

AGREEMENT

This Agreement is entered into between the City of Appleton, Wisconsin, hereafter "City", and Kurey Ridge, LLC, hereafter "Developer", as follows:

RECITALS

WHEREAS, the Developer submitted a proposed Development Plan relating to the development of certain lands within the city of Appleton, commonly referred to as the Kurey Ridge Development, and

WHEREAS, as part of the submission of a proposed development, the Developer submitted to the City a Stormwater Management Plan that reflected the requirements for stormwater management given the proposed development, and

WHEREAS, the City approved the draft Stormwater Management Plan and the Developer subsequently constructed stormwater ponds consistent with said Development Plan, and

WHEREAS, the Developer has subsequently changed the development of the Kurey Ridge area thus requiring changes to the Stormwater Management Plan previously approved, and

WHEREAS, the City has required an updated Stormwater Management Plan to reflect the actual development of said property, and

WHEREAS, the City and the Developer wish to ensure that certain planned roadways envisioned in the original draft Site Plan are installed in the future, and

WHEREAS, the City and the Developer wish to ensure that a proposed recreational trail identified in the original Development Plan continue forward,

NOW, THEREFORE, the parties agree as follows:

1. The above recitals are herein incorporated by reference.
2. The City and the Developer agree that an extension of Werner Road to the west of its current location is of importance to both the Developer and the City, the parties agree that there will be a future dedication of Werner Road within parcels 1-9310-17 and 1-9310-07 as identified in the map attached hereto as Exhibit A.
3. This obligation for a future dedication of Werner Road within the above-mentioned parcels is an obligation which will run with the land and shall be binding on the Developer's successors and assigns.
4. The exact location of said extension has not yet been determined but will be identified at a future date, as determined by the City.

5. The Developer and City wish to ensure the connection of the recreational trail as identified in the original Site Plan is constructed. In furtherance of said construction, the Developer agrees to grant to the City a permanent easement for the construction of said trail. The location of said easement shall be identified as follows:

PARCEL: 31-1-9300-22

Owner: Kurey Ridge LLC

Agreement/trail easement description:

*Part of Outlot Two (2), of **GLACIER RIDGE**, located in the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 36, Township 22 North, Range 17 East, City of Appleton Outagamie County, Wisconsin, containing 1,019 square feet of land.
Commencing at the Southwest corner of said Outlot 2;
Thence North 00° 08' 54" East 266.00 feet along the West line of said Outlot 2 and being coincident with the East line of Kurey Drive to the Point of Beginning;
Thence continue North 00° 08' 54" East 20.00 feet;
Thence South 89° 33' 20" East 42.95 feet;
Thence South 57° 10' 13" East 10.07 feet to the Easterly line of said Outlot 2;
Thence South 49° 42' 37" West 11.79 feet along the Easterly line of said Outlot 2;
Thence South 40° 11' 23" East 29.85 feet along the Easterly line of said Outlot 2;
Thence North 57° 10' 13" West 29.39 feet;
Thence North 89° 33' 20" West 37.04 feet to the Point of Beginning.
See also Exhibit "B"*

PARCEL: 31-1-9300-22

Owner: Kurey Ridge LLC

Agreement/storm sewer easement description:

*Part of Outlot Two (2), of **GLACIER RIDGE**, located in the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 36, Township 22 North, Range 17 East, City of Appleton Outagamie County, Wisconsin, containing 1,178 square feet of land.
Commencing at the Southwest corner of said Outlot 2;
Thence North 00° 08' 54" East 277.00 feet along the West line of said Outlot 2 and being coincident with the East line of Kurey Drive to the Point of Beginning;
Thence continue North 00° 08' 54" East 20.00 feet;
Thence South 89° 33' 20" East 70.54 feet to the Easterly line of said Outlot 2;
Thence South 49° 42' 37" West 30.65 feet along the Easterly line of said Outlot 2;
Thence North 89° 33' 20" West 47.21 feet to the Point of Beginning.
See also Exhibit "C"*

6. In exchange for the dedication of Werner Road, the storm sewer easement and the easement needed for completion of the trail, the City agrees to contribute \$22,145.88 to the Developer as payment for the above easement and dedications and to assist in updating the Stormwater Management Plan.

Dated this ____ day of _____, 2017.

Kurey Ridge, LLC, Developer:

By: _____
Printed Name: _____
Title: _____

By: _____
Printed Name: _____
Title: _____

STATE OF WISCONSIN)
 : ss.
_____ COUNTY)

The foregoing Agreement was acknowledged before me this _____ day of _____,
2017 by _____ and _____.

