

MEMORANDUM OF UNDERSTANDING

BETWEEN THE CITY OF APPLETON AND RIVERVIEW GARDENS, INC. FOR A PROPOSED STORMWATER QUALITY TREATMENT POND

I. THE PARTIES

- 1.01 The City of Appleton, a Wisconsin municipal corporation, doing business at 100 North Appleton Street, Appleton, WI 54911 ("City")
- 1.02 Riverview Gardens, Inc., a Wisconsin Non-Stock Corporation, with its property located at 1101 South Oneida Street, Appleton, WI 54911 ("Riverview")

II. THE RECITALS

WHEREAS,

- 2.01 The City is operating under a Wisconsin Department of Natural Resources MS4 Permit that required implementation of a City-Wide Stormwater Management Plan. The 25-year plan serves as a strategic guide for future stormwater-related projects, and an effective approach within the plan is construction of regional stormwater ponds.
- 2.02 Riverview owns approximately 71 acres of property and the watershed draining into the ravine on its property is approximately 198 acres.
- 2.03 A regional stormwater quality pond within the Riverview land would align with the shared goals of Riverview and the City's Stormwater Management Plan.
- 2.04 Portions of Riverview property is potentially developable in the future, and future development may be subject to water quality reduction requirements.
- 2.05 Regional stormwater quality pond design and performance relative to potentially meeting some or all the city stormwater management standards for development that may occur on the Riverview property is unknown at this time.

III. THE AGREEMENT

NOW, THEREFORE, it is agreed between the Parties as follows:

- 3.01 The City will engage the services of an Engineering Consultant to perform stormwater modeling and assemble a plan for a proposed stormwater pond and its related appurtenances (the "Plan").
- 3.02 After approval of the Plan by Riverview, Riverview will grant the City easements for the proposed stormwater pond, revisions to the existing storm sewer piping, and maintenance access route(s). Easement limits will be collaboratively established and will be based on stormwater modeling results, site topography, and critical onsite features.

- 3.03 The City will be responsible for future maintenance of the stormwater pond and its appurtenances, and underground public storm sewer pipes.
- 3.04 Riverview will be responsible for maintenance of the surface within the storm sewer pipe and access route easements, including but not limited to turf, trail, and other related vegetation.
- 3.05 Existing paved access trails may be relocated to accommodate installation of the proposed stormwater pond, but the final plan will incorporate a layout that maintains trail connectivity and access, including, but not limited to trail connectivity between the Riverview Community Center and Riverview's farm located between West Seymour Street and West River Road.
- 3.06 Stormwater pond performance and design data relating to the City's ordinance requirements for the purpose of potentially serving development on Riverview Gardens Inc. property, once determined, will be communicated to Riverview.
- 3.07 Riverview has the option to pursue a Stormwater Utility Fee Credit for additional treatment that may be above and beyond that which would be required for future onsite development and would continue in perpetuity with the stormwater pond as applicable.
- 3.08 This Memorandum of Understanding serves as a statement of the current intentions of the City and Riverview and is intended to be non-binding; the City and Riverview will only be bound by the execution of a definitive agreement reflecting the final Plan that has been duly approved by the City and Riverview.

IN WITNESS WHEREOF, the Parties have caused the forgoing instrument to be executed on the day and year of the last signature below.

Riverview Gardens, Inc.

By: Cynthia Sapotsky

Printed Name: CYNTHIA SAPOTSKY

Title: EXECUTIVE DIRECTOR / PRESIDENT

By: Angie Bleck

Printed Name: ANGIE BLECK

Title: VP DEVELOPMENT STRATEGIES

SIGNATURES CONTINUE ON THE FOLLOWING PAGE

City of Appleton

By: _____
Jacob A. Woodford, Mayor

By: _____
Amy Molitor, City Clerk

Approved as to form:

Christopher R. Behrens, City Attorney
CityLaw: A25-0466 | CRB | Last Revised: 01-07-2026