



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** April 24, 2017

**Common Council Meeting Date:** May 3, 2017

**Item:** Final Plat – Third Addition to Emerald Valley

**Case Manager:** Don Harp

### GENERAL INFORMATION

**Owner/Applicant:** Robert DeBruin, Emerald Valley Estates, LLC

**Address/Parcel #:** Providence Avenue / Part of 31-1-7600-00

**Petitioner's Request:** The owner/applicant is proposing to subdivide property under a multi-phased approach.

### BACKGROUND

The Preliminary Plat for the Third Addition to Emerald Valley consisting of 11 residential lots was approved by the Plan Commission on March 20, 2017 and by the Common Council on April 19, 2017.

Rezoning #1-17 (AG Agricultural District to R-1B Single-Family District) for the Third Addition to Emerald Valley was approved by the Plan Commission on March 20, 2017 and by the Common Council on April 19, 2017.

The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. In 2005, a preliminary plat had been submitted for the overall property, which called for the creation of a total of 252 residential lots.

### STAFF ANALYSIS

**Existing Conditions:** The portion of the lot to be subdivided is currently undeveloped. The 5.995 acre area will be divided into eleven (11) single family lots.

**Comparison Between Final Plat and Preliminary Plat:** The Final Plat is consistent with the Preliminary Plat layout for these eleven (11) lots in terms of shape, size, and location.

**Zoning Ordinance Review Criteria:** R-1B lot development standards (Section 23-93) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
  - *The proposed average lots size is 18,000 square feet. All lots exceed this requirement.*

**Final Plat Third Addition to Emerald Valley**  
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- Minimum lot width: Fifty (50) feet.
  - *The proposed lots average lot width is 110 feet. All lots exceed this requirement.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
  - *Required front yard setback had been shown on the Preliminary Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
  - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
  - *This will be reviewed through the building permit review process.*

**Compliance with the Appleton Subdivision Regulations:** This subdivision complies with the Appleton Subdivision Regulations, and no variances have been requested.

**Access and Traffic:** The primary vehicular access to this phase is via Providence Avenue, which connects to Amethyst Drive and Bluetopaz Drive. The full 66 foot road right-of-way for Providence Avenue and 60 foot road right-of-way for width of Amethyst Drive and Bluetopaz Drive will be dedicated to the City with the Final Plat.

**Surrounding Zoning and Land Uses:** The surrounding area is under the jurisdiction of the City of Appleton (north, south, east and west). The uses are generally residential and agricultural in nature.

**2010-2030 Comprehensive Plan:** Community Development staff has reviewed this proposed subdivision and determined it is compatible with the One and Two-Family Residential uses shown on the City's 2010-2030 Comprehensive Plan Future Land Use Map.

**Parks and Open Space:** The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. The parkland fees pursuant to Chapter 17 of the Appleton Municipal Code have been waived in exchange for parkland as illustrated in the Emerald Valley Development Agreement signed by the City officials on July 17, 2006.

**Technical Review Group Report (TRG):** This item was discussed at the April 4, 2017 Technical Review Group Report meeting.

**Department of Public Works Comments:**

- A Development Agreement will be required as part of the Final Platting process.

**RECOMMENDATION**

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The Third Addition to Emerald Valley Final Plat, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. On Sheet 2 of 2, change City Clerk's name to Kami Lynch.
2. On Sheet 2 of 2, check last name spelling for Pat Hietpas (listed as "Hieptas")
3. The following streets within the Third Addition to Emerald Valley Final Plat meet the standards to be classified as local and collector streets and will henceforth be so classified:

Local Streets: Bluetopaz Drive and Amethyst Drive

Collector Street: Providence Avenue

4. All easements, including but not limited to, water mains, sewer mains, storm sewers, and drainage shall be shown on the Final Plat to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
5. All requirements from the City of Appleton Public Works Department, Engineering Division, shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
6. The owner/applicant shall submit to the City Engineering Division for review and approval information showing how storm sewer/drainage will be developed to accommodate the proposed phasing, prior to City signatures being affixed to the Final Plat.
7. Prior to City signatures being affixed to the Final Plat, grant a storm sewer easement to the City for portions of proposed storm sewer that extend west of plat limits (future Lots 137 and 138 and adjacent future Bluetopaz Drive). The easement may be via separate instrument from the plat.
8. Prior to City signatures being affixed to the Final Plat, a revised Drainage Plan shall be submitted to the Community and Economic Development Department for Department of Public Works review showing the following:
  - a. Show lot dimensions.