Printed Name: _____
Notary Public, State of Wisconsin
My commission is/expires _____

[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

City of Appleton, Owner:

By: _____
Timothy M. Hanna, Mayor

By: _____
Kami Lynch, City Clerk

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

The foregoing Agreement was acknowledged before me this ____ day of _____, 2017 by Timothy M. Hanna, Mayor and Kami Lynch, City Clerk.

Printed Name: _____
Notary Public, State of Wisconsin
My commission is/expires _____

Provision has been made to pay the liability that will accrue under this contract.

Approved as to form:

Anthony D. Saucerman, Finance Director

James P. Walsh, City Attorney

This instrument was drafted by:
James P. Walsh, City Attorney

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Kurey Ridge - Agreement - Stormwater Contribution - 05-08-2017.docx
CityLaw: A17-0025

EXHIBIT "A"

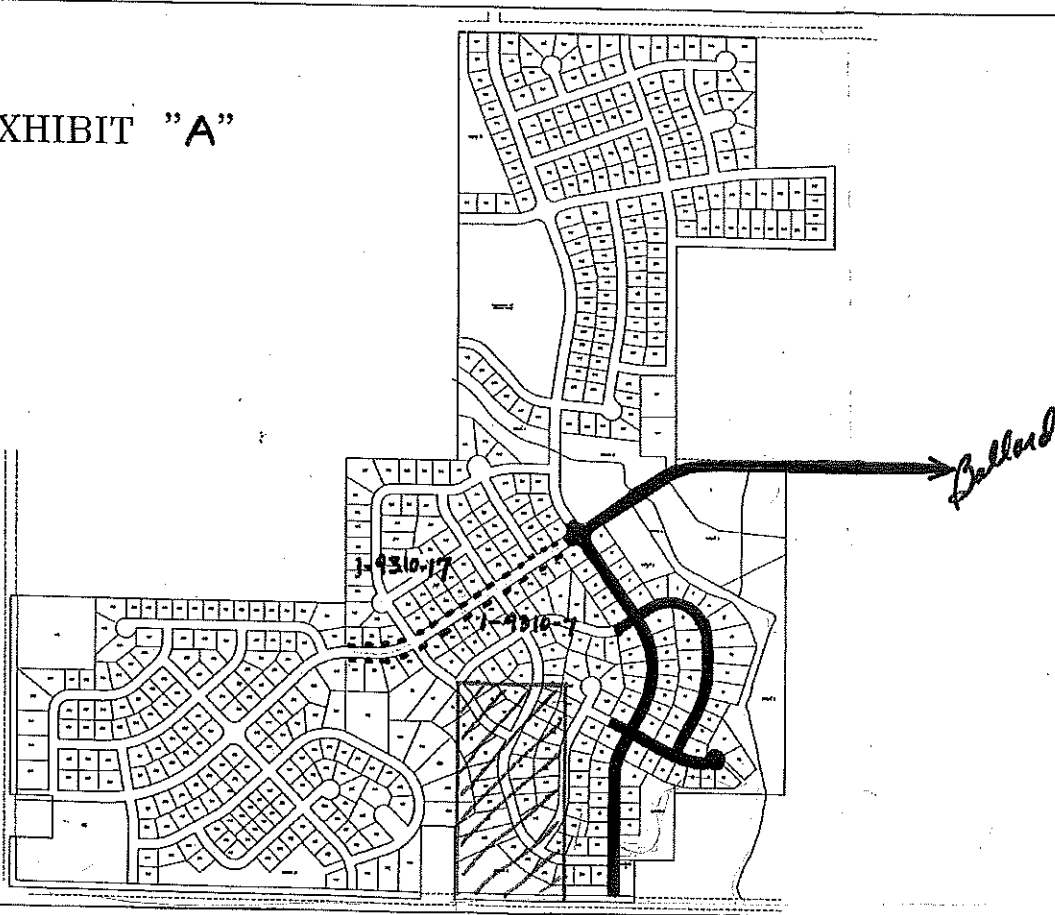
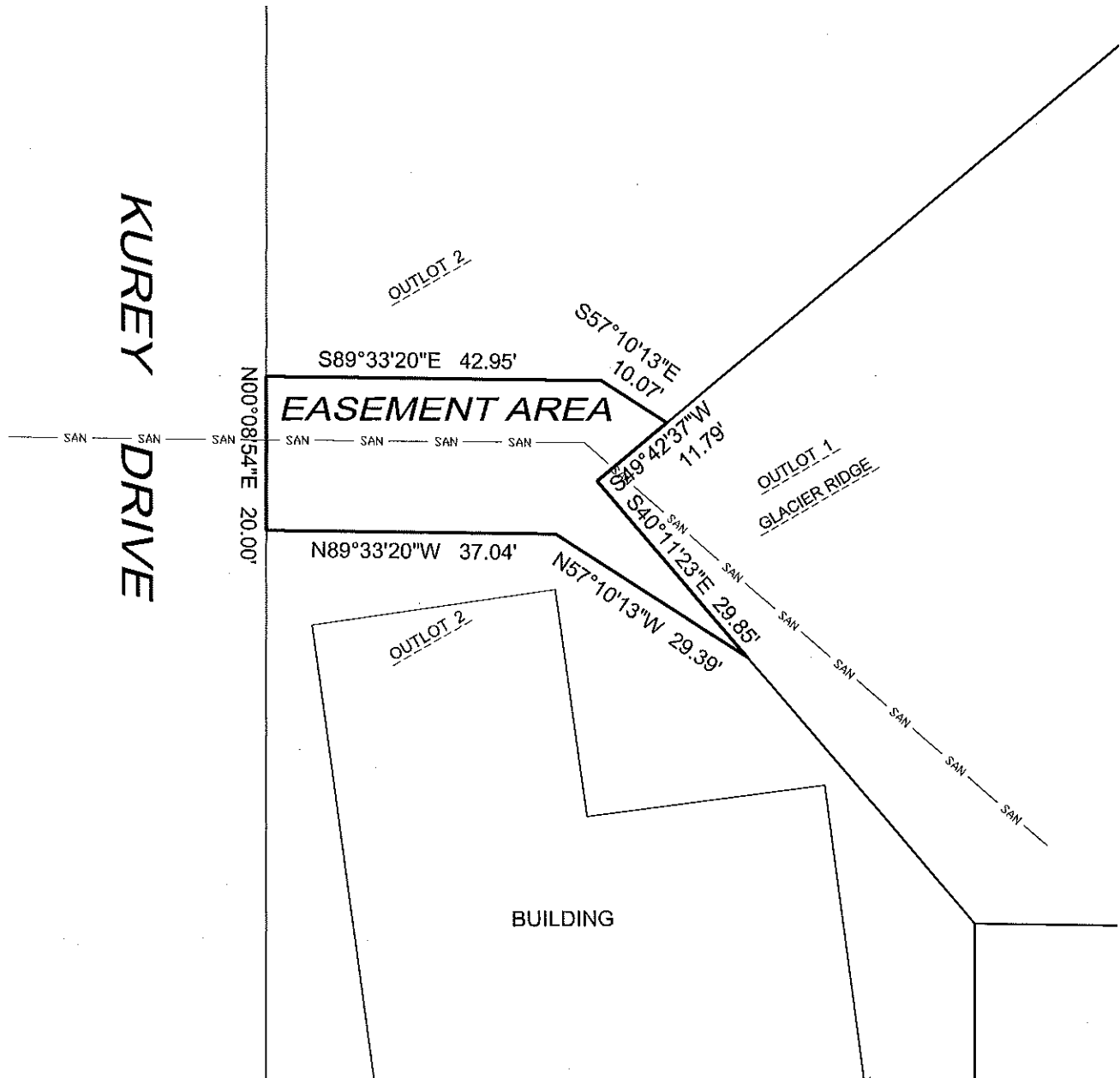


EXHIBIT "B"

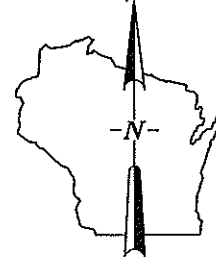
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CITY OF APPLETON

DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WISCONSIN. DWN. BY:TMK

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BEARINGS ARE REFERENCED TO PLAT OF GLACIER RIDGE

SCALE IN FEET

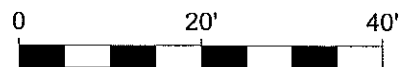
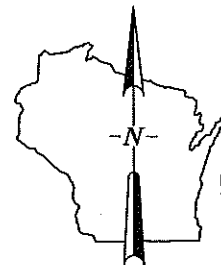
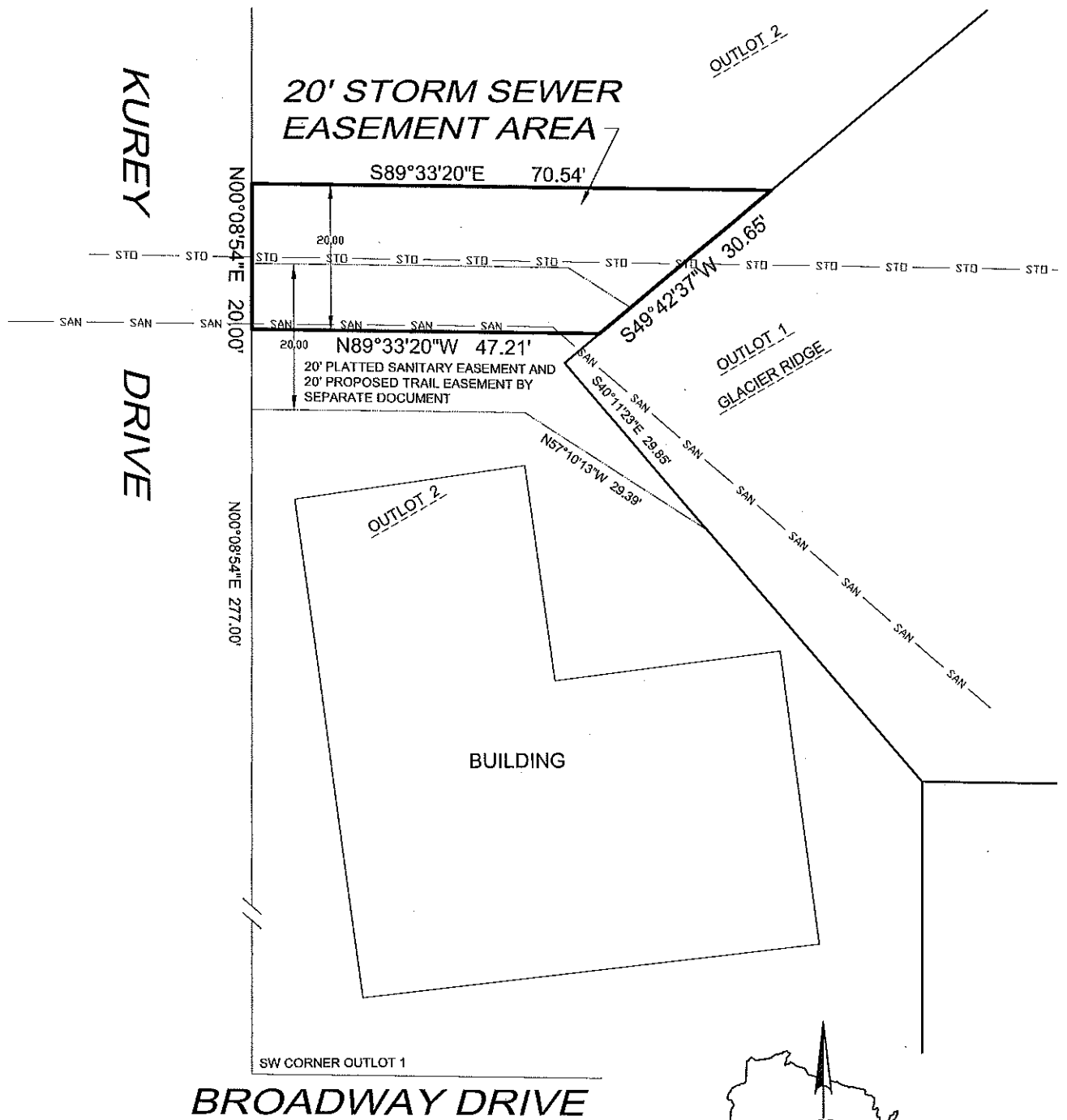


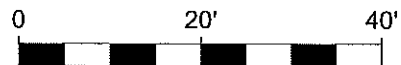
EXHIBIT "C"

Part of Outlot Two (2), of **GLACIER RIDGE**, located in the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 36, Township 22 North, Range 17 East, City of Appleton Outagamie County, Wisconsin



BEARINGS ARE REFERENCED TO PLAT OF GLACIER RIDGE

SCALE IN FEET



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ENGINEERING DIVISION

100 NORTH APPLETON STREET

APPLETON, WISCONSIN. DWN. BY:TMK

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