

ORDINANCE NO. 168

AN ORDINANCE TO REZONE AND AMEND THE
ZONING MAP, VILLAGE OF OCONOMOWOC LAKE, WISCONSIN - 1990
OF THE VILLAGE OF OCONOMOWOC LAKE ZONING CODE
BY PLACING CERTAIN LANDS IN THE VILLAGE OF OCONOMOWOC LAKE
FROM A TEMPORARY R-1 GENERAL AGRICULTURAL/RURAL RESIDENTIAL DISTRICT
TO A PERMANENT R-1 GENERAL AGRICULTURAL/RURAL RESIDENTIAL DISTRICT

WHEREAS, a petition has been filed by the Village Board of the Village of Oconomowoc Lake ("petitioner"), the owner of certain lands in the Village of Oconomowoc Lake, to rezone said property as described in Exhibit 1 attached hereto and incorporated herein ("original subject lands"); and

WHEREAS, said rezoning petition was submitted to rezone the original subject lands from a temporary R-1 General Agricultural/Rural Residential District to a permanent R-1 General Agricultural/Rural Residential District; and

WHEREAS, the petitioner has supplied all required data pursuant to the Village of Oconomowoc Lake Zoning Code, and a public hearing was conducted by the Village of Oconomowoc Lake on May 4, 1998; and

WHEREAS, said rezoning petition has been submitted to the Plan Commission of the Village of Oconomowoc Lake for report and recommendation; and

WHEREAS, the Plan Commission of the Village of Oconomowoc Lake has recommended to the Village Board of the Village of Oconomowoc Lake that said zoning change be made on a portion of the original subject lands as described in Exhibit 2 attached hereto and incorporated herein ("subject lands"); and

WHEREAS, the Village Board of the Village of Oconomowoc Lake held a second public hearing on July 20, 1998; and

WHEREAS, the Village Board of the Village of Oconomowoc Lake having carefully reviewed the recommendation of the Plan Commission of the Village of Oconomowoc Lake, having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such rezoning on the health, safety and welfare of the community, immediate neighborhood in which said use will be located, and having given due consideration to the municipal problems involved as well as the impact on the surrounding properties as to noise, dust, smoke and odor, and others, hereby determine that the rezoning will not violate the spirit or intent of the Zoning Code for the Village of Oconomowoc Lake, will not be contrary to the public health, safety or general welfare of the Village of Oconomowoc Lake, will not be hazardous, harmful, noxious, offensive or a nuisance by reason of noise, dust, smoke, odor or other similar factors and will not for any other reason cause a substantial adverse effect on the property values and general desirability of the neighborhood as long

as the operation is conducted pursuant to the following conditions and in strict compliance with the same and is consistent with the recommendations found in the Village of Oconomowoc Lake master plan.

NOW, THEREFORE, the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin, DO ORDAIN AS FOLLOWS:

SECTION 1: The subject lands are hereby rezoned to R-1 General Agricultural/Rural Residential District, and the Zoning Map, Village of Oconomowoc Lake, Wisconsin - 1990 is hereby amended to change the zoning of the subject lands from a temporary R-1 General Agricultural/Rural Residential District to a permanent R-1 General Agricultural/Rural Residential District.

SECTION 2. The Village Administrator is hereby authorized and directed to note this rezoning on the Zoning Map, Village of Oconomowoc Lake, Wisconsin - 1990.

SECTION 3. SEVERABILITY.

The several sections of this ordinance are declared to be severable. If any section or portion thereof shall be declared by a decision 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. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 4. EFFECTIVE DATE.

This ordinance shall be in full force and effect from and after its passage and publication and subject to the conditions stated in

Section 2, and this ordinance is null and void and original district zoning shall be in effect with no further notice if said conditions are not complied with on the terms and conditions stated herein.

Passed and adopted this 20th day of July, 1998.