- b. Provide a temporary drainage ditch that runs from the northwest corner of Lot 88 to a selected location of the storm sewer west of the plat and daylight one of the pipes to collect this flow.
  - c. Provide proposed spot grade for the northeast corner of Lot 81.
- 9. The Development Agreement will include a stipulation that the rear lot line berm along Lots 59-64 in Emerald Valley 2nd Addition must be constructed prior to issuance of any building permits in Emerald Valley 3rd Addition.
- 10. A Development Agreement being made and entered into by and between the City of Appleton and the applicant/owner and any amendments related thereto prior to the issuance of any permit to commence construction of any public improvement.

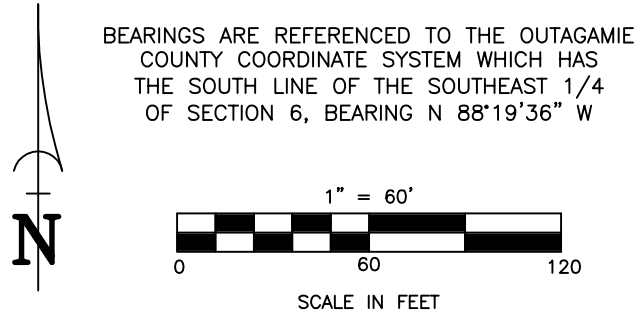
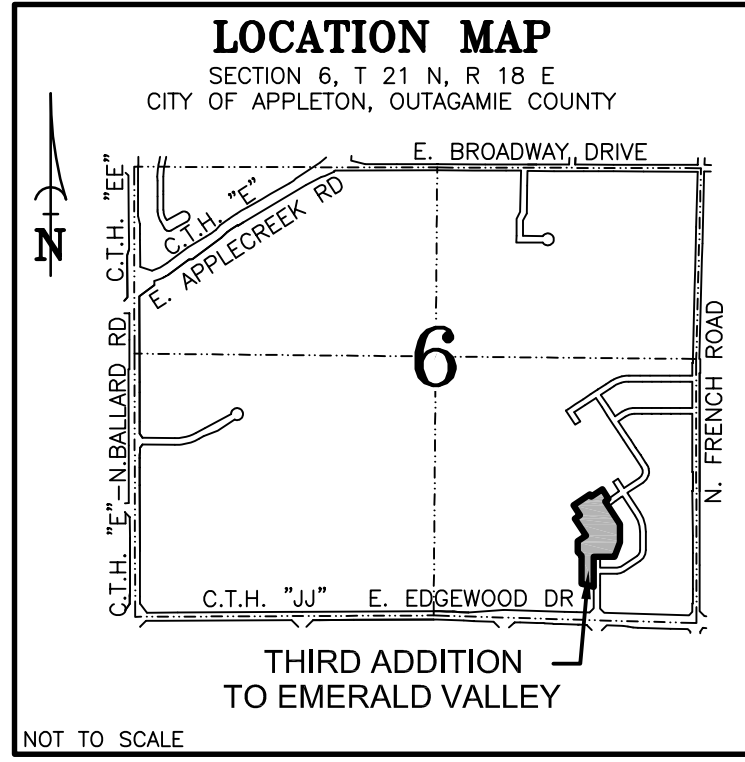






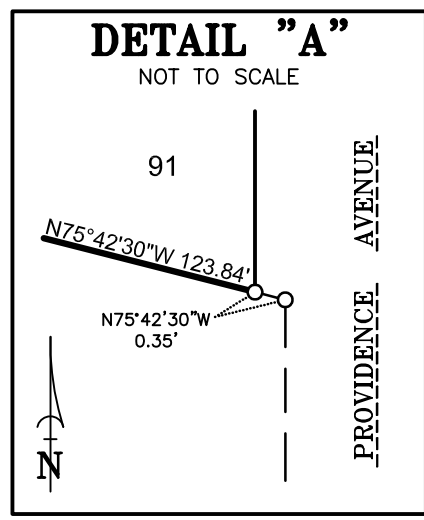
# THIRD ADDITION TO EMERALD VALLEY

PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST,  
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



