



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: November 10, 2014

Common Council Meeting Date: November 19, 2014

Item: Final Plat – Pierce Plat

Case Manager: David Kress

GENERAL INFORMATION

Owner: Pierce Manufacturing, Inc. c/o Dan Sutheimer

Applicant: Martenson & Eisele, Inc. c/o Gary Zahringer

Parcel #: 31-3-0922-00 and 31-3-0761-00

Petitioner's Request: The applicant is proposing to subdivide the properties for residential development.

BACKGROUND

A building on the southern property (Tax Parcel 31-3-0761-00) was formerly a manufacturing facility for Pierce Manufacturing, Inc. and was demolished in 2011. The lot has been vacant since that time. The property north of the railroad (Tax Parcel 31-3-0922-00) was previously used for parking and is currently vacant.

A Certificate of Closure was issued by the Wisconsin Department of Natural Resources on November 20, 2012, and the site has been cleaned to residential standards.

Rezoning #5-14 of the subject lots from M-2 General Industrial District and C-2 General Commercial District to R-1B Single-Family Residential District was approved by Common Council on July 2, 2014. The Pierce Plat Preliminary Plat was approved by Common Council on October 15, 2014.

STAFF ANALYSIS

Existing Conditions: The subject lots to be subdivided are currently vacant. The area to be platted for single-family development totals 2.622 acres, which will be divided into 13 lots.

Comparison between Final Plat and Preliminary Plat: The Final Plat is consistent with the Preliminary Plat layout for these thirteen (13) lots in terms of shape, size, and location. As a condition of approval for the Preliminary Plat, relief from the minimum lot width requirements was granted for proposed Lots #7 and #13.

Zoning Ordinance Review Criteria: Lot development standards (Section 23-93) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed lots range in size from 7,059 square feet to 11,470 square feet. All lots exceed this requirement.*

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- Minimum lot width: Fifty (50) feet.
 - *The proposed lots range in width from 34.30 feet to 141.10 feet. Proposed Lot #7 (34.30 feet) and proposed Lot #13 (43.92 feet) do not meet the lot width requirement. All other lots meet or 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.
 - *This 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, except for the minimum lot width dimension for proposed Lots #7 and #13.

Zoning and land development regulations may present problems for developing on infill sites. These regulations are typically written to deal with undeveloped greenfield sites. For example, these codes frequently require more frontage (lot width), lot area, setbacks or buffers than will fit on the typical infill lot. The lot width deviation request for proposed Lots #7 and #13 represents an effort to encourage infill development, the specific purposes of which are to: allow for the efficient use of land, promote use of existing infrastructure, meet the needs and demands of the population, and conserve open space.

Per Section 17-3(f) when the Common Council finds that extraordinary hardship or injustice will result from strict compliance with this ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three (3) standards:

- (1) The modification is due to physical features of the site or its location. *Yes, the existing infrastructure and railroad corridor contribute to the challenges of designing proposed Lots #7 and #13 to satisfy the minimum 50 foot lot width requirement of the R-1B District.*
- (2) The modification is the least deviation from this ordinance which will mitigate the hardship. *Yes, granting relief on proposed Lots #7 and #13 allow the other proposed lots to meet or exceed the minimum lot width requirement.*
- (3) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance. *Yes, the proposed lots are similar in size and shape to those already located in the surrounding neighborhood.*

Access and Traffic: Vehicular access to the subject lots is provided by existing local and collector streets. The southern property (Tax Parcel 31-3-0761-00) is bordered by South Story Street, West Spencer Street, and South Pierce Avenue. The northern property (Tax Parcel 31-3-0922-00) abuts West Eighth Street and South Pierce Avenue, but neither street continues across the railroad.

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 commercial in nature.

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North: R-1C Central City Residential District, R-2 Two-Family District, and C-2 General Commercial District. The adjacent land uses to the north are currently a mix of single and two-family residential and commercial uses.

South: R-1B Single-Family Residential District, R-1C Central City Residential District, and R-2 Two-Family District. The adjacent land uses to the south are currently a mix of single and two-family residential.

East: R-1B Single-Family Residential District and R-1C Central City Residential District. The adjacent land uses to the east are currently a mix of single and two-family residential.

