookfield.

Section 2. Except as specifically modified and amended by this ordinance, the Municipal Code of the Village of Menomonee Falls shall remain in force and effect exactly as originally adopted and previously amended. All ordinances or parts of ordinances inconsistent with or in contravention of the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall take effect and be in full force from and after its passage and upon the acceptance of the City of Brookfield of the conditions of detachment as set forth above.

Section 4. SEVERABILITY. If a court of competent jurisdiction adjudges any section, clause, provision or portion of this ordinance unconstitutional or invalid, the remainder of this ordinance shall not be affected thereby.

Adopted by the Board of Trustees of the Village of Menomonee Falls on the 15th day of August, 2022.

By  _____
David Glasgow, Village President

Date Posted: 08/19/22-09/01/22

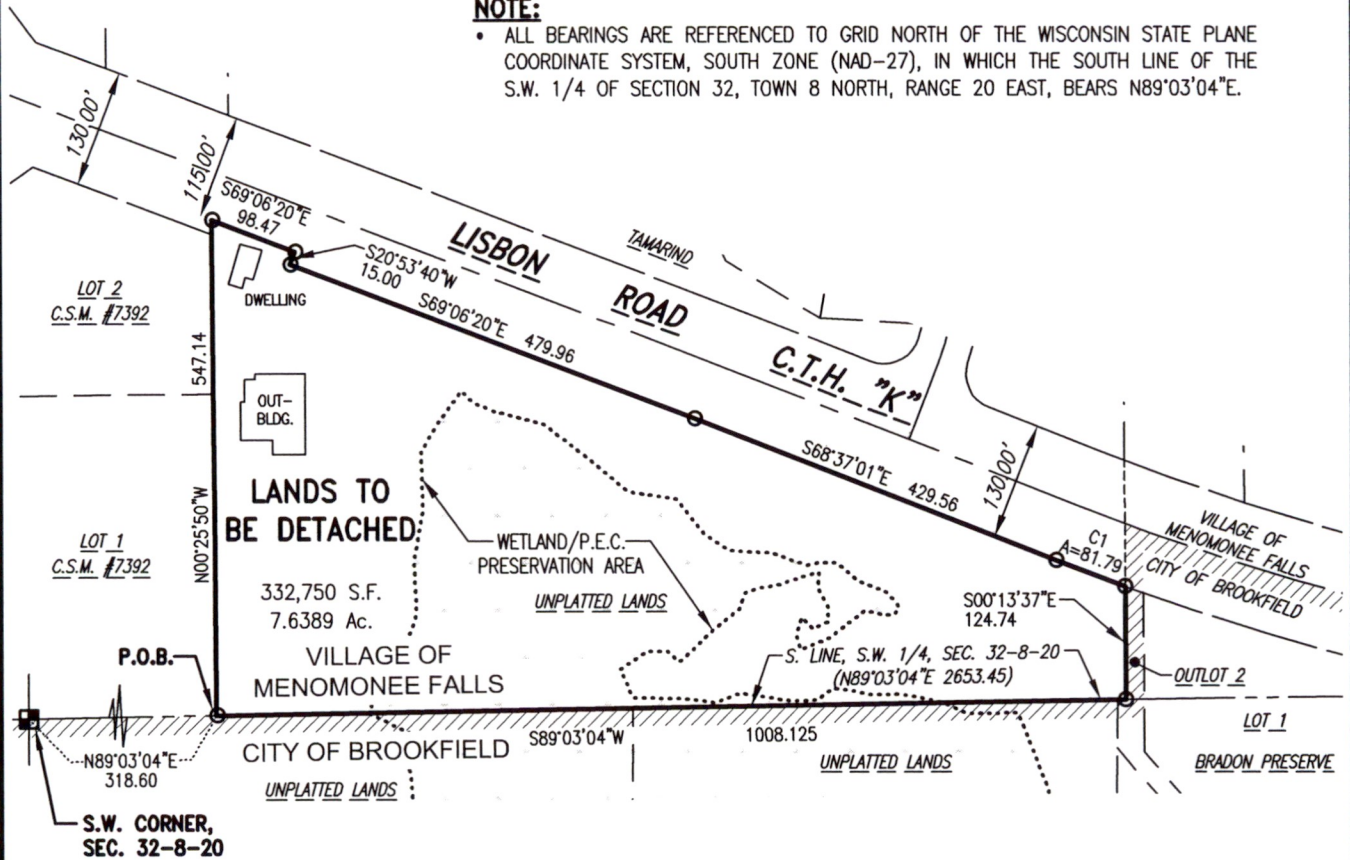
Attest  _____
Amy Dishmeyer, Village Clerk

DETACHMENT EXHIBIT "A"

ALL THAT PART OF LANDS LOCATED IN A PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 32, TOWN 8 NORTH, RANGE 20 EAST, IN THE VILLAGE OF MEMONONEE FALLS, WAUKESHA COUNTY, WISCONSIN.

