

**Chapter 22**  
**ANNEXATIONS**

**§ 22-1. Annexations.**

**§ 22-2. Temporary Zoning Classification**

**[HISTORY: Adopted by the Village Board of the Village of Fall Creek 9-11-2003 as Ch. 2, Sec. 1. Amendments noted where applicable. Renumbered to Ch. 22 5-10-2021]**

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**§ 22.1. Annexations.**

The following annexations have been ratified by the Village Board from and after July, 1997:

- A. In accordance with W.S.A.s66.02(12) and the petition for direct annexation filed with the Village Clerk-Treasurer on the 22<sup>nd</sup> day of April 1997, signed by the owners of the vacant land proposed to be annexed, the following described territory in the Town of Lincoln, Eau Claire County, Wisconsin, is annexed to the Village of Fall Creek, Wisconsin; the south 560 feet of the NE ¼ of the NE ¼ and the SE ¼ of the NE ¼, all in Section 1, Township 26 North, Range 8 West.
- (1) Effect of annexation. From and after the date of this Subsection A, the territory described above shall be a part of the Village of Fall Creek for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the Village of Fall Creek.
  - (2) Ward designation. The territory described in this Subsection A is hereby made a part of Ward 2 of the Village of Fall Creek, subject to the ordinances, rules and regulations of the village governing wards.  
**Petitioner: Darrel & Diane Goss.**
- B. In accordance with W.S.A.s.66.025, the following territory in the Town of Lincoln, Eau Claire County, Wisconsin, which is presently owned by and contiguous to the Village of Fall Creek, be and is hereby annexed to the Village of Fall Creek, Wisconsin: Lot 1 of Certified Survey Map No. 1610 as recorded in Volume 8 of C.S.M., at page 328 as Document No. 764681, being part of the SW ¼ of the NE ¼, Section 1, Township 26 North, Range 8 West, Village of Fall Creek, Eau Claire, Wisconsin.
- (1) Effect of annexation. From and after the date of this Subsection B, the territory described above shall be a part of the Village of Fall Creek for any and all purposes provided by law, and all persons coming or residing within such territory shall be subject to all ordinance, rules and regulations governing the Village of Fall Creek.
  - (2) Ward designation. The territory described in this Subsection B is hereby made a part of Ward 2 of the Village of Fall Creek, subject to the ordinances, rules and regulations of the village governing wards.  
**Petitioner: Edward Brettin - Location: Water Tower**

- C. In accordance with §66.0217(2), Wis.Stats., and the petition for direct annexation upon unanimous consent, filed with the Village Clerk-Treasurer on January 18, 2003, signed by all of the owners of the real estate in question and all of the electors residing upon the said real estate, the following described territory in the Town of Lincoln, Eau Claire County, Wisconsin, is annexed to the Village of Fall Creek, Wisconsin:

The NE ¼ of the NW ¼ and the NW ¼ of the NE ¼ and the SW ¼ of the NE ¼ of Section 1, Township 26 North, Range 8 West, except the Highway 12 right of way as described in Volume 140 of Records, Page 350, and also except Lot 1 of Certified Survey Map #1610, recorded in Volume 8 of Certified Survey Maps, Page 328, as Document #764681, Town of Lincoln, Eau Claire County, Wisconsin.

- (1) Effect of Annexation. From and after the date of this Subsection C, the territory described above shall be part of the Village of Fall Creek for any and all purposes provided by law and all persons coming within such territory shall be subject to all ordinances, rules and regulations governing the Village of Fall Creek.
- (2) Ward Designation. The territory described in this Subsection C, is hereby made a part of Ward 2 of the Village of Fall Creek, subject to the ordinances, rules and regulations of the village governing wards.

**Petitioner: Charles & DeAnna Haldeman**

- D. In accordance with §66.0223, Wis. Stats., and upon petition of the Village Board, the following real estate owned by the Village, but not contiguous to the then Village boundaries, was detached from the Town of Lincoln and annexed to the Village of Fall Creek:

Lot 1 of the Certified Survey Map No. 320 recorded in Volume 2 of the Certified Survey Maps, Page 83 as Document No. 522960, being part of the Northeast 1/4 of the Southwest 1/4 and a part of the Northwest 1/4 of the Southwest 1/4 of Section 32. Township 27 North, Range 7 West, Town of Lincoln, Eau Claire County, Wisconsin. **[Description Amended 5-8-2017]**

The said territory, while non-contiguous, is utilized by the Village as the site of its sewage treatment plant and said use is not contrary to any County zoning regulation.