West: R-1B Single-Family Residential District, R-1C Central City Residential District, and C-2 General Commercial District. The adjacent land uses to the west are currently a mix of single and two-family residential and commercial uses.

Comprehensive Plan 2010-2030: 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 *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods and greenfield development sites at the City's edge.

Goal 3 – Housing Quality and Affordability

Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

OBJECTIVE 5.1 Housing and Neighborhoods:

Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.

OBJECTIVE 5.3 Housing and Neighborhoods:

Provide a range of housing styles that meet the needs and appeal to all segments of the community.

OBJECTIVE 6.3 Transportation:

Create an environment that is safe and conducive to walking and bicycling throughout the entire city.

OBJECTIVE 7.1 Utilities and Community Facilities:

Provide a pattern of development that minimizes impacts to municipal services and utilities.

OBJECTIVE 10.2 Land Use:

Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.

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Parks and Open Space: The Appleton Subdivision Regulations require parkland dedication or fee in lieu for residential subdivisions. Since no parkland will be dedicated on the subject properties, park fees will be due prior to the City signing the Final Plat.

Technical Review Group (TRG) Report: This item was discussed at the October 28, 2014 Technical Review Group meeting.

- **Department of Public Works Comments:**

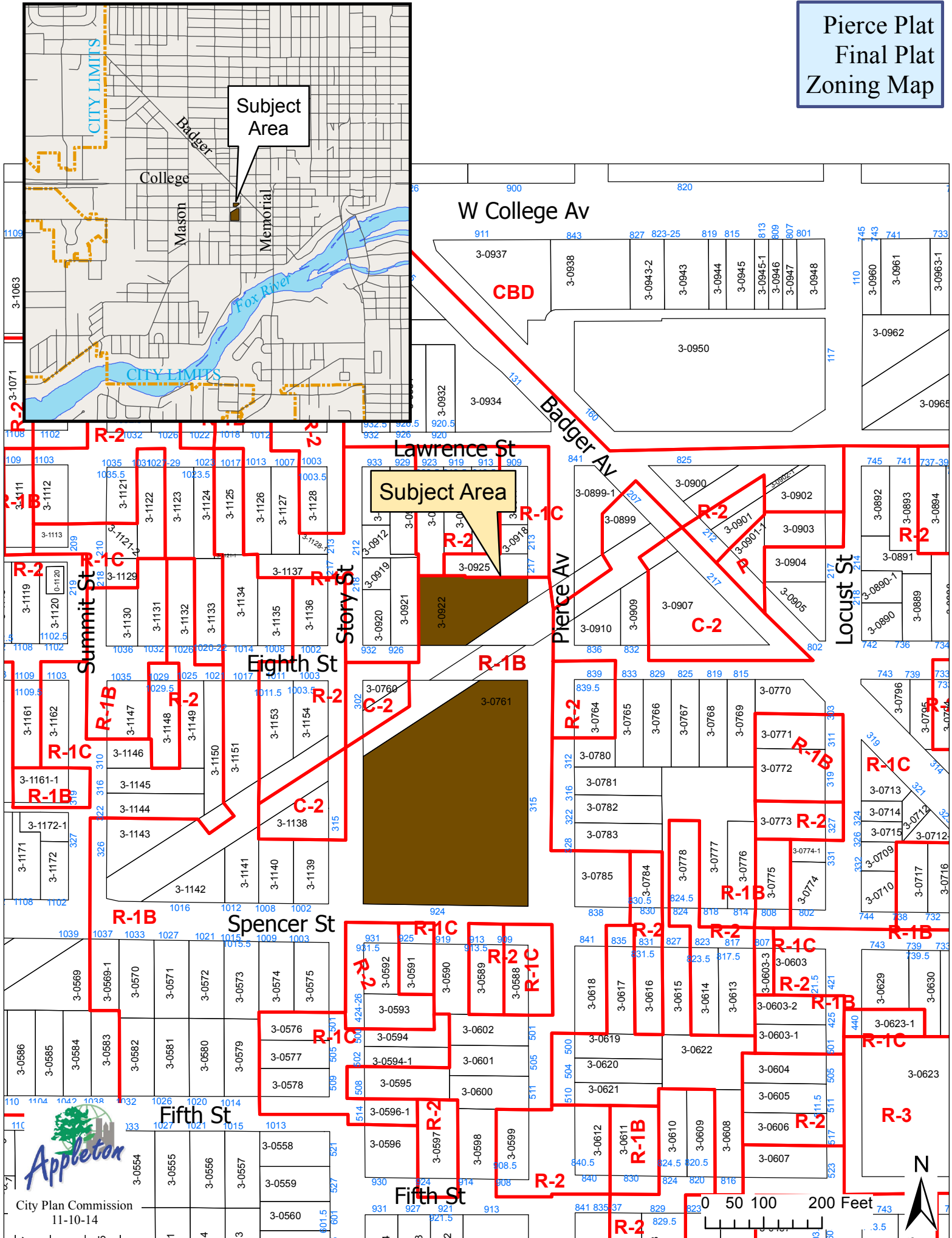
- Identify in the legend or label the line work that appears to be showing “historic” lot lines within the boundaries of proposed Lots #12 and #13 of the Plat, as they are very similar to the setback line type.
- There is a 15.00’ label that does not appear to be referenced to anything, located near the intersection of South Story Street and West Spencer Street.
- The vacated section of West Eight Street shall be shown correctly, as adopted by Common Council on June 1, 2011. The Resolution and exhibit are attached.