**LEGEND**

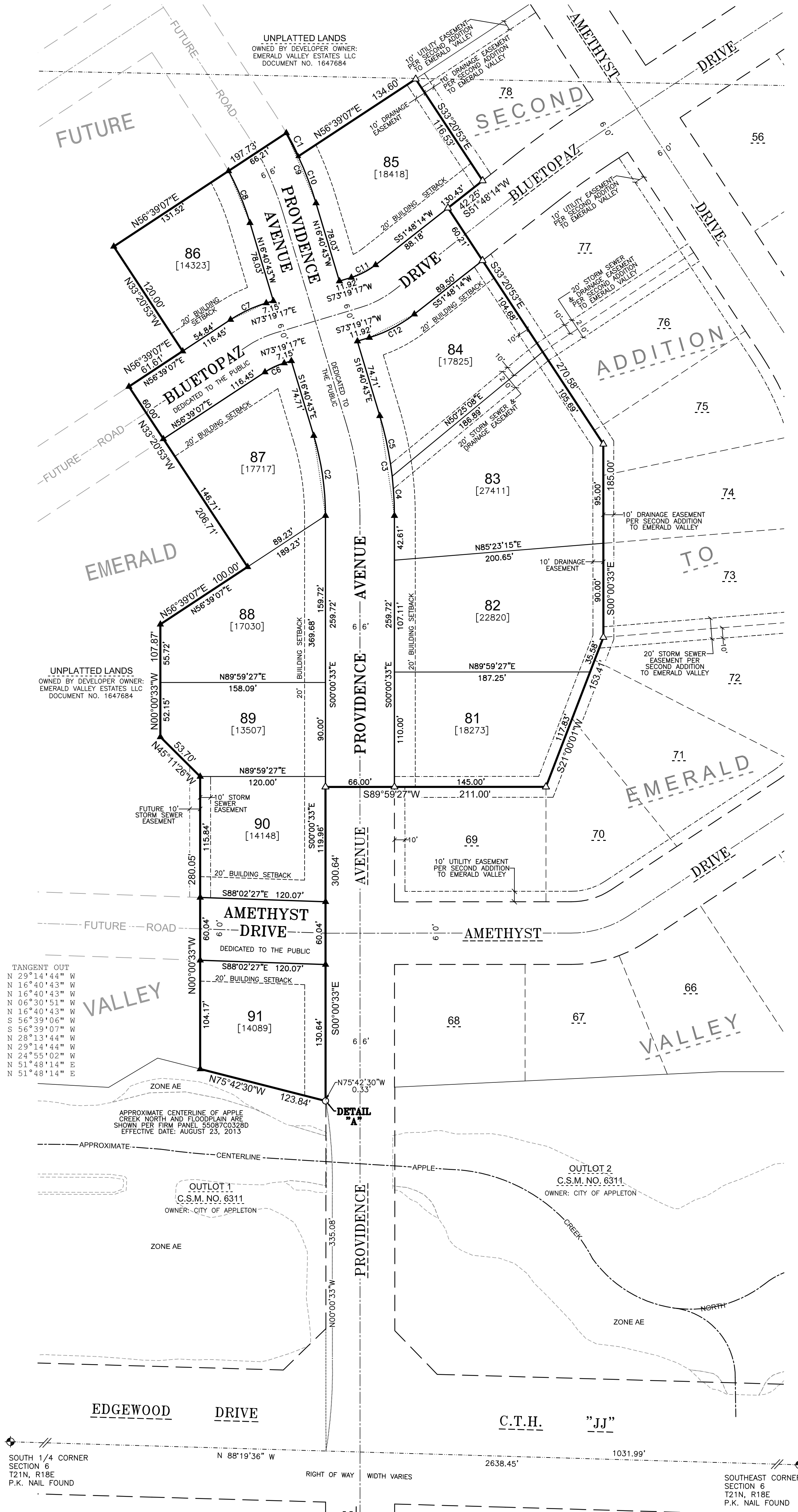
- 1" O.D. ROUND IRON PIPE SET, 24" LONG, WEIGHING 1.13 LBS. PER LINEAL FOOT AT ALL OTHER LOT CORNERS
- ▲ 1-1/4" O.D. ROUND REINFORCING BAR SET, 30" LONG WEIGHING 4.303 LBS. PER LINEAL FOOT
- △ 1-1/4" O.D. REBAR FOUND
- 3/4" O.D. REBAR FOUND
- [ ] TOTAL LOT AREA IN SQUARE FEET
- ◻ GOVERNMENT CORNER



