

**FIRST AMENDMENT TO
BOUNDARY AGREEMENT BETWEEN
VILLAGE OF WINDSOR AND
TOWN OF VIENNA**

THIS FIRST AMENDMENT TO BOUNDARY AGREEMENT BETWEEN THE VILLAGE OF WINDSOR AND THE TOWN OF VIENNA ("Amendment" or "Amendment to Vienna-Windsor Agreement") is made and entered into between the VILLAGE OF WINDSOR, a Wisconsin municipal corporation located in Dane County, Wisconsin, with the powers and privileges of a municipal corporation at common law and conferred by ch. 61 of the Wisconsin Statutes ("WINDSOR"), and the TOWN OF VIENNA, a body corporate and politic located in Dane County, Wisconsin, with those powers granted by law and conferred by ch. 60 and ch. 61 of the Wisconsin Statutes ("VIENNA"). WINDSOR and VIENNA are collectively referred to herein as the "Parties," and either may be individually referred to as "Party." The Agreement shall be effective when approved and fully executed by the Parties.

RECITALS

WHEREAS, in 2016, WINDSOR and VIENNA entered into a boundary agreement (the "Vienna-Windsor Agreement") as authorized under §66.0301 of the Wisconsin Statutes to enter into agreements for the exercise of governmental functions on a cooperative basis and §66.0301(6) of the Wisconsin Statutes to make agreements regarding the maintenance of certain boundaries as well as provisions for boundary changes; and

WHEREAS, the Parties wish to amend the Vienna-Windsor Boundary Agreement so that it reflects boundary changes that have occurred between the Town of Vienna and the Village of DeForest subsequent to approval of the Vienna-Windsor Boundary Agreement, all in accordance with the terms set forth herein.

AGREEMENT

NOW, THEREFORE, in consideration of the above recitals, which are incorporated herein by reference, and other good and valuable consideration, the sufficiency of which is hereby acknowledged, WINDSOR and VIENNA agree as follows:

ARTICLE I
ADJUSTMENT TO EXTRATERRITORIAL JURISDICTION:
ELIMINATE WINDSOR ETJ AREA SOUTH

The boundary adjustment being made by this Amendment relates solely to the area marked as “Windsor ETJ Area South” on the map attached as Addendum A to the Vienna-Windsor Agreement adopted in 2016. Windsor ETJ Area South is eliminated by this Amendment.

The map attached hereto as **Addendum A** and incorporated by reference (“**2019 Windsor ETJ Map**”), eliminates Windsor ETJ Area South and continues to depict Windsor ETJ Area North which is the area in VIENNA in which WINDSOR shall continue to exercise its extraterritorial jurisdiction as to plat map and certified survey map review (“**2019 Windsor ETJ Area**”). The legal description of the 2019 Windsor ETJ Area is attached as **Exhibit One** and incorporated by reference.

All references to “Windsor ETJ Area” in the Windsor-Vienna Agreement shall be amended to refer to the 2019 Windsor ETJ Area as described in this Amendment.

ARTICLE II
NO ADJUSTMENT TO PLANNING AREA

No adjustment is being made to the Vienna-Windsor Planning Area, which is marked “Windsor Review Area” on the map attached as Addendum A to the Vienna-Windsor Agreement adopted in 2016.

ARTICLE III
RATIFICATION

Except as expressly modified by this Amendment, the Vienna-Windsor Agreement is ratified and in full force and effect. All terms used in this Amendment shall have the same meaning as in the Vienna-Windsor Agreement unless otherwise defined herein.

ARTICLE IV
EFFECTIVE DATE

This Amendment shall become effective thirty-one (31) days after publication by both WINDSOR and VIENNA of this Amendment as a class 1 notice as required by Wis. Stat. §66.0301(6)(c)1. Neither Party shall publish this Amendment unless and until both parties have done all of the following in compliance with Wis. Stat. §66.0301(6)(c):

1. Published a Class 1 notice of a public hearing of this Amendment under Wis. Stat. ch. 985, with such notice published at least twenty (20) days prior to the public hearing.
2. Held a public hearing on this Amendment in accordance with the published notice;
3. Approved this Amendment by resolution adopted by its governing body following the public hearing, all as provided in Wis. Stat. §66.0301(6)(c)1.