RECOMMENDATION

The Final Plat for the Pierce Plat, as shown on the attached map, **BE APPROVED** subject to the following conditions:

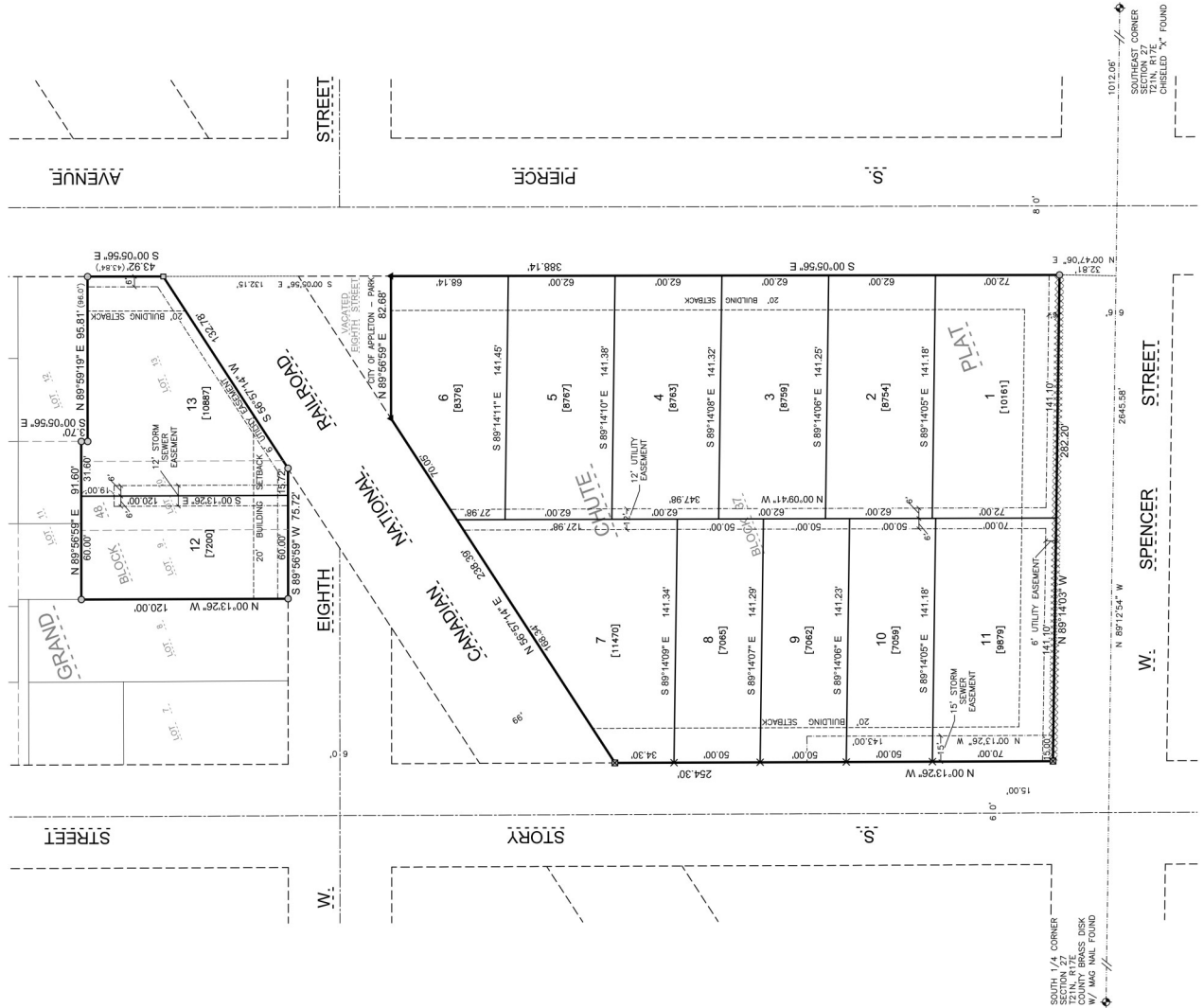
1. The Final Plat shall be recorded within 12 months from the approval date of the last approving authority and within 36 months from the approval date of the first approving authority. Failure to do so requires the subdivider to recommence the entire procedure for Final Plat approval.
2. Public improvements required for this development shall be built in accordance with City of Appleton standards.
3. Grant relief from the minimum lot width requirements for proposed Lots #7 and #13 per Section 17-3(f) of the Appleton Municipal Code as stated previously in the staff report.
4. Park fees of \$300 per lot are due prior to the City signing the Final Plat.
5. Prior to City signatures being affixed to the Final Plat, the Final Plat shall show the following:
 - a. Identify in the legend or label the line work that appears to be showing “historic” lot lines within the boundaries of proposed Lots #12 and #13 of the Plat, as they are very similar to the setback line type.
 - b. There is a 15.00’ label that does not appear to be referenced to anything, located near the intersection of South Story Street and West Spencer Street. Revise as necessary.
 - c. The vacated section of West Eight Street shall be shown correctly, as adopted by Common Council on June 1, 2011.
6. Prior to City signatures being affixed to the Final Plat, the Final Plat shall adhere to technical comments provided by the Engineering Division, which will be sent under a separate cover.