VILLAGE OF OCONOMOWOC LAKE

Raymond Foster, Jr.
Raymond Foster, Jr., Village President

ATTEST:

C. Wierdsma
Cheryl Wierdsma, Village Clerk

Published and posted on the 22nd day of July, 1998.

This instrument draft by
Attorney John P. Macy
ARENZ, MOLTER, MACY & RIFFLE, S.C.
720 N. East Avenue
Waukesha, WI 53186

Exhibit 1

(Village Administrator should attach
legal description of all annexed property)

Lawyers Title Insurance Corporation

LEGAL DESCRIPTION OF ANNEXATION TERRITORY

Being a part of the Plat of Lalumiere, a subdivision recorded in the Office of the Register of Deeds, Waukesha County, Wisconsin on April 5, 1928 in Volume 9 of Plats, page 80, as Document No. 156898 and located in Sections 10 and 11, and lands in the North West 1/4 of Section 11 all in Township 7 North, Range 17 East, Town of Summit, Waukesha County, Wisconsin, more fully described as follows: Beginning at the North West corner of the Plat of Lalumiere, a recorded subdivision; thence Easterly along the North line of said plat, to the East line of said plat, as extended on the North line of the North West 1/4 of Section 11, Township 7 North, Range 17 East; thence Southerly, along said East line, and as extended, to the South East corner of Block 18; thence Westerly, along the Northerly line of Lalumiere Road(platted as Lakeview drive) to the South East corner of Lot 17, Block 1; thence Northerly, to the North East corner of said Lot 17; thence Westerly, along the North line of Lot 17, to the Easterly line of the platted channel; thence Northwesterly, to the Southeasterly corner of Lot 15, Block 1, of said plat; thence Westerly, along the Southerly line of Lots 7 through 15, inclusive, of said Block 1, to the South West corner of Lot 7; thence Southeasterly, along the East line of Cedar Drive, to a point on the South line of Lot 6, Block 1, said point being 24.3 feet West of the South East corner of said Lot 6; thence Southerly, to the South East corner of Lot 1, Block 10; thence Northwesterly, along the West line of Cedar Drive, to the North East corner of Lot 34, Block 10; thence Southerly, along the Easterly line of Lots 23 through 34 inclusive, Block 10, to the South East corner of said Lot 23; thence Southeasterly to the North West corner of Lot 11, Block 10; thence Southeasterly, along the common lot line between said Lots 10 and 11, and as extended, to a point on the Easterly right-of-way line of Lalumiere Road (platted as Ridgeway Drive); thence Northerly, along said Easterly line, to the South West corner of Lot 42, Block 4, of said subdivision; thence Northeasterly, to the North West corner of Lot 41, Block 4; thence Easterly, to the North East corner of Lot 12, Block 4; thence Southerly, to the South East corner of said Lot 12; thence Easterly to the South East corner of Lot 15, Block 4; thence Northerly to the North East corner of said Lot 15; thence Easterly, along the Southerly line of Sylvan Lane, to the South East corner of Lot 25, Block 4; thence Southwesterly, along the Westerly line of Lalumiere Road (platted as Park Drive) to the South East corner of Lot 23, Block 4; thence continuing Southwesterly along said line to the easternmost corner of Lot 24, Block 5; thence Southwesterly, along the Westerly right-of-way line of Lalumiere Road (platted as Park Drive), to the northernmost corner of Lot 1, Block 5 being the North East corner of said Lot 1; thence South 31°57' East, 49.1 feet; thence continuing Southwesterly along said Westerly right-of-way lines of Lalumiere Road (platted as Park Drive) and Crescent Drive (platted as Island Drive) as it abuts Lots 1 and 22, Block 5, to the southernmost corner of said Lot 22; thence Westerly and Northwesterly along the Southern line of Lots 2, 3, 21, 4, 20, 5, 19 and 6 to the South East corner of Lot 18, Block 5; thence Northeasterly, to the North East corner of said Lot 18; thence Northwesterly, and Southwesterly, along the Northerly line of Lots 18 through 13, inclusive, and the Westerly line of Lots 13 and 12, to the South West corner of Lot 12, Block 5; thence Northwesterly, to the South East corner of Lot 1, Block 4; thence Southerly, Westerly and Northwesterly, along the Southern line of said Lot 1, Block 4, to the westernmost corner of said Lot 1; thence Northerly, along the Easterly line of Lalumiere Road (platted as Ridgeway Drive), to the North West corner of Lot 4,