Notwithstanding the foregoing, if, within 30 days of the publication of this Amendment, a petition for referendum is filed in accordance with Wis. Stat. §66.0301(6)(c)2., this Amendment shall not be effective until the results of the election in favor of this Amendment are certified. In the event of a referendum whose results do not approve this Amendment, this Amendment shall be void and the Vienna-Windsor Agreement shall remain in effect as originally approved and without amendment.

Approved by the Village of Windsor by Village Board Resolution 2019-26 on April 18th, 2019.

VILLAGE OF WINDSOR

By: Robert E. Wipperfurth
Robert E. Wipperfurth,
Village President

Attest:
Christine Capstran
Christine Capstran, Village Clerk

Approved by the Town of Vienna by Town Board Resolution 16th on APRIL, 2019.

TOWN OF VIENNA

By: Loanie Pregelman
Loanie Pregelman, Town Chair

Attest:
Kathleen L. Clark
KATHLEEN CLARK, Town Clerk

Incorporated by Reference:
Exhibit One: Legal Descriptions of 2019 Windsor ETJ Area and Vienna-Windsor Planning Area
Addendum A: Map Depicting 2019 Windsor ETJ Area (Windsor ETJ Area North) and Vienna-Windsor Planning Area

**VILLAGE OF WINDSOR EXTRATERRITORIAL JURISDICTION LIMITS
WITHIN THE TOWN OF VIENNA**

WINDSOR ETJ NORTH AREA

Located in the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 2 and the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11, T9N, R9E, Town of Vienna, Dane County, Wisconsin, described as follows:

BEGINNING at the North Quarter Corner of Section 2;

thence East along the north line of the NE $\frac{1}{4}$ of Section 2 to the Northeast Corner of said Section 2;

thence continuing East along the north line of the NW $\frac{1}{4}$ of Section 1 to the North Quarter Corner of said Section 1;

thence continuing East along the north line of the NE $\frac{1}{4}$ of Section 1 to the Northeast Corner of said Section 1;

thence South along the east line of Section 1 to the East Quarter Corner of Section 1;

thence West along the south line of the NE $\frac{1}{4}$ of Section 1 to the Center Quarter Corner of said Section 1;

thence South along the east line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1 to the southeast corner of said NE $\frac{1}{4}$ of the SW $\frac{1}{4}$;

thence West along the south line of the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1 to the southwest corner of said NW $\frac{1}{4}$ of the SW $\frac{1}{4}$;

thence South along the west line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1 to the Southwest Corner of said Section 1;

thence West along the south line of the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 2 to the southwest corner of said SE $\frac{1}{4}$ of the SE $\frac{1}{4}$;

thence South along the east line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11 to the southeast corner of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$;

thence West along the south line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11 to the southwest corner of said NW $\frac{1}{4}$ of the NE $\frac{1}{4}$;

thence North along the west line of the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11 to the North Quarter Corner of said Section 11;

thence North along the North-South Quarter Line of Section 2 to the **POINT OF BEGINNING**.

SEE ADDENDUM "A" (Windsor-Vienna ETJ-Review Areas)

WINDSOR REVIEW AREA

Located in the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 11, the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NE $\frac{1}{4}$, the NE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the NW $\frac{1}{4}$ of the NW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the NW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the NW $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SW $\frac{1}{4}$, the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$, the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$, the NE $\frac{1}{4}$ of the SE $\frac{1}{4}$, the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$, the SW $\frac{1}{4}$ of the SE $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 12, T9N, R9E, Town of Vienna, Dane County, Wisconsin, described as follows:

BEGINNING at the Southwest Corner of Section 1;