Pierce Plat Final Plat Zoning Map



PIERCE PLAT

ALL OF LOTS 9, 10 AND 13, BLOCK 48 AND ALL OF THE UNLOTTED PART OF BLOCK 37, GRAND CHUTE PLAT, THIRD WARD, ALL BEING LOCATED IN THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF SAID CITY.



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.

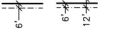
Certified _____, 20__

Department of Administration



- LEGEND**
- ▲ 1" O.D. ROUND IRON PIPE SET, 24" LONG, WEIGHT 1.03 LBS. PER LINEAL FOOT AT LONG WEIGHTS 4.303 LBS. PER LINEAL FOOT
 - 3/4" O.D. REBAR FOUND
 - 1" O.D. ROUND IRON PIPE FOUND
 - ⊗ CHEESED "X" FOUND
 - [] TOTAL LOT AREA IN SQUARE FEET
 - ◊ GOVERNMENT CORNER
 - () RECORDED AS
 - XXXXXX NO ACCESS

UTILITY EASEMENTS - NO FOLLER OR DISBURSE ANY SURVEY STAKE OR SUCH THAT THE INSTALLATION WOULD DISTURB ANY SURVEY STAKE OR LINE OR STREET LINE. THE DISTURBANCE OF A SURVEY STAKE BY 236-22 OF WISCONSIN STATUTES. THE FORTH ARE FOR THE USE OF PUBLIC ROADS AND PRIVATE PUBLIC SERVING THE AREA.



NOTES

ALL LINEAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE HUNDRETH 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-18 SINGLE-FAMILY DISTRICT.

SEWER AND STORM SEWER EASEMENTS

AN EASEMENT FOR SEWER EASEMENTS HEREBY GRANTED BY: FENCE MANUFACTURING, INC., GRANATOR, TO CITY OF APPLETON, GRANTEE.

