

STATE OF WISCONSIN**CIRCUIT COURT****KENOSHA**

Richard A. Weeks et al vs. County of Kenosha

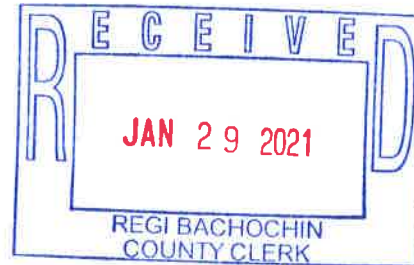
**Electronic Filing
Notice**

Case No. 2021CV000059

Class Code: Condemnation Review

FILED**01-21-2021****Clerk of Circuit Court****Kenosha County****2021CV000059****Honorable David Wilk****Branch 5**

COUNTY OF KENOSHA
1010 56TH ST.
KENOSHA WI 53140



Case number 2021CV000059 was electronically filed with/converted by the Kenosha County Circuit Court office. The electronic filing system is designed to allow for fast, reliable exchange of documents in court cases.

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Pro Se opt-In code: 16a35c

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Registration is available to attorneys, self-represented individuals, and filing agents who are authorized under Wis. Stat. 799.06(2). A user must register as an individual, not as a law firm, agency, corporation, or other group. Non-attorney individuals representing the interests of a business, such as garnishees, must file by traditional means or through an attorney or filing agent. More information about who may participate in electronic filing is found on the court website.

If you have questions regarding this notice, please contact the Clerk of Circuit Court at 262-653-2664.

Kenosha County Circuit Court
Date: January 22, 2021

FILED
01-21-2021
Clerk of Circuit Court
Kenosha County
2021CV000059
Honorable David Wilk
Branch 5

STATE OF WISCONSIN CIRCUIT COURT KENOSHA COUNTY

RICHARD A. WEEKS and
ROBERTA L. WEEKS,
E8755 W 1st Street
Clintonville, WI 54929

Plaintiffs,

v.

COUNTY OF KENOSHA,
1010 56th St.
Kenosha, WI 53140

Case No.:
Code: 30402
Condemnation Review

Defendant.

NOTICE OF APPEAL AND APPEAL OF AWARD

To: County of Kenosha
 1010 56th St.
 Kenosha, WI 53140

Rebecca Matoska-Mentink, Clerk of Courts
Kenosha County Courthouse
912 56th Street
Kenosha, WI 53140

Regi Bachochin, County Clerk
1010 56th St.
Kenosha, WI 53140

Middle Branch Saloon, LLC
1204 E. Oakwood Road
Oak Creek, WI 53154

NOTICE OF APPEAL

PLEASE TAKE NOTICE that the above-named Plaintiffs, Richard A. Weeks and Roberta L. Weeks, by their attorneys, Eminent Domain Services, LLC, hereby appeal from the amount of compensation stated in the Award of Damages by the County of Kenosha.

APPEAL OF JUST COMPENSATION AWARD

COMES NOW Plaintiffs, Richard A. Weeks and Roberta L. Weeks, by their attorneys, Eminent Domain Services, LLC, and pursuant to Wis. Stat. § 32.05(11), hereby appeal from the amount of compensation made in the Award of Damages by County of Kenosha and state and allege as follows:

1. Plaintiffs hereby appeal to the Circuit Court of Kenosha County in accordance with Wisconsin Statutes section 32.05(11) from the amount of compensation stated in the Award of Damages ("Award"), which was recorded with the Kenosha County Register of Deeds on February 10, 2020, as Document No. 1860743, a copy of which (with dollar amount redacted) is annexed hereto as Exhibit A and incorporated herein by reference.

2. Plaintiffs own real estate in Kenosha County, Wisconsin. Defendant acquired Plaintiffs' real estate through condemnation proceedings pursuant to Wis. Stat. § 32.05 as described in the attached Exhibit A which is incorporated herein by reference.

3. This appeal is timely made pursuant to Wis. Stat. § 32.05(11) within two years of the date on which the Award was recorded with the Kenosha County Register of Deeds.

WHEREFORE, Plaintiffs hereby appeal to the Circuit Court of Kenosha County, Wisconsin, pursuant to Wis. Stat. § 32.05(11).

Plaintiffs hereby demand a jury of twelve jurors.

Dated this 21st day of January, 2021.

EMINENT DOMAIN SERVICES, LLC

Electronically signed by Erik S. Olsen

Electronically signed by Andrew D. Weininger

Erik S. Olsen

State Bar No.: 1056276

Andrew D. Weininger

State Bar No.: 1084096

Attorneys for Plaintiffs

131 W. Wilson St., Ste. 800
Madison, WI 53703-3270
Telephone: (608) 535-6109
Facsimile: (608) 338-0889

AWARD OF DAMAGES by Kenosha County; Statute No. 83.07 and 83.08

Exempt from fee: s. 77.25(2r) Wis. Stats.
Ipa1559 04/2016 (replaces Ipa1559 08/2011)

This award of damages is made pursuant to a relocation order of County of Kenosha dated March 26, 2019 and recorded with the Register of Deeds of County of Kenosha, for the improvement of County Trunk Highway S, in the County of Kenosha.