**UTILITY EASEMENTS** - NO POLES OR BURIED CABLES ARE TO BE PLACED SUCH THAT THE INSTALLATION WOULD DISTURB ANY SURVEY STAKE OR OBSTRUCT VISION ALONG ANY LOT LINE OR STREET LINE. THE DISTURBANCE OF A SURVEY STAKE BY ANYONE IS A VIOLATION OF SECTION 236.32 OF WISCONSIN STATUTES. UTILITY EASEMENTS AS HEREIN SET FORTH ARE FOR THE USE OF PUBLIC BODIES AND PRIVATE PUBLIC UTILITIES HAVING THE RIGHT TO SERVE THE AREA.

**NOTES**  
 ALL LINEAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE HUNDREDTH OF A FOOT.  
 ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST 20 SECONDS AND COMPUTED TO THE NEAREST HALF SECOND.  
 FRONT YARD BUILDING SETBACKS ARE 20 FEET, THE MINIMUM REAR YARD BUILDING SETBACKS ARE 25 FEET AND MINIMUM SIDE YARD BUILDING SETBACKS ARE 6 FEET AS LISTED IN THE CITY OF APPLETON ZONING ORDINANCE, R-1B SINGLE-FAMILY DISTRICT.  
 THERE ARE NO EXISTING BUILDINGS WITHIN THE PLATTED AREA.

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	333.00'	004°19'42"	25.16'	S 27°04'53.0" E	25.15'	N 24°55'02" W	N 29°14'44" W
2	267.00'	016°40'10"	77.68'	N 08°20'38.0" W	77.41'	N 00°00'33" W	N 16°40'43" W
3	333.00'	016°40'10"	96.88'	N 08°20'38.0" W	96.54'	N 00°00'33" W	N 16°40'43" W
4	333.00'	006°30'18"	37.81'	N 03°15'42.0" W	37.79'	N 00°00'33" W	N 06°30'51" W
5	333.00'	010°09'52"	59.08'	N 11°35'47.0" W	59.00'	N 06°30'51" W	N 16°40'43" W
6	70.00'	016°40'11"	20.37'	S 64°59'11.5" W	20.29'	S 73°19'17" W	S 56°39'06" W
7	130.00'	016°40'10"	37.82'	S 64°59'12.0" W	37.69'	S 73°19'17" W	S 56°39'07" W
8	267.00'	011°33'01"	53.82'	N 22°27'13.5" W	53.73'	N 16°40'43" W	N 28°13'44" W
9	333.00'	012°34'01"	73.04'	N 22°57'43.5" W	72.89'	N 16°40'43" W	N 29°14'44" W
10	333.00'	008°14'19"	47.88'	N 20°47'52.5" W	47.84'	N 16°40'43" W	N 24°55'02" W
11	70.00'	021°31'03"	26.29'	N 62°33'45.5" E	26.13'	N 73°19'17" W	N 51°48'14" E
12	130.00'	021°31'03"	48.82'	N 62°33'45.5" E	48.54'	N 73°19'17" W	N 51°48'14" E



There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_

Department of Administration

**Martenson & Eisele, Inc.**  
 1377 Midway Road  
 Menasha, WI 54952  
 www.martenson-eisele.com  
 info@martenson-eisele.com  
 920.731.0381 1.800.236.0381

Drawing No. 1-0534-004  
 Sheet 1 of 2  
 This Instrument drawn by: Amy Sedar

**THIRD ADDITION TO EMERALD VALLEY**  
PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST,  
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