THE GRANTEE, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED HEREIN AND SHALL NOT BE BOUND BY ANY RESTRICTIONS, COVENANTS, CONDITIONS, EASEMENTS, ENCUMBRANCES, OR OTHER INTERESTS OF ANY KIND, WHETHER WRITTEN OR UNWRITTEN, THAT MAY AFFECT THE PROPERTY REFERENCED HEREIN AT ANY TIME AFTER THE DATE OF THIS INSTRUMENT. THE GRANTEE SHALL BE RESPONSIBLE FOR THE MAINTENANCE, REPAIR, REPLACING OR RELOCATING OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES. THE GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL, AND DIRT ON SAID PROPERTY, AS WELL AS ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTERS, HARD PAVEMENT, TREES, SHRUBS AND LANDSCAPING, 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 OR RELOCATED IN SUCH A MANNER AS TO INTERFERE WITH THE MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES. THE GRANTEE SHALL GIVE TIMELY NOTICE TO THE GRANTEE OF ROUTINE MAINTENANCE WORK. LINES MARKED "STORM SEWER EASEMENT" GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTEE OF ROUTINE MAINTENANCE WORK.

RICHARD E. BACK - VICE PRESIDENT,
FINANCE FIRE & EMERGENCY SEGMENT
OSHKOSH CORPORATION

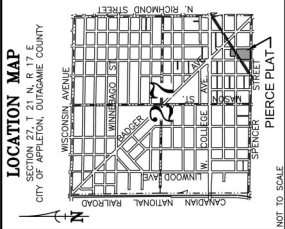
ACCESS RESTRICTION CLAUSE

DATE: 10/11/11. THE GRANTEE, GRANATOR, HEREBY GRANTS TO THE GRANTEE, FINANCE FIRE & EMERGENCY SEGMENT, A RESTRICTION FOR THE BENEFIT OF THE PUBLIC AS PROVIDED IN SECTION 236.2(3), WISCONSIN STATUTES AND SHALL BE ENFORCEABLE BY THE DEPARTMENT OR ITS ASSIGNS.

RICHARD E. BACK - VICE PRESIDENT,
FINANCE FIRE & EMERGENCY SEGMENT
OSHKOSH CORPORATION

1012.08' - 11' - 0" -
SOUTHEAST CORNER
SECTION 27
CHEESED "X" FOUND

SOUTH 1/4 CORNER
SECTION 27
T21N, R17E
COUNTY BRASS DISK
W. 1/4 CORNER FOUND



Martenson & Eisele, Inc.
1277 Alway Road
Appleton, WI 54911
www.martenson-eisele.com
Drawing No. 1-0046-00
The instrument drawn by: Amy Seidler

PIERCE PLAT

ALL OF LOTS 9, 10 AND 13, BLOCK 48 AND ALL OF THE UNLOTTED PART OF BLOCK 37, GRAND CHUTE PLAT, THIRD WARD, ALL BEING LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF SAID CITY.