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Being a part of the Plat of Lalumiere, a subdivision recorded in the Office of the Register of Deeds, Waukesha County, Wisconsin on April 5, 1928, in Volume 9 of Plats, Page 80, as Document No. 156898 and located in Sections 10 and 11, Township 7 North, Range 17 East, Town of Summit, Waukesha County, Wisconsin, more fully described as follows: Beginning at the South East corner of Lot 15, Block 15 of the Plat of Lalumiere, a recorded subdivision; thence Westerly to the South West corner of said Lot 15; thence Southerly, along the West line of said Block 15, to a point on the extension of the South line of Lot 10, Block 14, of said Plat; thence Westerly, along said extended South line and along the South line of Lots 10 and 3, Block 14 to the South West corner of Lot 3, Block 14; thence Southerly, along the West line of Lot 2, Block 14, to the Northerly right-of-way line of Pabst Road (platted as Nashotah Road); thence Northwesterly, along said right-of-way, to the South East corner of Lot 1, Block 11, of said subdivision; thence Northerly and Northwesterly, along the Easterly and Northerly lines of Lots 1, 2 and 3, of Block 11, to the extension of the Southeasterly line of Lot 1, Block 12, of said subdivision; thence Northeasterly, along the Southeasterly line of said Lot 1, Block 12, and as extended, to the Northeasterly corner of said Lot 1, being a point of curvature on a platted channel; thence on and along the curve of said channel and Northwesterly, to the Northernmost corner of Lot 2, Block 12; thence Southwesterly to the Westernmost corner of said Lot 2; thence Southwesterly to the Northernmost corner of Lot 4, Block 11, of said subdivision; thence Southwesterly, to the Westernmost corner of said Lot 4; thence Northwesterly, along the Northerly right-of-way line of Pabst Road (platted as Nashotah Road) to the Westernmost corner of Lot 9, Block 11; thence Northeasterly, along the Easterly right-of-way line of Lalumiere Road (platted as Park Drive) to the Northernmost corner of Lot 6, Block 12, of said subdivision; thence Southeasterly, along the common lot line between Lots 6 and 7, of Block 12, to the Easternmost corner of said Lot 6; thence Southeasterly to the point of curvature on the Westerly line of Lot 4, Block 16, of said subdivision, said point being 80 feet Southwesterly of the Northernmost corner of said Lot 4; thence Northeasterly and Easterly, along the Northerly line of Lots 4 through 12, inclusive, of Block 16, to the North East corner of said Lot 12, said point being on the East line of Lalumiere Subdivision; thence Southerly, along said East line, to the South East corner of Lot 15, Block 15, and the place of beginning.

EXHIBIT

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LEGAL DESCRIPTION OF ANNEXATION TERRITORY

Being a part of the Plat of Lalumiere, a subdivision recorded in the Office of the Register of Deeds, Waukesha County, Wisconsin on April 5, 1928, in Volume 9 of Plats, page 80, as Document No. 156898 and located in Section 10, Township 7 North, Range 17 East, Town of Summit, Waukesha County, Wisconsin, more fully described as follows: Beginning at the southernmost corner of Lot 1, Block 8, of the Plat of Lalumiere, a recorded subdivision; thence Easterly, along the South line of Lots 1 through 8, inclusive, of said Block 8, to the South East corner of said Lot 8; thence Northerly along the East line of said Lot 8 to the North East corner of said Lot 8; thence Easterly, along the Southerly right-of-way line of Lalumiere Road (platted as Ridgeway Road) to the westernmost corner of Lot 1, Block 4, of said Plat; thence Southeasterly and Easterly and Northeasterly, to a point of curvature at the South East corner of said Lot 1, said point being 45 feet Southerly from the Northeasterly corner of said Lot 1; thence Southeasterly, to the westernmost corner of Lot 12, Block 5, of said Plat; thence Southwesterly, along the Easterly line of a platted channel, to the Northwesterly corner of Lot 1, Block 7, of said plat; thence Southeasterly, to the Northeasterly corner of said Lot 1; thence Southwesterly, Westerly and Northwesterly, along the Westerly right-of-way line of platted Crescent Drive and the Northerly right-of-way line of Pabst Road (platted as Nashotah Road) to the southernmost corner of Lot 1, Block 8, and the place of beginning.

