

FILED
10-29-2020
CIRCUIT COURT
DANE COUNTY, WI
2020CV002263
Honorable Jacob Frost
Branch 9

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

OW HOLDINGS, LLC,
PO Box 620305
Middleton, WI 53562,

Petitioner,

Case No. _____

Case Code 30405

v.

DANE COUNTY DRAINAGE DISTRICT NO. 19
33 East Main Street, Suite 400
P.O. Box 1528
Madison, WI 53703,

Respondent.

SUMMONS

THE STATE OF WISCONSIN

To each person named above as a respondent:

You are hereby notified that the petitioner named above filed a lawsuit or other legal action against you. The Petition, which is attached, states the nature and basis of the legal action.

Within forty-five (45) days of receiving this Summons, you must respond with a written answer, as that term is used in Ch. 802 of the Wisconsin Statutes, to the Complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is Room 1000, Dane County Courthouse, 215 South Hamilton Street, Madison, WI 53703, and to Axley Brynelson, LLP petitioner's attorneys, whose address is 2 East Mifflin Street, Post Office Box 1767, Madison, WI 53701-1767. You may have an attorney help or represent you.

If you do not provide a proper answer within forty-five (45) days, the court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

If you require the assistance of auxiliary aids or services because of a disability, call 266-4678 (TDD 266-9138) and ask for the Court ADA Coordinator.

Dated this 29th day of October, 2020.

AXLEY BRYNELSON, LLP

Electronically signed by Danielle Baudhuin Tierney

Robert C. Procter, SBN 1034777

Danielle Baudhuin Tierney, SBN 1096371

Attorneys for the Petitioner

2 East Mifflin Street

Post Office Box 1767

Madison, WI 53701-1767

(608) 257-5661

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**PETITION FOR THE DISSOLUTION OF
DANE COUNTY DRAINAGE DISTRICT NO. 19**

NOW COMES THE PETITIONER, OW HOLDINGS, LLC, who desires to dissolve Dane County Drainage District No. 19, by its attorneys, Axley Brynelson, LLP, by Robert C. Procter and Danielle Baudhuin Tierney, and states as follows:

1. Dane County Drainage District No. 19 (“Drainage District”) is a farm drainage district subject to Wis. Stat. ch. 88 formed to drain land, primarily for agricultural purposes.
2. The Drainage District website directs correspondences to P.O. Box 1528, Madison, WI 53701.
3. The Drainage District is made up of a number of properties located primarily within the Town of Middleton, Dane County, Wisconsin.

4. Pursuant to Wis. Stat. § 88.82(1)(bm), the owner of any land in a drainage district may file with the court a petition for the dissolution of the district if the petition is filed at least 20 years after the latest assessment for costs against land in the drainage district.

5. OW Holdings, LLC owns property located at 4373 Schwartz Road, Middleton, WI 53562, which is located within the Drainage District.

6. Accordingly, OW Holdings, LLC has standing to bring this petition pursuant to Wis. Stat. § 88.21(1)(bm).

7. Upon information and belief, it has been at least 20 years since the last assessment for costs against land in the Drainage District.

8. Upon information and belief, the Drainage District has no outstanding debts.

9. The Drainage District is not necessary to provide proper drainage for the lands within its jurisdiction as there is no need or desire by the property owners to increase the amount of land available for agricultural uses.

10. The Drainage District is not necessary because where the need for drainage is required, it is accomplished now through other means.

11. The Drainage District does not serve its intended function or provides any benefits toward the public health or welfare.

12. Dissolution of the Drainage District No. 19 is in the public interest to prevent it from incurring administrative fees and other costs that will unduly burden the landowners without providing any benefits.

13. Pursuant to Wis. Stat. § 88.05, upon the filing of this petition for dissolution, the Court shall fix the time and place of a hearing on the petition and shall cause notice of the hearing to be given under Wis. Stat. § 88.05(1)(b).

WHEREFORE, Petitioner respectfully requests that this Court set a date and time to consider its Petition and to hear from all interested parties, and that after hearing from all interested parties, the Court dissolve the Dane County Drainage District No. 19.

Dated this 29th day of October, 2020.

AXLEY BRYNELSON, LLP

Electronically signed by Danielle Baudhuin Tierney

Robert C. Procter, SBN 1034777

Danielle Baudhuin Tierney, SBN 1096371

Attorneys for the Petitioner

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