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- thence North along the west line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1 to the northwest corner of said SW $\frac{1}{4}$ of the SW $\frac{1}{4}$;
- thence East along the north line of the SW $\frac{1}{4}$ of the SW $\frac{1}{4}$ and the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section 1 to the northeast corner of said SE $\frac{1}{4}$ of the SW $\frac{1}{4}$;
- thence North along the west line of the NW $\frac{1}{4}$ of the SE $\frac{1}{4}$ of Section 1 to the Center Quarter Corner of said Section 1;
- thence East along the north line of the SE $\frac{1}{4}$ of Section 1 to the East Quarter Corner of said Section 1;
- thence South along the east line of the SE $\frac{1}{4}$ of Section 1, to the Southeast Corner of said Section 1;
- thence continuing South along the east line of the NE $\frac{1}{4}$ of Section 12 to the East Quarter Corner of said Section 12;
- thence continuing South along the east line of SE $\frac{1}{4}$ of Section 12 to the Southeast Corner of said Section 12;
- thence West along the south line of the SE $\frac{1}{4}$ of Section 12 to the South Quarter Corner of said Section 12;
- thence continuing West along the south line of the SW $\frac{1}{4}$ of Section 12 to the Southwest Corner of said Section 12;
- thence continuing West along the south line of the SE $\frac{1}{4}$ of Section 11 to the east right-of-way line of I 39-90-94;
- thence Northwesterly along the east right-of-way line of I 39-90-94 to the North-South Quarter line of Section 11;
- thence North along the North-South Quarter line of Section 11 to the northwest corner of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of said Section 11;
- thence East along the north line of the SW $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11 to the northeast corner of said SW $\frac{1}{4}$ of the NE $\frac{1}{4}$;
- thence North along the west line of the NE $\frac{1}{4}$ of the NE $\frac{1}{4}$ of Section 11 to the northwest corner of said NE $\frac{1}{4}$ of the NE $\frac{1}{4}$;

thence East along the north line of the NE ¼ of the NE ¼ of Section 11 to the **POINT OF BEGINNING**.

SEE ADDENDUM "A" (Windsor-Vienna ETJ-Review Area)

This description prepared by:
Paulson & Associates, LLC
Daniel A Paulson
Professional Land Surveyor

March 5, 2019

ADDENDUM A

WINDSOR-VIENNA ETJ - REVIEW AREAS AGREEMENT 2019

TOWN OF VIENNA
DANE COUNTY, WISCONSIN



PAULSON & ASSOCIATES, LLC
136 W. HOLM ST., DeFOREST, WI 53532
(608) 846-2523

PREPARED FOR:
VILLAGE OF WINDSOR
4084 MUELLER ROAD
DEFOREST, WI 53532

JOB NO.: 16-033

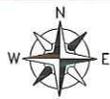
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DRAWN BY: D.A.P.

