



# CITY OF MANITOWOC

WISCONSIN, USA

[www.manitowoc.org](http://www.manitowoc.org)

July 29, 2021

To: Mayor and Common Council

From: Paul Braun, City Planner

**Subject: PC 20-2021: Phelps; Petition for Direct Annexation pursuant to §66.0217(2) from the Town of Manitowoc Rapids, West Custer Street.**

At the July 28, 2021 meeting of the Manitowoc City Plan Commission, the Commission recommended to the Common Council the following action:

***Acceptance of the annexation petition as presented for the Phelps - Custer #7 Annexation area.***

Address of applicant  
Jason and Kelly Phelps  
5005 Thimbleberry Lane  
Two Rivers, WI 54241

Granicus #: 21-0693  
Attachments: Ordinance, Resolution, Maps

*Community Development Department • Phone (920) 686-6930  
CITY HALL • 900 Quay Street • Manitowoc, WI 54220-4543 • Fax (920) 686-6939 • [www.manitowoc.org](http://www.manitowoc.org)*

## ORDINANCE

An Ordinance to annex certain territory from the Town of Manitowoc Rapids to the City of Manitowoc as part of the 9th Aldermanic District and the 36th Ward of the City.

**WHEREAS**, the petition to annex the territory (Custer #7) described below has been filed with the City of Manitowoc; and

**WHEREAS**, the petition meets the requirements of Wisconsin Statute Section 66.0217(2) Unanimous Approval Annexation; and

**WHEREAS**, the Manitowoc Common Council has determined that the City has reasonable need for the property and it is in the best interest of the petitioners, the residents and owners of property in the area to be annexed and the City of Manitowoc to annex the property to the City; and

**WHEREAS**, the Common Council has reviewed the recommendations of the Wisconsin Department of Administration pursuant to Wisconsin Statute Section 66.0217(6)(a); and

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Common Council of the City of Manitowoc do ordain as follows:

**SECTION 1.** Territory Annexed. Pursuant to Wisconsin Statute Section 66.0217(8), the following described territory in the Town of Manitowoc Rapids, Manitowoc County, Wisconsin is hereby annexed to the City of Manitowoc:

### DESCRIPTION

A tract of land located in the NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  of Section 26, T.19N., R.23E., Town of Manitowoc Rapids, Manitowoc County, Wisconsin, described as follows:

Commencing at the South  $\frac{1}{4}$  corner of said Section 26, thence N00°32'21"E along the  $\frac{1}{4}$  section line 1,311.19 feet (recorded as N00°31'58"E, 1,311.05 feet) to the Southeast corner of said NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$ , thence S89°53'14"W along the south line of said NE  $\frac{1}{4}$  of the SW  $\frac{1}{4}$  340.92 feet (recorded as S88°53'30"W, 341.00 feet) to the point of real beginning, thence N00°00'25"E (recorded as N01°18'00"W) 271.32 feet, thence N89°11'43"W 224.50 feet, thence S06°04'47"W 276.53 feet to said south line, thence N89°53'14"E along said south line 253.74 feet to the point of real beginning.

Said tract contains 1.50 acres (65,331 Square feet).

**SECTION 2.** Aldermanic District, Ward and Population. The territory herein described has a population of zero (0), is made part of the 9th Aldermanic District and 36<sup>th</sup> Ward of the City of Manitowoc:

**SECTION 3.** Zone District Classification. The temporary zoning classification is R-1 Residential – Agricultural the territory's proposed permanent zoning classification will be "R-4" Single and Two Family Residential, all according to the attached map.

**SECTION 4.** Two Thirds Vote. Passage of this Ordinance requires a two-thirds vote of the elected members of the Common Council.

**SECTION 5.** Effective Date. This Ordinance shall take effect on the day after its publication.

**SECTION 6.** The Wisconsin Department of Administration Municipal Boundary Review Number is 14418.

INTRODUCED \_\_\_\_\_ ADOPTED \_\_\_\_\_

\_\_\_\_\_  
Justin M. Nickels, Mayor

APPROVED \_\_\_\_\_

This Ordinance was drafted by Paul Braun, City Planner and edited by Elizabeth Majerus, Assistant City Attorney.