NOTE:

- ALL BEARINGS ARE REFERENCED TO GRID NORTH OF THE WISCONSIN STATE PLANE COORDINATE SYSTEM, SOUTH ZONE (NAD-27), IN WHICH THE SOUTH LINE OF THE S.W. 1/4 OF SECTION 32, TOWN 8 NORTH, RANGE 20 EAST, BEARS N89°03'04"E.

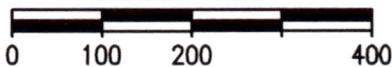


CURVE TABLE:

NO.	RADIUS	CENTRAL ANGLE	ARC	CHORD	CHORD BEARING	TANGENT IN	TANGENT OUT
C1	2929.93	1°35'58"	81.79	81.79	S69°25'00"E	S68°37'01"E	S70°12'59"E



SCALE: 1" = 200'



4100 N. Calhoun Road
Suite 300
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: 06/27/22

X:\2021\121-004-789 Northern Oaks Drawings\Exhibits\885DEX-DETACHMENT.dwg

NOTICE OF INTENTION TO CIRCULATE A PETITION OF DETACHMENT

PLEASE TAKE NOTICE, that the undersigned Owner of the Property will petition the Village of Menomonee Falls and the City of Brookfield for an Order to detach the following described real estate from the Village of Menomonee Falls and it will then become a part of the City of Brookfield.

All that part of lands located in a part of the Southwest 1/4 of the Southwest 1/4 of Section 32, Town 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

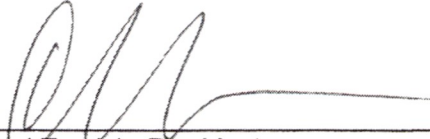
Commencing at the Southwest Corner of said Section 32; Thence North 89°03'04" East and along the South line of the said Southwest 1/4 Section, 318.60 feet to the place of beginning of lands hereinafter described;

Thence North 00°25'50" West and along the East line of Certified Survey Map No. 7392, 547.14 feet to a point on the Southwesterly Right-of-Way line of "Lisbon Road" (C.T.H "K"); Thence South 69°06'20" East and along the said Southwesterly Right-of-Way line, 98.47 feet to a point; Thence South 20°53'40" West and along the said Southwesterly Right-of-Way line, 15.00 feet to a point; Thence South 69°06'20" East and along the said Southwesterly Right-of-Way line, 479.96 feet to an angle point; Thence South 68°37'01" East and along the said Southwesterly Right-of-Way line, 429.56 feet to a point of curvature; Thence Southeasterly 81.79 feet along the said Southwesterly Right-of-Way line and the arc of a curve, whose center lies to the Northeast, whose radius is 2929.93 feet, whose central angle is 01°35'58", and whose chord bears South 69°25'00" East, 81.79 feet to a point; Thence South 00°13'37" East and along the West line of Outlot 2 of "Bradon Preserve" (A Subdivision Plat of record), 124.74 feet to a point on the said South line of the said Southwest 1/4 Section; Thence South 89°03'04" West and along the said South line of the said Southwest 1/4 Section, 1008.125 feet to the point of beginning of this description.

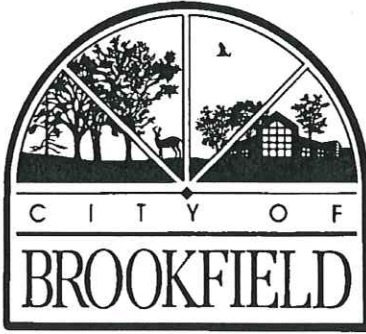
Said Parcel contains 332,750 Square Feet (or 7.6389 Acres) of land, more or less.

PLEASE TAKE NOTICE that this Property is owned in its entirety by Tomich Investments X, LLC, with Town Bank being the corporate mortgagee.

Dated this 29th day of June, 2022.



Carl Tomich, President
Tomich Investments X, LLC



OFFICE OF THE CITY CLERK

Michelle Luedtke, City Clerk
Renee J. Tadych, Deputy City Clerk
2000 North Calhoun Road
Brookfield, Wisconsin 53005-5095
(262) 782-9650

CERTIFICATION

I, Michelle Luedtke, duly appointed as City Clerk of the City of Brookfield, Waukesha County, State of Wisconsin, do hereby certify that attached Ordinance No. 2807-22 approved on August 16, 2022, regarding the attachment of a parcel of land at N48 W20275 Lisbon Road, Tax Key MNFV 0127994, from the Village of Menomonee Falls to the City of Brookfield and establishing temporary zoning, is a true and correct copy of the original.

In testimony whereof I have hereunto set my hand and affixed the seal of said City of Brookfield in said County and State this 13th day of September 2022.

