

**Rick Manthe**  
222 West Washington Avenue, Suite 900  
P.O. Box 1784  
Madison, WI 53701-1784  
RManthe@staffordlaw.com  
608.259.2684

May 17, 2022

VIA EMAIL

Stephen C. Nick  
Eau Claire City Attorney  
203 S. Farwell Street  
P.O. Box 5148  
Eau Claire, WI 54702-5148

Re: Stewart/Hauge Annexation Petition

Dear City Attorney Nick:

Stafford Rosenbaum represents the Town of Washington. I am writing to express the Town's concerns with the Stewart/Hauge annexation petition that the City of Eau Claire will consider at its May 24, 2022 Common Council meeting.

Of primary concern is that the petitioners incorrectly assert this is a unanimous petition for annexation. The petition includes territory owned by Eau Claire County, and the County has not signed the annexation petition.

Wisconsin law is clear. A unanimous annexation requires a petition "signed by all of the electors residing in the territory *and the owners of all of the real property in the territory...*" Wis. Stat. § 66.0217(2) (emphasis added). The Wisconsin Supreme Court recently invalidated a similar annexation that was labeled unanimous, but lacked signatures from all property owners. *See Town of Lincoln v. City of Whitehall*, 2019 WI 37, ¶37, 386 Wis. 2d 354, 925 N.W.2d 520.

The County is an owner of real property included in the annexation request and has not signed the petition. Therefore, this annexation petition cannot proceed as a unanimous annexation. If the City proceeds to annex this territory as presented, the Town will take all necessary action to preserve its rights.

The Town would like to re-iterate that it has generally supported truly unanimous annexations, and the City has generally avoided non-unanimous annexations. Approving this annexation would stray from a system that has worked well for both municipalities over the years.

Sincerely,

STAFFORD ROSENBAUM LLP



Rick Manthe