Fiscal Impact: Minimal; required publication costs  
Funding Source: 2021 budgeted line item for publication costs  
Finance Director Approval: /  
Approved as to form: /

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**RESOLUTION**

**WHEREAS** Section 5.15 of the Wisconsin State Statutes (as amended by Chapter 4 of the Laws of 1981) requires cities to create Wards, and

**WHEREAS** the Manitowoc Common Council did annex territory (Custer #7 Area), and

**WHEREAS** a recent Attorney General's opinion has indicated that districts set by reapportionment are not changed by annexation in regards to voting,

**NOW THEREFORE, BE IT RESOLVED** by Mayor Justin M. Nickels and the Common Council, that the City of Manitowoc creates Ward Number 36, population zero (0), for the Custer #7 Annexation Area and provides the following boundary description:

**DESCRIPTION**

A tract of land located in the NE ¼ of the SW ¼ of Section 26, T.19N., R.23E., Town of Manitowoc Rapids, Manitowoc County, Wisconsin, described as follows:

Commencing at the South ¼ corner of said Section 26, thence N00°32'21"E along the ¼ section line 1,311.19 feet (recorded as N00°31'58"E, 1,311.05 feet) to the Southeast corner of said NE ¼ of the SW ¼, thence S89°53'14"W along the south line of said NE ¼ of the SW ¼ 340.92 feet (recorded as S88°53'30"W, 341.00 feet) to the point of real beginning, thence N00°00'25"E (recorded as N01°18'00"W) 271.32 feet, thence N89°11'43"W 224.50 feet, thence S06°04'47"W 276.53 feet to said south line, thence N89°53'14"E along said south line 253.74 feet to the point of real beginning.

Said tract contains 1.50 acres (65,331 Square feet).

**BE IT FURTHER RESOLVED** that Ward Number 36 is combined with the 17<sup>th</sup>, 18<sup>th</sup>, 21<sup>st</sup>, 23<sup>rd</sup>, 24<sup>th</sup>, 25<sup>th</sup>, 26<sup>th</sup>, 28<sup>th</sup>, 32<sup>nd</sup>, 33<sup>rd</sup>, and 35<sup>th</sup> Wards for voting purposes and use a common polling place as established for the 9th Aldermanic District, however, separate returns shall be maintained as necessary for the applicable elected offices that require separate returns.

INTRODUCED \_\_\_\_\_

ADOPTED \_\_\_\_\_

\_\_\_\_\_  
Justin M. Nickels, Mayor

APPROVED \_\_\_\_\_

This Ordinance was drafted by Paul Braun, City Planner and edited by Elizabeth Majerus, Assistant City Attorney.

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Funding Source: 2021 budgeted line item for publication costs  
Finance Director Approval: /  
Approved as to form: /