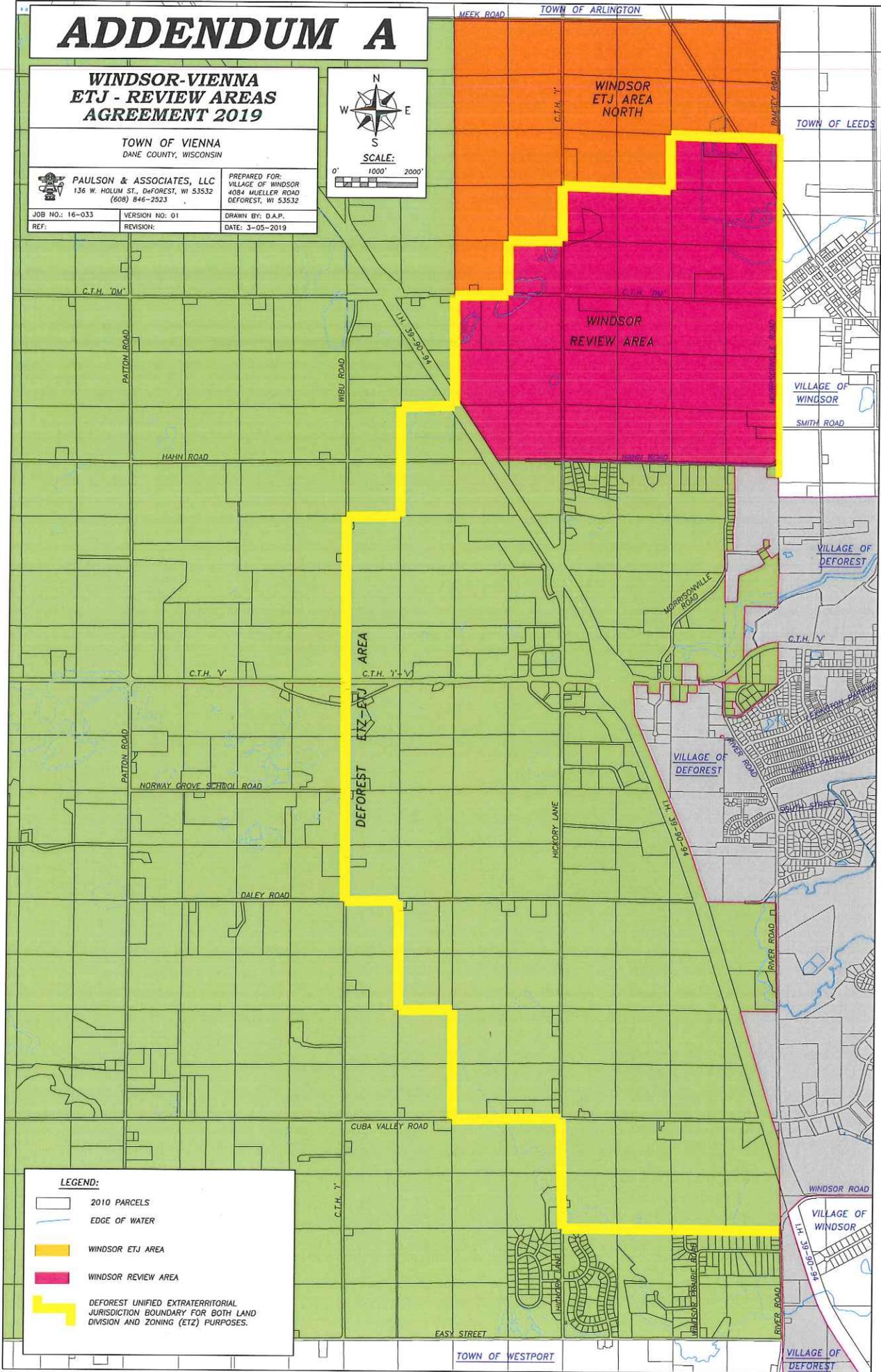
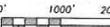
REF:

REVISION:

DATE: 3-05-2019



SCALE:



LEGEND:

- 2010 PARCELS
- EDGE OF WATER
- WINDSOR ETJ AREA
- WINDSOR REVIEW AREA
- DEFOREST UNIFIED EXTRATERRITORIAL JURISDICTION BOUNDARY FOR BOTH LAND DIVISION AND ZONING (ETZ) PURPOSES.

**TOWN OF VIENNA
RESOLUTION 4-16-19**

**APPROVAL OF THE FIRST AMENDMENT TO INTERGOVERNMENTAL BOUNDARY
AGREEMENT WITH THE VILLAGE OF WINDSOR AND TOWN OF VIENNA PURSUANT
TO SEC. 66.0301(6), WIS. STATS.**

WHEREAS, Wis Stat. §66.0301 authorizes municipalities to enter into intergovernmental agreements for various purposes, including the establishment and adjustment of the boundary lines between them; and

WHEREAS, the Town of Vienna and the Village of Windsor have negotiated the terms of an amended intergovernmental agreement, a copy of which is attached hereto as Exhibit A, providing for mutually agreed upon extraterritorial jurisdictional areas and setting forth certain understandings regarding appropriate boundaries between the two municipalities; and

WHEREAS, the governing bodies of the Town and Village each held a public hearing on the terms of the proposed agreement on April 16, 2019 and April 18, 2019 after due notice as required by Wis. Stat. §66.0301(6)(c)1, to solicit public input on the terms of the agreement; and

WHEREAS, the Town Board finds that the terms of the proposed amended agreement are reasonable, and that approval of the agreement will promote orderly development within the affected communities, minimize future intergovernmental conflicts and reasonably protect the economic interests of the Town;

NOW, THEREFORE, BE IT RESOLVED that the Town Board approves the intergovernmental agreement as amended and attached hereto as Exhibit A, and the Town Chairman and Clerk are hereby authorized to execute the agreement on behalf of the Town upon approval of the same agreement by the Village of Windsor.