Section Two: That the above-described territory be and is hereby detached from the Town of Lincoln, Eau Claire County, Wisconsin, and is attached to the Village of Fall Creek, Eau Claire County, Wisconsin.

Section Three: That the Village Clerk is hereby directed to file seven (7) certified copies of this ordinance with the office of the Secretary of State, State of Wisconsin, together with seven (7) copies of a map or plat showing the boundaries of the territory attached in relationship to the current boundaries of the Village of Fall Creek. In

addition, within ten (10) days of filing the certified copies, a copy of the ordinance and map or plat shall be mailed or delivered by the Village Clerk to the Eau Claire County Clerk.

Section Four: That this ordinance need not be codified. That this ordinance shall take effect upon its adoption and publication as required by law. **[Added 3-8-2007]**

**Location: Seepage Cells & Wastewater Treatment Plant (Kopplin Road)**

- E. In accordance with §66.0217 (2), Wis. Stats., and the petition for direct annexation upon unanimous consent, filed with the Village Clerk-Treasurer on May 15, 2007, signed by all of the owners of the real estate in question, there being no electors residing in said territory, the following described real estate was detached from the Town of Lincoln and annexed to the Village of Fall Creek:

A PARCEL OF LAND LOCATED IN THE SW<sup>1</sup>/<sub>4</sub> OF THE SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> OF THE SE<sup>1</sup>/<sub>4</sub>, NE<sup>1</sup>/<sub>4</sub> OF THE SE<sup>1</sup>/<sub>4</sub>, NW<sup>1</sup>/<sub>4</sub> OF THE SE<sup>1</sup>/<sub>4</sub>, SE<sup>1</sup>/<sub>4</sub> OF THE SW<sup>1</sup>/<sub>4</sub>, AND NE<sup>1</sup>/<sub>4</sub> OF THE SW<sup>1</sup>/<sub>4</sub>, SECTION 36, T27N, R8W, EAU CLAIRE COUNTY, WISCONSIN BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTH QUARTER CORNER OF SAID SECTION 36; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SECTION, 1321 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF THE SE<sup>1</sup>/<sub>4</sub> OF THE SW<sup>1</sup>/<sub>4</sub>; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID SE<sup>1</sup>/<sub>4</sub> OF THE SW<sup>1</sup>/<sub>4</sub> AND THE WEST LINE OF THE NE<sup>1</sup>/<sub>4</sub> OF THE SW<sup>1</sup>/<sub>4</sub>, 1909 FEET MORE OR LESS TO THE SOUTHWEST CORNER OF THE NORTH 22.5 ACRES OF THE NE<sup>1</sup>/<sub>4</sub> OF THE SW<sup>1</sup>/<sub>4</sub>; THENCE EASTERLY, ALONG THE SOUTH LINE OF SAID NORTH 22.5 ACRES, A DISTANCE OF 1321 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF SAID 22.5 ACRES; THENCE EASTERLY, ALONG THE SOUTH LINE OF THE NORTH 22.5 ACRES OF THE NW<sup>1</sup>/<sub>4</sub> OF THE SE<sup>1</sup>/<sub>4</sub>, A DISTANCE OF 1322 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF SAID NORTH 22.5 ACRES; THENCE NORTHERLY, ALONG THE WEST LINE OF SAID NE<sup>1</sup>/<sub>4</sub> OF THE SE<sup>1</sup>/<sub>4</sub>, 170 FEET MORE OR LESS TO THE INTERSECTION OF SAID WEST LINE AND THE CENTERLINE OF WATER TOWER ROAD; THENCE SOUTHERLY, SOUTHEASTERLY AND SOUTHWESTERLY, ALONG SAID CENTERLINE, A DISTANCE OF 1040 FEET MORE OR LESS TO THE INTERSECTION OF SAID CENTERLINE AND THE NORTH LINE OF SAID SE<sup>1</sup>/<sub>4</sub> OF THE SE<sup>1</sup>/<sub>4</sub>; THENCE WESTERLY, ALONG SAID NORTH LINE, 37 FEET MORE OR LESS TO THE NORTHEAST CORNER OF OUTLOT 1, CERTIFIED SURVEY MAP RECORDED IN VOLUME 7, PAGES 28-29 OF CERTIFIED SURVEY MAPS; THENCE SOUTHWESTERLY, ALONG THE EASTERLY LINE OF SAID OUTLOT, 4 FEET MORE OR LESS TO

THE SOUTHERLY CORNER OF SAID OUTLOT AND THE EAST LINE OF SAID SW $\frac{1}{4}$  OF THE SE $\frac{1}{4}$ ; THENCE SOUTHERLY, ALONG SAID EAST LINE, 1315 FEET MORE OR LESS TO THE SOUTHEAST CORNER OF SAID SW $\frac{1}{4}$  OF THE SE $\frac{1}{4}$ ; THENCE WESTERLY, ALONG THE SOUTH LINE OF SAID SW $\frac{1}{4}$  OF THE SE $\frac{1}{4}$ , 1322 FEET MORE OR LESS TO THE POINT OF BEGINNING AND CONTAINING 119 ACRES MORE OR LESS.