# Aldermanic District 9

## Ward 36

Town of  
Manitowoc Rapids

SW 1/4  
SEC 26,  
T19N, R23E

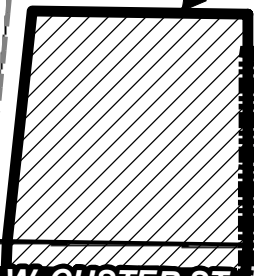
1/4 Section Line

City Limits  
LOT  
3

TR 1  
SE 1/4  
SEC 26,  
T19N, R23E

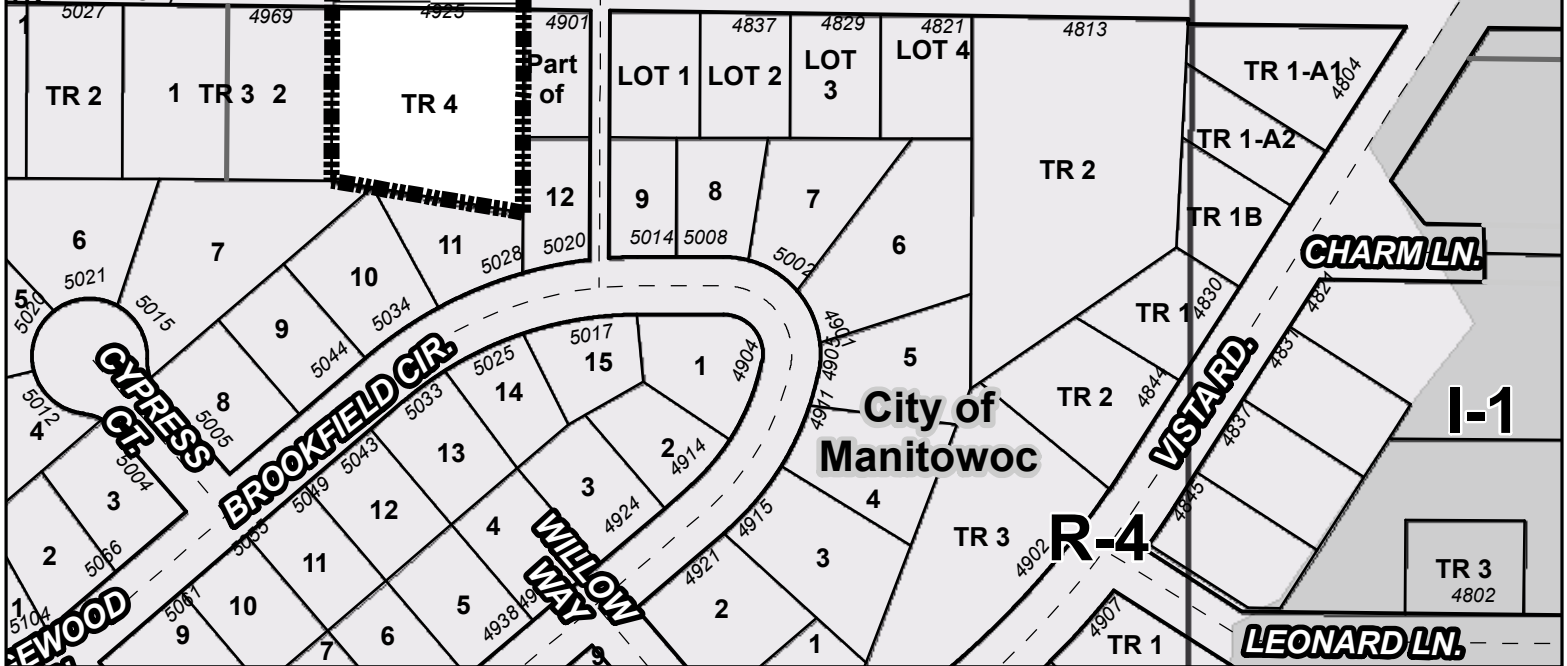
**P-1**

Annexation  
Area



**W. CUSTER ST.**

City Limits



**Custer #7**

City of Manitowoc, WI

**Aldermanic District #9**

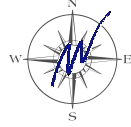
**Ward 36**

**Population: 0**

PC 20-2021 Annexation  
W. Custer St.

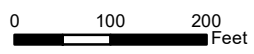
**Legend**

- Annexation Area
- Official Map Street
- Corporate Limits



DISCLAIMER: Maps and associated data are believed to be accurate, but are not warranted. This information is not intended for legal, survey, or other related uses. Please obtain the original recorded documents for legal or survey information.

Prepared by City of Manitowoc  
Community Development Department  
www.manitowoc.org  
Map Plotted: 8/2/2021





# Aldermanic District 9

## Ward 36

Town of  
Manitowoc Rapids

SW 1/4  
SEC 26,  
T19N, R23E

TR 1  
SE 1/4  
SEC 26,  
T19N, R23E

P-1

Annexation  
Area

W. CUSTER ST.

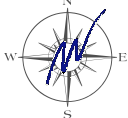
CHARM LN.

City of  
Manitowoc

R-4

I-1

LEONARD LN.



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Map Plotted: 8/2/2021

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Custer #7

City of Manitowoc, WI

Aldermanic District #9




Ward 36

Population: 0

0 100 200  
Feet

PC 20-2021 Annexation  
W. Custer St.

Legend

-  Annexation Area
-  Official Map Street
-  Corporate Limits

Manitowoc City Plan Commission



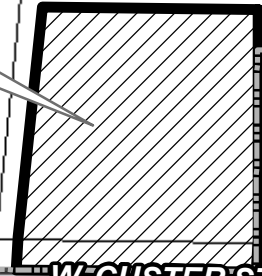
**Town of  
Manitowoc Rapids**

**SW 1/4  
SEC 26  
T19N R23E**

**SE 1/4  
SEC 26  
T19N R23E**

1/4 Section Line

**Proposed  
Rezone to R-4**



**P-1**

**R-4**

**I-1**

City Limits

**W. CUSTER ST.**

**V. STARD.**

**CHARM LN.**

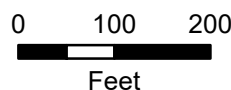
**BROOKFIELD CR.**

**City of  
Manitowoc**

**LEONARD LN.**

**Proposed Rezone Property from R-1 Residential-Agricultural  
to R-4, Single- and Two-Family District**

PC 20-2021  
W. Custer St.



Legend

 Proposed Rezone

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Map Plotted: 6/14/2021

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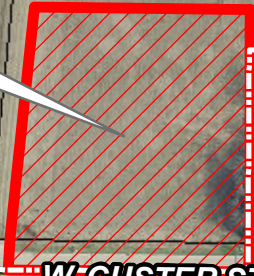
Town of  
Manitowoc Rapids

SW 1/4  
SEC 26  
T19N R23E

SE 1/4  
SEC 26  
T19N R23E

1/4 Section Line

Proposed  
Rezone to R-4



P-1

R-4

I-1

City Limits

W. CUSTER ST.

VISTARD.

CHARM LN.

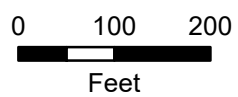
BROOKFIELD CR.

City of  
Manitowoc


LEONARD LN.

### Proposed Rezone Property from R-1 Residential-Agricultural to R-4, Single- and Two-Family District

PC 20-2021  
W. Custer St.



**Legend**

 Proposed Rezone

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