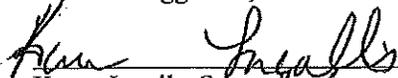
BE IT FURTHER RESOLVED that the Town Clerk is directed to promptly cause the publication of the approved agreement in the manner required by Wis. Stat. §66.0301(6)(c)2.

The above and foregoing Resolution was duly adopted at a meeting of the Town Board of the Town of Vienna on April 16, 2019, by a vote of 5 in favor and 0 opposed.

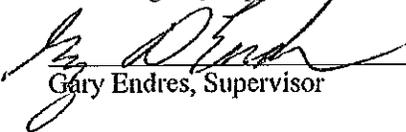
TOWN OF VIENNA



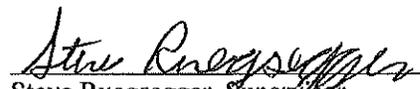
Lonnie Breggeman, Chairman



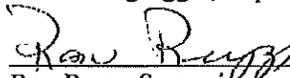
Karen Ingalls, Supervisor



Gary Endres, Supervisor

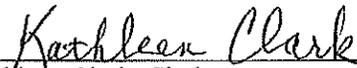


Steve Ruegsegger, Supervisor



Ron Rupp, Supervisor

Attested by:



Kathleen Clark, Clerk

Incorporated by Reference:
Exhibit A: Vienna-Windsor Boundary Agreement

**VILLAGE OF WINDSOR
BOARD RESOLUTION 2019-26**

**APPROVAL OF AN AMENDMENT TO THE VILLAGE OF WINDSOR'S
BOUNDARY AGREEMENT WITH THE TOWN OF VIENNA
PURSUANT TO SEC. 66.0301(6), WIS. STATS.**

WHEREAS, Wis Stat. §66.0301 authorizes municipalities to enter into intergovernmental agreements for various purposes, including the establishment and adjustment of the boundary lines between them; and

WHEREAS, the Village of Windsor ("Village") and the Town of Vienna ("Town") negotiated and entered an intergovernmental agreement, which was adopted by the Village on April 14, 2016 ("2016 Vienna-Windsor Agreement"), a copy of which is attached as Exhibit A and incorporated by reference; and

WHEREAS, the governing bodies desire to amend the boundary lines established in the 2016 Vienna-Windsor Agreement, while continuing to provide for mutually agreed upon extraterritorial jurisdictional and planning areas as well as mutually agreed upon timelines for further discussion, renewal and termination, all as set forth in the proposed amendment to the 2016 Vienna-Windsor Agreement ("2019 Amendment"), a copy of which is attached hereto as Exhibit B and incorporated by reference; and

WHEREAS, a public hearing on the terms of the proposed 2019 Amendment was held on April 18, 2019, after due notice as required by Wis. Stat. §66.0301(6)(c)1, to solicit public input on the terms of the proposed amendment; and

WHEREAS, the Village Board finds that the terms of the proposed amendment to the 2016 Vienna-Windsor Agreement are reasonable, and the approval of the amendment will promote orderly development within the affected communities, minimize future intergovernmental conflicts and reasonably protect the economic interests of the Village;

NOW, THEREFORE, IT IS HEREBY RESOLVED, that the Village Board approves the amendment to the 2016 Vienna-Windsor Agreement attached hereto as Exhibit B, and the Village President and Clerk are hereby authorized to execute the agreement on behalf of the Village upon approval of the same amendment by the Town of Vienna.

BE IT FURTHER RESOLVED, that the Village Clerk is directed to promptly cause the publication of the approved 2019 Amendment in the manner required by Wis. Stat. §66.0301(6)(c)2.

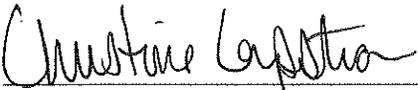
The above and foregoing Resolution was duly adopted at a meeting of the Village Board of the Village of Windsor on 18th day of April, 2019, by a vote of 5 in favor and 0 opposed.

VILLAGE OF WINDSOR



Robert E. Wipperfurth, Village President

Attested by:



Christine Capstran, Village Clerk

Published: _____

Effective: _____

Attachments:

Exhibit A – 2016 Vienna-Windsor Agreement

Exhibit B – 2019 Amendment