**SURVEYOR'S CERTIFICATE**

I, GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED, AND MAPPED THIRD ADDITION TO EMERALD VALLEY, AT THE DIRECTION OF EMERALD VALLEY ESTATES LLC, PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 6; THENCE NORTH 88 DEGREES 19 MINUTES 36 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 1031.99 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 33 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE AND ITS SOUTHERLY EXTENSION, A DISTANCE OF 335.08 FEET; THENCE NORTH 75 DEGREES 42 MINUTES 30 SECONDS WEST, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, A DISTANCE OF 0.33 FEET TO THE POINT OF BEGINNING; THENCE NORTH 75 DEGREES 42 MINUTES 30 SECONDS WEST, ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 6311, A DISTANCE 123.84 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 33 SECONDS WEST, 280.05 FEET; THENCE NORTH 45 DEGREES 11 MINUTES 26 SECONDS WEST, 53.70 FEET; THENCE NORTH 00 DEGREES 00 MINUTES 33 SECONDS WEST, 107.87 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 100.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 206.71 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 61.61 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 120.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 197.73 FEET; THENCE 25.16 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 333.00 FEET AND A CHORD THAT BEARS SOUTH 27 DEGREES 04 MINUTES 53.0 SECONDS EAST, 25.15 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 134.60 FEET; THE FOLLOWING SEVEN CALLS ARE ALONG THE WEST LINE OF THE SECOND ADDITION TO EMERALD VALLEY:  
THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 116.53 FEET;  
THENCE SOUTH 51 DEGREES 48 MINUTES 14 SECONDS WEST, 42.25 FEET;  
THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 270.58 FEET;  
THENCE SOUTH 00 DEGREES 00 MINUTES 33 SECONDS EAST, 185.00 FEET;  
THENCE SOUTH 21 DEGREES 00 MINUTES 01 SECONDS WEST, 153.41 FEET;  
THENCE SOUTH 89 DEGREES 59 MINUTES 27 SECONDS WEST, 211.00 FEET;  
THENCE SOUTH 00 DEGREES 00 MINUTES 33 SECONDS EAST, 300.64 FEET TO THE POINT OF BEGINNING. CONTAINING 261,163 SQUARE FEET [5.995 ACRES] AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION THEREOF MADE.

THAT I HAVE MADE SUCH LAND DIVISION AND PLAT BY THE DIRECTION OF THE OWNERS SHOWN HEREIN.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES, AND THE SUBDIVISION REGULATIONS OF THE CITY OF APPLETON IN SURVEYING, DIVIDING AND MAPPING THE SAME.

GIVEN UNDER MY HAND THIS 28TH DAY OF MARCH, 2017.

\_\_\_\_\_  
GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR S-2098

**CORPORATE OWNER'S CERTIFICATE OF DEDICATION**

EMERALD VALLEY ESTATES LLC, DULY ESTABLISHED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID EMERALD VALLEY ESTATES LLC, CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

EMERALD VALLEY ESTATES LLC, FURTHER CERTIFIES THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

DEPARTMENT OF ADMINISTRATION  
CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER(S) THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
ROBERT DEBRUIN - MEMBER

\_\_\_\_\_  
PAT HIEPTAS - MEMBER

STATE OF WISCONSIN )  
                                  ) SS  
OUTAGAMIE COUNTY   )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017,  
THE ABOVE OWNER(S) TO ME KNOWN TO BE THE PERSON(S), WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

\_\_\_\_\_  
NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

**DRAINAGE EASEMENT PROVISIONS**

AN EASEMENT FOR DRAINAGE IS HEREBY GRANTED BY EMERALD VALLEY ESTATES LLC, GRANTOR, TO

CITY OF APPLETON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. BUILDINGS OR ANY OTHER TYPE OF STRUCTURE SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "DRAINAGE EASEMENT". GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK. GRANTOR SHALL MAINTAIN GROUND SURFACE AND VEGETATION SO AS NOT TO IMPEDE DRAINAGE.

**STORM SEWER EASEMENTS PROVISION**

AN EASEMENT FOR STORM SEWER IS HEREBY GRANTED BY EMERALD VALLEY ESTATES LLC, GRANTOR, TO

CITY OF APPLETON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SAID STORM SEWER AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. BUILDINGS OR ANY OTHER TYPE OF STRUCTURE SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "STORM SEWER EASEMENT" GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK.