City Clerk
Official Position



Signature



ORDINANCE #2807-22 OF THE CITY OF BROOKFIELD, WISCONSIN

Committee: Committee of the Whole
Committee Date: July 19, 2022
Committee Recommendation: 14-0

Public Hearing: n/a
Council Date: August 16, 2022
Council Action: 14-0

An Ordinance to Attach a Parcel of Land at N48 W20275 Lisbon Road, Tax Key # MNFV0127994, from the Village of Menomonee Falls to the City of Brookfield and establishing Temporary Zoning

WHEREAS, on July 18, 2022, pursuant to Wis. Stat. § 66.0227, Tomich Investments X, LLC, the owner of the parcel of land located at N48 W20275 Lisbon Road, Tax Key # MNFV0127994, which is further described as set forth on the attached Exhibit A and incorporated within, (the "Property") filed a petition to detach the Property from the Village of Menomonee Falls to the City of Brookfield, and

WHEREAS, the Village published the petition in its official newspaper on July 27, 2022, and

WHEREAS, no electors are residing in the Property to be detached, and

WHEREAS, the Property abuts the City and will be incorporated into the Northern Oaks subdivision plat, and

WHEREAS, the Village's Plan Commission has recommended that the Property be detached, and

WHEREAS, on August 15, 2022, the Village Board authorized the detachment of the Property subject to the payment of \$30,000 from the City to the Village, and

WHEREAS, on July 19, 2022, per Resolution No. 10433-22, the Common Council approved City staff preparing the necessary documents to secure the attachment of the Property and the payment of \$30,000 upon the Village's approval of the detachment ordinance and the Council's approval of an attachment ordinance, and

WHEREAS, the requirements of Wis. Stat. § 66.0227 have been fully complied with, and the detachment/attachment is in the best interest of both the Village and City.

NOW, THEREFORE, the Common Council of the City of Brookfield do ordain as follows:

PART I.

1. The City of Brookfield hereby approves the attachment of the Property and authorizes the payment of \$30,000 to the Village of Menomonee Falls.
2. The City Clerk shall follow the necessary filing requirements of Wis. Stat. § 66.0217.

ORDINANCE #2807-22 OF THE CITY OF BROOKFIELD, WISCONSIN

3. The proper city official(s) are hereby authorized and directed to carry out the council's action, including, but not limited to signing documents, implementing technical revisions to documents to effectuate the best interest of the City, and correcting scrivener's errors.

PART II. The temporary zoning of the property is LIGHT INDUSTRIAL/COMMERCIAL MIXED-USE DISTRICT NO. 1 per Brookfield Revised Municipal Code Chapter 17.81 and Shoreland Wetland, per Brookfield Municipal Code Chapter 17.92, subject to a future amendment to the City Zoning Map after public hearing.

PART III. The Property is hereby made a part of the 2nd Aldermanic District and shall be the 22nd Ward of the City of Brookfield. Section 2.16.030 of the Code is hereby amended to state:

2.16.030 Polling places.

The polling place for each aldermanic district shall be as follows:

2. Second Aldermanic District

Wards 4, 5, 6, and 22

Burleigh Elementary School

16185 Burleigh Place

PART IV. The City limits of the City of Brookfield, Wisconsin are hereby changed and enlarged so as to include the Property, and the official map is amended to include the Property. All persons coming within such Property shall be subject to all ordinances, rules, and regulations governing the City of Brookfield.

PART V. All ordinances and parts of ordinances contravening the provisions of this ordinance are hereby repealed. Only Part III of this ordinance shall be codified.

PART VI. If any section or portion of this ordinance shall be declared by a court of competent jurisdiction to be invalid, unlawful or unenforceable, such decision shall apply only to the specific section or portion thereof directly specified in the decision, and shall not affect the validity of any other provisions, sections, or portions thereof of the ordinance. The remainder of the ordinance shall remain in full force and effect.

ORDINANCE #2807-22 OF THE CITY OF BROOKFIELD, WISCONSIN

PART VII. The provisions of this ordinance shall be in full force and effect from and after its passage and publication.

Adopted this 16th day of August, 2022.

Approved:

A handwritten signature in blue ink, appearing to read "Steven V. Ponto", enclosed within a rectangular dashed-line border.

Mayor Steven V. Ponto

Attested:

A handwritten signature in blue ink, appearing to read "Michelle Luedtke", enclosed within a rectangular dashed-line border.