Section Two: The Direct Annexation Petition was signed by the owner of all of the real estate described in Section One and no electors reside upon said real estate.

Section Three: The real estate described in Section One shall be attached to the 2<sup>nd</sup> Ward of the Village of Fall Creek.

Section Four: This real estate shall not be zoned effective upon the adoption of this Ordinance; however, the matter of the zoning of the real estate shall be referred to the Plan Commission for processing in accord with §62.23, Wis. Stats., and applicable City ordinances.

Section Five: From and after the date of adoption of this Ordinance, the territory described in Section One shall be a part of the Village of Fall Creek for all purposes provided for by law and all ordinances, rules and regulations adopted by the Village and generally applying throughout the Village shall be applicable thereto.

Section Six: This Ordinance is adopted pursuant to §66.0217(2) and (8), Wis. Stats. It shall be subject to §66.0217(14), Wis. Stats.

Section Seven: This ordinance takes effect upon its adoption. In addition, the Village Clerk shall file this Ordinance and shall in a timely manner serve copies of it together with the scale map accompanying the Petition for Direct Annexation with those parties required by and under §66.0217(9), Wis. Stats. **[Added 9-13-2007]**

**Petitioner: Lowell Russ - Location: Water Tower Road**

- F. In accordance with §66.0217(2), Wis. Stats., and the petition for direct annexation upon unanimous consent, filed with the Village Clerk-Treasurer on September 19, 2007, signed by all of the owners of the real estate described below, there being no electors residing in said territory, the following described parcels of real estate have been detached from the Town of Lincoln and annexed to the Village of Fall Creek:

Parcel #1: A parcel of land located in the SW 1/4 of the NW 1/4, Section 7, T26N, R7W, Eau Claire County, Wisconsin being more particularly described as follows: Commencing at the West quarter corner of said Section; thence N.00°04'21"E., along the West line of said Section, 533.27 feet to the point of beginning; thence continuing N.00°04'21"E. 794.81 feet to the Northwest corner of said SW 1/4 of the NW 1/4; thence N.89°19'50"E., along the North line of said SW 1/4 of the NW 1/4, 801.49 feet to its intersection with the northerly line of Willoby Road; thence S.67°01'16"W., along said northerly line, 328.80 feet; thence S.00°50'21"W. 705.75 feet; thence N.86°30'30"W. 490.30 feet to the point of beginning and containing 9.67 acres more or less.

Parcel #2: A parcel of land in the NE 1/4 of the NW 1/4 and SE 1/4 of the NE 1/4, Section 5, T26N, R7W being more particularly described as follows: Commencing at the West quarter corner of said Section 5; thence N.88°03'20"E. 1926.67 feet; thence N.04°18'39"W. 33.03 feet to the point of beginning; thence S.88°03'20"W. 592 feet more or less to the West line of said SE 1/4 of the NW 1/4; thence Northerly along said West line and the West line of said NE 1/4 of the NW 1/4 1959.8 feet; thence N.88°58'00"E. 438.5 feet to a point N.04°18'39"W. 1952.88 feet from the point of beginning; thence S.04°18'39"E. 1952.88 feet to the point of beginning and containing 20.46 acres more or less.

Section Two: The Direct Annexation Petition was signed by the owner of all of the real estate described in Section One and no electors reside upon said real estate.

Section Three: The real estate described in Section One shall be attached to the 2<sup>nd</sup> Ward of the Village of Fall Creek.

Section Four: This real estate shall not be zoned effective upon the adoption of this Ordinance; however, the matter of the zoning of the real estate shall be referred to the Plan Commission for processing in accord with §62.23, Wis. Stats., and applicable City ordinances.

Section Five: From and after the date of adoption of this Ordinance, the territory described in Section One shall be a part of the Village of Fall Creek for all purposes provided for by law and all ordinances, rules and regulations adopted by the Village and generally applying throughout the Village shall be applicable thereto.

Section Six: This Ordinance is adopted pursuant to §66.0217(2) and (8), Wis. Stats. It shall be subject to §66.0217(14), Wis. Stats.