EXHIBIT

No. 1

Exhibit 2

a part of the SW 1/4 of the SW 1/4 of Section 2, a part of the NE 1/4 of the NE 1/4 of Section 10, and a part of the NW 1/4 of the NW 1/4 of Section 11, all in T7N, R17E, Village of Oconomowoc Lake, Waukesha County, Wisconsin more fully described as follows:

Beginning at the NW corner of said Section 11; thence N.00°-51'-33"E., along the west line of the SW 1/4 of said Section 2, 560.00 feet to a meander point, said point lying S.00°-51'-33"W., 39 feet more or less from the shoreline of Oconomowoc Lake; thence along said meander line, S.83°-28'-27"E., 306.12 feet to the terminus of said meander line, said point being on the west line of Certified Survey Map No. 6600 and said point lying S.00°-07'-07"W., 34 feet more or less from the shoreline of Oconomowoc Lake; thence S.00°-07'-07"W., along the west line of said Certified Survey Map, 868.26 feet to the northeast corner of Block 18 of the Plat of LaLumiere; thence N.89°-52'-53"W., 40.00 feet to the northwest corner of said Block 18; thence S.00°-07'-07"W., 100.00 feet to the southwest corner of said Block 18 and the northerly right-of-way line of LaLumiere Road; thence along said northerly right-of-way line on the following described courses; thence N.66°-31'-20"W., 55.56 feet to a point; thence N.78°-59'-53"W., 48.52 feet to a point; thence N.81°-29'-53"W., 48.27 feet to a point; thence S.89°-00'-07"W., 51.31 feet to a point; thence S.83°-11'-07"W., 61.30 feet to a point; thence S.70°-43'-07"W., 13.66 feet to the terminus of said northerly line, said point being the southeast corner of Lot 17, Block 1, Plat of LaLumiere; thence N.00°-07'-07"E., 101.50 feet (platted as 100 feet) to the northeast corner of said Lot 17; thence N.89°-52'-53"W., 19.38 feet (platted as 20.7 feet) to a point; thence N.16°-07'-07"E., 70.30 feet (platted as 73 feet) to the west line of the NW 1/4 of said Section 11; thence N.00°-07'-07"E., along said west line, 248.10 feet to the northwest corner of said Section 11 and the place of beginning. Also including all those lands lying between the above described meander line and the side lot lines as extended to the shoreline of Oconomowoc Lake. Excepting therefrom all existing water channels. Said lands containing a total area of 249,100 square feet, more or less to the waters edge of Oconomowoc Lake and the existing channels (5.72 acres).

STATE OF WISCONSIN)
COUNTY OF WAUKESHA)

AFFIDAVIT OF POSTING
ORD. 168
REZONING OF LALUMIERE "HOTEL"
PROPERTY TO PERMANENT R-1

The undersigned, being first duly sworn, on oath deposes and states that on July 22, 1998 at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village.

to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the northern corner of the junction of West Beach Road and the private drive (South Beach Road) leading into the Borisch, Fischer, Lowry, et al properties.

[Signature]

Subscribed and sworn to before me

this 22nd day of July, 1998

Cheryl A. Weerdonia

Notary Public, Waukesha County, Wisconsin

My commission expires: 11-14-99