City Clerk Michelle Luedtke

Publication Date: August 23, 2022

ORDINANCE #2807-22 OF THE CITY OF BROOKFIELD, WISCONSIN

Exhibit A

All that part of lands located in a part of the Southwest 1/4 of the Southwest 1/4 of Section 32, Town 8 North, Range 20 East, in the Village of Menomonee Falls, Waukesha County, Wisconsin, now being more particularly bounded and described as follows:

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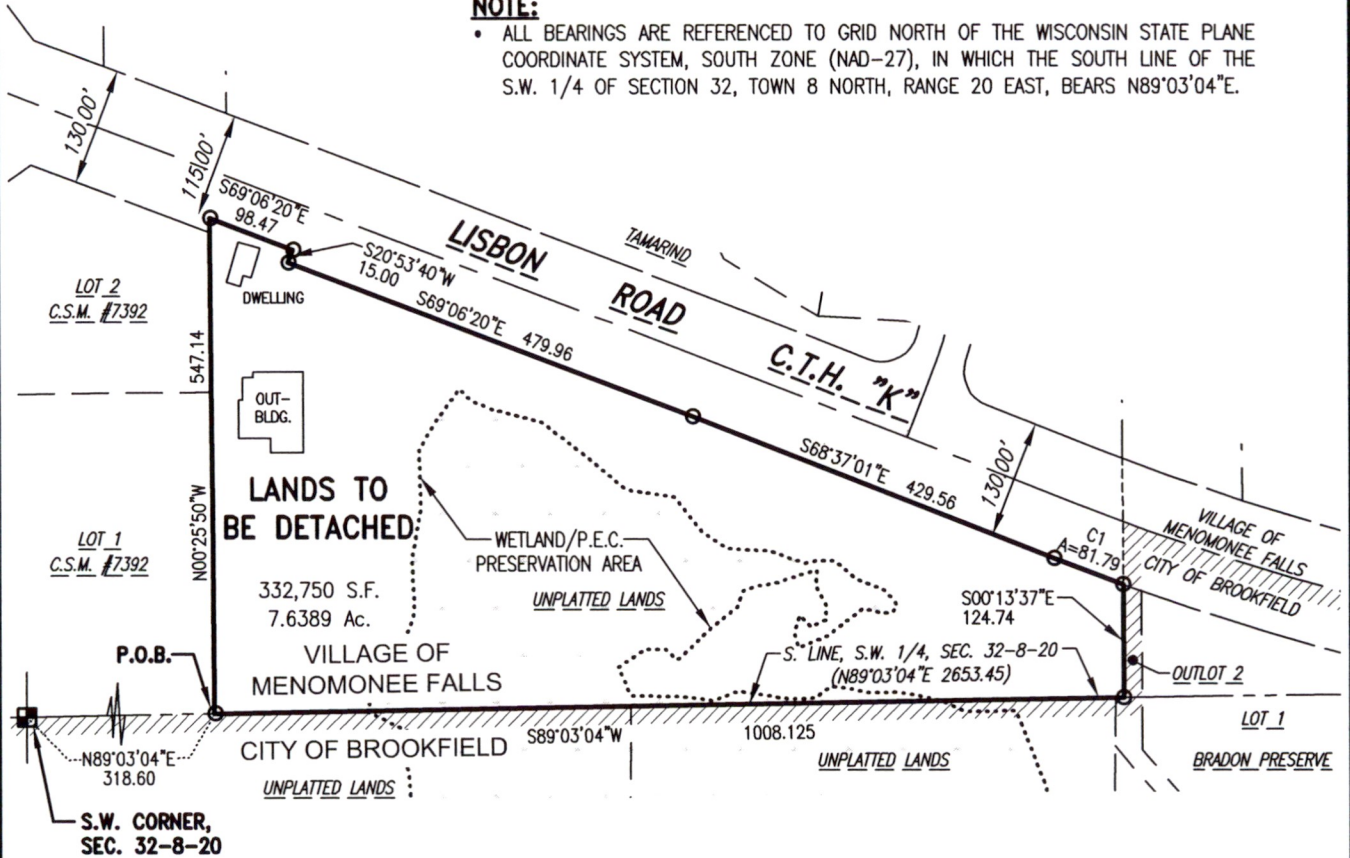
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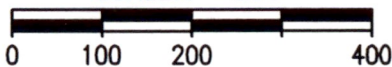


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SCALE: 1" = 200'



**4100 N. Calhoun Road
Suite 300
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: 06/27/22

X:\2022\121-004-789 Northern Oaks Drawings\Exhibits\885DEX-DETACHMENT.dwg

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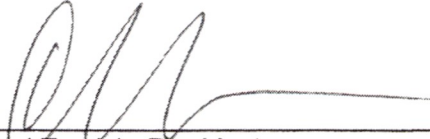
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Said Parcel contains 332,750 Square Feet (or 7.6389 Acres) of land, more or less.

PLEASE TAKE NOTICE that this Property is owned in its entirety by Tomich Investments X, LLC, with Town Bank being the corporate mortgagee.

Dated this 29th day of June, 2022.



Carl Tomich, President
Tomich Investments X, LLC