SURVEYOR'S CERTIFICATE

I, GARY A. ZANKINGER, REGISTERED LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED, AND MAPPED PIERCE PLAT, AT THE DIRECTION OF PIERCE MANUFACTURING, INC., BEING ALL OF LOTS 9, 10 AND 13, BLOCK 48 AND ALL OF THE UNLOTTED PART OF BLOCK 37, GRAND CHUTE PLAT, THIRD WARD, ALL BEING LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 27, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, ACCORDING TO THE RECORDED ASSESSOR'S MAP OF SAID CITY RECORDED ON THE 10TH DAY OF APRIL, 1907 IN VOLUME 7 OF PLATS ON PAGES 1, 2, 3 AND 4, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 27; THENCE NORTH 89 DEGREES 12 MINUTES 54 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 1012.06 FEET; THENCE NORTH 00 DEGREES 47 MINUTES 06 SECONDS EAST, 32.81 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 13 MINUTES 26 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF 5. STORY STREET, A DISTANCE OF 282.20 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 26 SECONDS WEST, ALONG THE EAST RIGHT-OF-WAY LINE OF 5. STORY STREET, A DISTANCE OF 224.30 FEET; THENCE NORTH 56 DEGREES 57 MINUTES 14 SECONDS EAST, ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF CANADIAN RIGHT-OF-WAY LINE OF 10. STORY STREET, A DISTANCE OF 138.38 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES 54 SECONDS WEST, ALONG THE NORTH LINE OF 10. STORY STREET, A DISTANCE OF 132.78 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES 54 SECONDS WEST, ALONG THE NORTH LINE OF CANADIAN NATIONAL RAILROAD, A DISTANCE OF 132.78 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES 54 SECONDS WEST, ALONG THE NORTH RIGHT-OF-WAY LINE OF W. EIGHTH STREET, A DISTANCE OF 71.72 FEET; THENCE NORTH 00 DEGREES 13 MINUTES 26 SECONDS EAST, ALONG THE NORTH LINES OF SAID LOTS 9, 10 AND 13, BLOCK 48, GRAND CHUTE PLAT, A DISTANCE OF 91.60 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 56 SECONDS EAST, CONTINUING ALONG THE NORTH LINE OF SAID LOT 13, A DISTANCE OF 1.70 FEET; THENCE NORTH 00 DEGREES 05 MINUTES 56 SECONDS EAST, 132.15 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 56 SECONDS EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF S. PIERCE AVENUE, A DISTANCE OF 43.52 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 56 SECONDS EAST, 132.15 FEET; THENCE SOUTH 00 DEGREES 05 MINUTES 56 SECONDS EAST, ALONG THE WEST RIGHT-OF-WAY LINE OF S. PIERCE AVENUE, A DISTANCE OF 114,202.50 FT. (2,622 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 234 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 21ST DAY OF OCTOBER, 2014.

GARY A. ZANKINGER, REGISTERED W/ LAND SURVEYOR 8-2938

COMMON CERTIFICATE OF INDICATION

PIERCE MANUFACTURING, INC., A CORPORATION DULY ESTABLISHED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, AND MAPPED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

PIERCE MANUFACTURING, INC., FURTHER CERTIFIES THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING DEPARTMENT OF ADMINISTRATION FOR APPROVAL OR OBJECTION.

CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER(S) THIS _____ DAY OF _____, 2014.

MICHAEL E. PACK - VICE PRESIDENT,
EMERGENCY SEGMENT,
OSEROSH CORPORATION

STATE OF WISCONSIN) SS

OUTAGAMIE COUNTY)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2014,

THE ABOVE PERSON TO ME KNOWN TO BE MICHAEL E. PACK - VICE PRESIDENT, FINANCE FIRE

AND ACKNOWLEDGES THE SAME.

NOTARY PUBLIC _____

MY COMMISSION EXPIRES _____

UTILITY EASEMENT PROVISIONS
AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY PIERCE MANUFACTURING, INC., GRANTEES, TO WISCONSIN ELECTRIC POWER COMPANY, A WISCONSIN CORPORATION DOING BUSINESS AS WE ENERGIES, GRANTEE, AND THE WABNER ENTERTAINMENT COMPANY, L.P., GRANTEE

USED IN CONNECTION WITH OVERHEAD TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND ELECTRIC ENERGY, NATURAL GAS, 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, THROUGH, OVER, UNDER, AND/OR WITHIN THE PROPERTY SHOWN WITHIN THOSE AREAS ON THE PLAT DESIGNATED AS "UTILITY EASEMENT AREAS", TREES, BRUSH AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE COT TENANT SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. THE GRANTEE AGREES TO RESTORE OR CAUSE TO HAVE RESTORED, THE PROPERTY, AS NEARLY AS IS PRACTICABLE, TO THE ORIGINAL CONDITION AND CONDITION OF THE PROPERTY AT THE TIME OF THE INSTALLATION OF ANY SUCH FACILITIES, OR 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. THE GRANTEE AGREES TO MAINTAIN, OPERATE, REPAIR, MAINTAIN AND REPLACE FROM TIME TO TIME, FACILITIES AND UTILITY EASEMENT AREAS* WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEE. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRANT OF THE EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

FIGURE 8 - NEW - VICE PRESIDENT,
FINANCE FIRE & EMERGENCY SEGMENT,
OSEROSH CORPORATION

COMMON COUNCIL RESOLUTION:

RESOLVED, THAT PIERCE PLAT, IN THE CITY OF APPLETON, IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

ON THIS _____ DAY OF _____, 2014.