THE GRANT OF EASEMENTS SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

\_\_\_\_\_  
ROBERT DEBRUIN - MEMBER

\_\_\_\_\_  
PAT HIEPTAS - MEMBER

**UTILITY EASEMENT PROVISIONS**

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY EMERALD VALLEY ESTATES LLC, GRANTORS, TO

WISCONSIN ELECTRIC POWER COMPANY, A WISCONSIN CORPORATION DOING BUSINESS AS WE ENERGIES, GRANTEE,  
WISCONSIN BELL, INC. D/B/A AT&T WISCONSIN, A WISCONSIN CORPORATION, GRANTEE, AND  
TIME WARNER ENTERTAINMENT COMPANY, L.P., GRANTEE

THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO CONSTRUCT, INSTALL, OPERATE, REPAIR, MAINTAIN AND REPLACE FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND ELECTRIC ENERGY, NATURAL GAS, TELEPHONE AND CABLE TV FACILITIES FOR SUCH PURPOSES AS THE SAME IS NOW OR MAY HEREAFTER BE USED, ALL IN, OVER, UNDER, ACROSS, ALONG AND UPON THE PROPERTY SHOWN WITHIN THOSE AREAS ON THE PLAT DESIGNATED AS "UTILITY EASEMENT AREAS" AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHT TO INSTALL SERVICE CONNECTIONS UPON, ACROSS WITHIN AND BENEATH THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS, THEREON, OR ON ADJACENT LOTS; ALSO THE RIGHT TO TRIM OR CUT DOWN TREES, BRUSH AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. THE GRANTEES AGREE TO RESTORE OR CAUSE TO HAVE RESTORED, THE PROPERTY, AS NEARLY AS IS REASONABLY POSSIBLE, TO THE CONDITION EXISTING PRIOR TO SUCH ENTRY BY THE GRANTEES OR THEIR AGENTS. THIS RESTORATION, HOWEVER, DOES NOT APPLY TO THE INITIAL INSTALLATION OF SAID UNDERGROUND AND/OR ABOVE GROUND ELECTRIC FACILITIES, NATURAL GAS FACILITIES, OR TELEPHONE AND CABLE TV FACILITIES OR TO ANY TREES, BRUSH OR ROOTS WHICH MAY BE REMOVED AT ANY TIME PURSUANT TO THE RIGHTS HEREIN GRANTED. STRUCTURES SHALL NOT BE PLACED OVER GRANTEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "UTILITY EASEMENT AREAS" WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED BY MORE THAN FOUR INCHES WITHOUT WRITTEN CONSENT OF GRANTEES. THE GRANT OF EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

\_\_\_\_\_  
ROBERT DEBRUIN - MEMBER

\_\_\_\_\_  
PAT HIEPTAS - MEMBER

**COMMON COUNCIL RESOLUTION:**

RESOLVED, THAT THIRD ADDITION TO EMERALD VALLEY, IN THE CITY OF APPLETON, IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

\_\_\_\_\_  
TIMOTHY HANNA, CITY MAYOR

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

\_\_\_\_\_  
DAWN COLLINS, CITY CLERK

\_\_\_\_\_  
DATE

**CITY TREASURER'S CERTIFICATE:**

I, ANTHONY D. SAUCERMAN, BEING THE DULY QUALIFIED AND ACTING FINANCE DIRECTOR OF THE CITY OF APPLETON, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE, THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF \_\_\_\_\_ ON ANY OF THE LAND INCLUDED IN THIRD ADDITION TO EMERALD VALLEY.

\_\_\_\_\_  
ANTHONY D. SAUCERMAN, CITY FINANCE DIRECTOR

\_\_\_\_\_  
DATE

**COUNTY TREASURER'S CERTIFICATE:**

I, \_\_\_\_\_, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE COUNTY OF OUTAGAMIE, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNREDEEMED TAX SALES AND NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF \_\_\_\_\_ AFFECTING THE LANDS INCLUDED IN THIRD ADDITION TO EMERALD VALLEY.


\_\_\_\_\_  
DATE

\_\_\_\_\_  
SIGNED

\_\_\_\_\_  
COUNTY TREASURER

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_

  
Department of Administration

**Martenson & Eisele, Inc.**  
1377 Midway Road  
Menasha, WI 54952  
www.martenson-eisele.com  
info@martenson-eisele.com  
920.731.0381 1.800.236.0381

Planning  
Environmental  
Surveying  
Engineering  
Architecture

Drawing No. 1-0534-004  
Sheet 2 of 2  
This Instrument drawn by: Amy Sedlar