Section Seven: This ordinance takes effect upon its adoption. In addition, the Village Clerk shall file this Ordinance and shall in a timely manner serve copies of it together with the scale map accompanying the Petition for Direct Annexation with those parties required by and under §66.0217(9), Wis. Stats. **[Added 10-10-2007]**

**Petitioner: Thomas & Denise Bauer - Location: Parcel #1 Bauer Farm-Willoby Road, Parcel #2 Industrial Park**

- G. There being, in addition to other methods provided by law, a means of annexing territory owned by the Village of Fall Creek to itself with respect to territory lying adjacent to or near the current Village boundaries, it is the intention of the Village of Fall Creek to exercise the said powers vested in it pursuant to §66.0223, Wis. Stats., by the adoption of this Ordinance.

Section Two: Description of Territory Annexed to the Village of Fall Creek  
The territory annexed to the Village of Fall Creek pursuant to this Ordinance is described as follows:

That portion of the NE 1/4 of the SE 1/4 of Section 1, Township 26 North, Range 8 West, Eau Claire County, Wisconsin, more fully described as follows:

A parcel of real estate in the NE 1/4 of the SE 1/4 of Section One (1), Township Twenty-Six (26) North, Range eight (8) West, more fully described as follows: Commencing at the Northwest (NW) corner of the said NE 1/4 of the SE 1/4, the point of beginning; thence continuing South along the West line of the NE 1/4 of the SE 1/4 One Hundred Twenty-Four (124) feet; thence Easterly along a line parallel to the North line of the NE 1/4 of the SE 1/4, One Hundred Fifty (150) feet; thence Northerly along a line parallel to the West line of the NE 1/4 of the SE 1/4, One Hundred Twenty-Four (124) feet; thence Westerly along a line parallel to the North line of the NE 1/4 of the SE 1/4, One Hundred Fifty (150) feet to the point of beginning; and

All of the right-of-way of USH 12, lying immediately to the North of said described parcel and between it and the current Village limits, more fully described as commencing at the Southwest (SW) corner of the SE 1/4 of the NE 1/4 of Section One (1), Township Twenty-Six (26) North, Range Eight (8) West thence Easterly for a distance of One Hundred Fifty (150) feet.

Section Three: That the Village of Fall Creek is the sole owner of all of the real estate described in Section Two, with the exception of all or part of the width of the described highway right-of-way.

Section Four: That the real estate described in Section Two is hereby detached from the Town of Lincoln and attached to the Village of Fall Creek pursuant to §66.0223(1), Wis. Stats..

Section Five: That attached to this Ordinance is a scale map of the territory described in Section Two, showing its relationship to the current boundaries of the Village of Fall Creek immediately prior to the adoption of this Ordinance.

Section Six: That the Village Clerk shall file seven (7) certified copies of this Ordinance in the Office of the Secretary of State of the State of Wisconsin, together with 7 copies of a plat showing the boundaries of the territory attached. That a copy shall be filed with the Clerk of the Town of Lincoln. In addition, the Clerk shall mail or deliver a copy of this Ordinance to the Eau Claire County Clerk.

Section Seven: That this ordinance is not subject to §66.0223(2), Wis. Stats., in that the real estate owned by the Village to be annexed to the Village hereunder is located in Eau Claire County, which is the same County in which the Village and Town of Lincoln are both located. **[Added 6-9-2014]**

**Petitioner: Rachel Kaeding - Location: Wellhouse #1**

#### **§ 22-2 Temporary zoning classification of real estate annexed to Village**

- A. Upon receipt of a petition for annexation of real estate to the Village, the Clerk shall place the petition on the agenda in ordinance form for a first reading at the next regularly scheduled meeting of the Village Board. Without taking any further or other action, the Village Board shall, at the time of said first reading, recommend to the Plan

Commission, that it be placed in the Urban Transitional Zoning District under § 268-25. Prior to the adoption of an annexation ordinance by the Village Board, the Plan Commission shall issue its recommendations as to temporary zoning of the real estate in question and the Village Board may incorporate said recommendations into its final annexation ordinance. Subsequent to the adoption of the annexation ordinance but within a reasonable period of time thereafter, the matter of the permanent zoning classification of the annexed real estate shall be referred back to the Plan Commission which shall issue its recommendations to the Village Board for adoption of a permanent zoning classification for the real estate in question all in accord with § 62.23(7), Wis. Stats.

- B. The determination of permanent zoning classification for real estate annexed to the Village shall be made in a manner compatible with the Village Comprehensive Plan and upon the basis of such other factors as are deemed to be appropriate by the Plan Commission and Village Board in accord with Ch. 268 of the Village Code.