TIMOTHY HANNA, CITY MAYOR

DATE _____

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. SAUCEMAN, 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 PIERCE PLAT.

ANTHONY D. SAUCEMAN, CITY FINANCE DIRECTOR

DATE _____

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

Document Number

FINAL RESOLUTION
City of Appleton

1912856

Recorded
June 09, 2011 9:24 AM
OUTAGAMIE COUNTY
JANICE FLENZ
REGISTER OF DEEDS
Fee Amount: \$30.00
Total Pages: 3



I, CYNTHIA I. HESSE, the duly elected and qualified City Clerk of the City of Appleton, Wisconsin, do hereby certify that the attached Resolution is a true and compared copy of a Resolution adopted by the Mayor and Common Council of the City of Appleton, Outagamie/Calumet/Winnebago Counties, at a regular meeting held June 1, 2011

WHEREAS, the public interest requires that the railroad crossing at Eighth Street that has not previously been vacated, be vacated and discontinued; and

WHEREAS, notice was given when and where the resolution would be acted on, as required by law; and

WHEREAS, hearing was had on said Resolution on the 1st day of June, 2011, at City Hall, in and for the City of Appleton, Wisconsin.

BE IT RESOLVED, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that:

LEGAL DESCRIPTION:

**WEST EIGHTH STREET
AT
C.N. WISCONSIN CENTRAL LTD. RAILROAD CROSSING**

A strip of land 60 feet in width and 73.43 feet in length along its centerline:
Bounded on the North and South by the C.N. Railway-Wisconsin Central Limited;
Bounded on the East and West by West Eighth Street, being located in the Southeast Quarter (SE¼) of the Southeast Quarter (SE¼), of Section Twenty-Seven (27), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, containing 4,406 square feet of land m/l and being further described by:

Commencing at the Southeast corner of said Section 27;

Record and return to:
City of Appleton
City Clerk's Office
100 N. Appleton Street
Appleton, WI 54911

ENVELOPE

3

Thence N.89°12'54"W. 1011.55 feet along the South line of the SE ¼ of said Section 27 to the Southerly extension of the West line of Pierce Avenue;
Thence N.00°05'54"W. 420.74 feet, along the West line of Pierce Avenue to the South line of Eighth Street;
Thence S.89°58'09"W. 95.61 feet, along the South line of West Eighth Street, to a point 20 feet Easterly of the center of the main track of the C.N. Railway-Wisconsin Central Limited, as measured at a right angle to said track and being the point of beginning;
Thence continue S.89°58'09"W. 73.43 feet, along the South line of West Eighth Street, to a point 20 feet Northwesterly of the center of the main track of the C.N. Railway-Wisconsin Central Limited, as measured at a right angle to said track;
Thence N.56°57'53"E. 110.15 feet, parallel to the main track of the C.N. Railway-Wisconsin Central Limited to the North line of West Eighth Street;
Thence N.89°58'09"E. 73.43 feet, along the North line of West Eighth Street, to a point 20 feet Southeasterly of the center of the main track of the C.N. Railway-Wisconsin Central Limited, as measured at a right angle to said track;
Thence S.56°57'53"W. 110.15 feet, parallel to the main track of the C.N. Railway-Wisconsin Central Limited to the South line of West Eighth Street and the point of beginning.

COMMON DESCRIPTION:

Railroad crossing in the 900 block of West Eighth Street

FURTHER RESOLVED, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

FURTHER RESOLVED, that according to §66.1005, Wisconsin Statutes, upon vacation and discontinuance of said railroad crossing at Eighth Street, title to the above-described area shall belong to the owners abutting both sides of this vacated area and shall acquire an ownership interest in the entire area being vacated as shown on attached Exhibit 1.