The County of Kenosha, has determined it necessary to acquire for the purpose set forth in and in accordance with said relocation order, has ordered the County of Kenosha to acquire, in the name of the County of Kenosha, a parcel of real estate and/or rights therein as set forth, in and to which the following persons have an interest: Richard A. Weeks and Roberta L. Weeks and Middle Branch Saloon, LLC

The interest acquired by this award is:

LEGAL DESCRIPTION IS ATTACHED AND MADE A PART OF THIS DOCUMENT BY REFERENCE.

Document #: **1860743**

Date: **2020-02-10** Time: **08:54 AM** Pages: **3**

Fee: **\$30.00** County: **KENOSHA** State: **WI**

REGISTER OF DEEDS: **JOELLYN M. STORZ**

Exempt Code: 2r

The above recording information verifies this document has been electronically recorded and returned to the submitter

This space is reserved for recording data

Return to

Single Source, Inc.

Attn: Marc McSorley

250 Bishops Way, Suite 102

Brookfield, Wisconsin 53005

Parcel Identification Number/Tax Key Number

82-4-222-282-0201

Said parcel of real estate and/or interests therein will be occupied by County of Kenosha or its agents within 90 days of February 10, 2020 having complied with all jurisdictional requirements pursuant to law, makes this award of damages to the above persons having an interest in said parcel of real estate, in the sum of [REDACTED] for the acquisition of said parcel of real estate and/or interests therein as set forth.

Clement Abongwa
Acquiring Agency (Kenosha County)

Clement Abongwa, P.E.

Director/Highway Commissioner

Title

Date

2/10/2020

Project ID:
3210-00-05

This instrument was drafted by:
Marc McSorley of Single Source, Inc.

Parcel No.:
1



LEGAL DESCRIPTION

Fee Title in and to the following tract of land in Kenosha County, State of Wisconsin, described in as follows:

Certified Survey Map No. 953, recorded May 20, 1983, in Volume 1133, Page 568, as Document No. 703127 and part of Certified Survey Map No. 954, all being part of the Northwest 1/4 of Section 28, Town 2 North, Range 22 East, Village of Somers, more particularly described as follows:

Beginning at the Southwest corner of said 1/4 section; thence North 01°26'04" West along the West line of said 1/4 section 302.50 feet to a point; thence South 84°09'02" East 33.27 feet to a point on the East line of County Trunk Highway H; thence continuing South 84°09'02" East 27.22 feet to a point; thence South 01°26'04" East 57.26 feet to a point; thence South 04°34'40" East 75.98 feet to a point; thence South 33°05'00" East 23.31 feet to a point a point of curvature; thence 27.85 feet along the arc of a curve whose center lies to the Northeast, whose radius is 43.00 feet, and whose chord bears South 51°38'15" East 27.37 feet to a point; thence South 70°11'33" East 48.04 feet to a point; thence North 89°48'27" East 42.77 feet to a point; thence South 01°26'04" East 50.02 feet to a point; thence South 89°48'36" West 20.00 feet to a point; thence South 01°26'04" East 27.00 feet to a point on the North line of County Trunk Highway S; thence continuing South 01°26'04" East 33.00 feet to a point on the South line of said 1/4 section; thence South 89°48'27" West along said South line 165.00 feet to the point of beginning.

This parcel contains 0.328 acres of land already in use for highway purposes, and 0.413 acres, more or less, of additional land.

Also,

Temporary Limited Easement in and to the following tract of land in Kenosha County, State of Wisconsin, described as follows:

Part of Certified Survey Map No. 953, recorded May 20, 1983, in Volume 1133, Page 568, as Document No. 703127 and part of Certified Survey Map No. 954, all being part of the Northwest 1/4 of Section 28, Town 2 North, Range 22 East, Village of Somers, more particularly described as follows:

Commencing at the Southwest corner of said 1/4 section; thence North 01°26'04" West along the West line of said 1/4 section 302.50 feet to a point; thence South 84°09'02" East 33.27 feet to a point on the East line of County Trunk Highway H; thence continuing South 84°09'02" East 27.22 feet to the point of beginning of lands to be described; thence continuing South 84°09'02" East 10.08 feet to a point; thence South 01°26'04" East 55.71 feet to a point; thence South 04°34'40" East 73.16 feet to a point; thence South 42°24'46" East 41.22 feet to a point; thence South 70°11'33" East 46.28 feet to a point; thence North 89°48'27" East 40.79 feet to a point; thence South 01°26'04" East 10.00 feet to a point; thence South 89°48'27" West 42.77 feet to a point;

thence North 70°11'33" West 48.04 feet to a point of curvature; thence 27.85 feet along the arc of a curve whose center lies to the Northeast, whose radius is 43.00 feet, and whose chord bears North 51°38'15" West 27.37 feet to a point; thence North 33°05'00" West 23.31 feet to a point; thence North 04°34'40" West 75.98 feet to a point; thence North 01°26'04" West 57.26 feet to the point of beginning.

This parcel contains 0.063 acres, more or less.

TAX KEY 82-4-222-282-0201

REV. 08/08/2019
Page 2 of 2

PLAT PARCEL 1

Project ID: 3210-00-05

Parcel No.: 1