Dated at Appleton, Wisconsin, this 2nd day of June, 2011

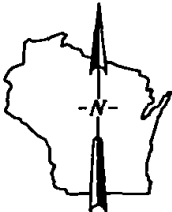
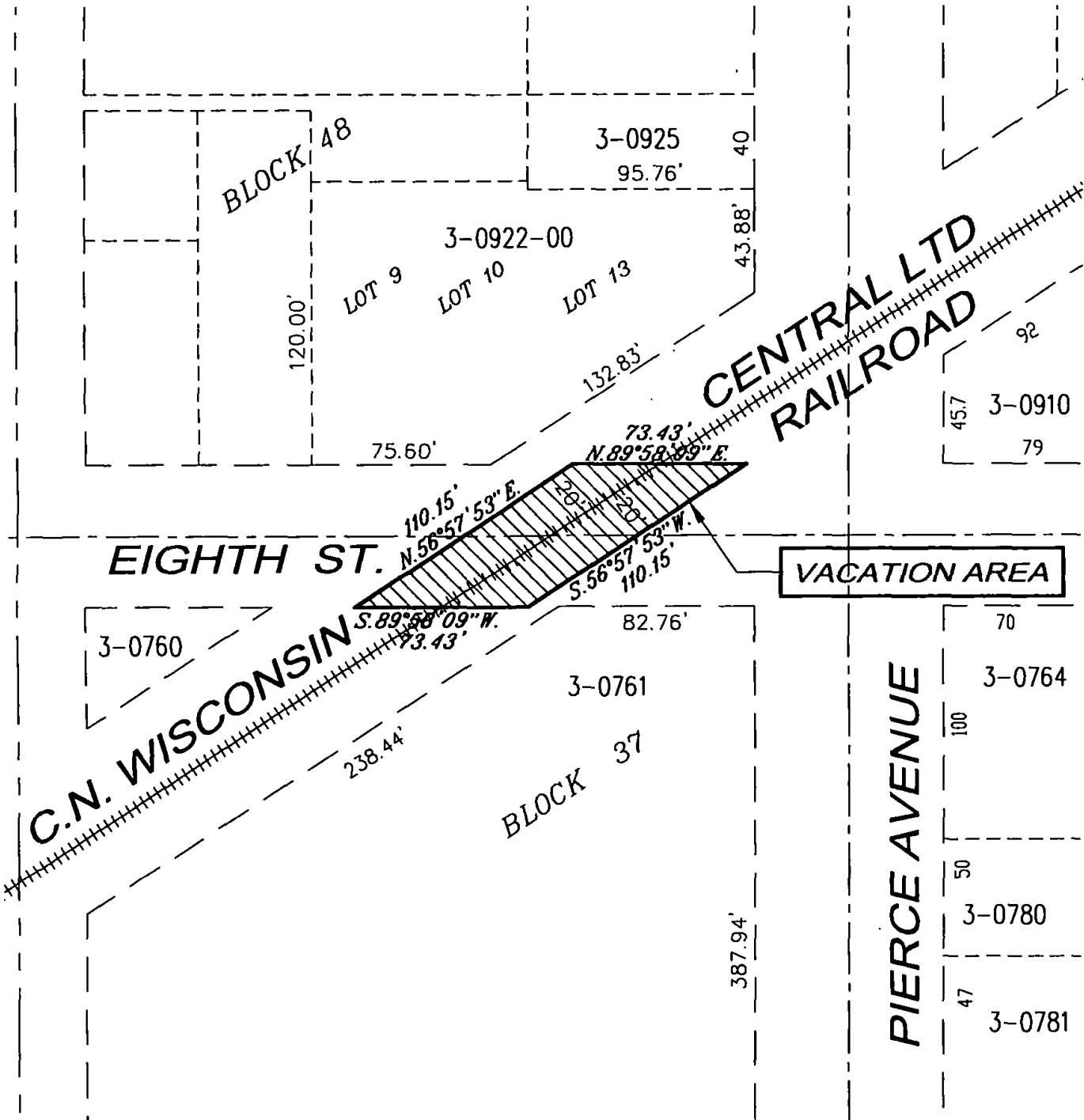


CYNTHIA I. HESSE
City Clerk

(City Seal)

EXHIBIT

EIGHTH STREET VACATION



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 APPLETON, WISCONSIN. DWN. BY: TMK
 H:AcadVac and DedRailroad at Locust Superior Eighth 042111