



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** October 13, 2021

**Common Council Meeting Date:** October 20, 2021

**Item:** Final Plat – North Edgewood Estates 3

**Case Manager:** David Kress, Principal Planner

### GENERAL INFORMATION

**Owners/Applicants:** North Edgewood Estates Development, LLC c/o Kurt Coenen

**Address/Parcel #:** Generally located east of French Road and north of Edgewood Drive (Tax Id #31-1-7610-00)

**Petitioner's Request:** The applicant is proposing to subdivide the property into 65 lots for single-family residential development.

### BACKGROUND

On January 17, 2018, Common Council approved the North Edgewood Estates Development Agreement to set forth the City and developer duties and responsibilities with respect to development of the subject land. An amended development agreement was approved by Common Council on April 22, 2020. An amendment was also approved by Common Council on September 1, 2021.

On March 21, 2018, Common Council adopted Ordinance 32-18, to annex the subject area from the Town of Grand Chute to the City of Appleton. During review of the North Edgewood Estates Annexation, the Plan Commission initiated a rezoning for the subject property, from temporary AG Agricultural District and P-I Public Institutional District to a permanent zoning classification of R-1B Single-Family District. Rezoning #2-18 was approved by Common Council on April 18, 2018.

The Final Plat for North Edgewood Estates, consisting of 45 lots and two outlots, was approved by Common Council on September 19, 2018 for land located immediately west of the subject area (first phase of subdivision).

The North Edgewood Estates 2 Preliminary Plat, to subdivide all of parcel #31-1-7610-00, was approved by Common Council on April 22, 2020. This preliminary plat covers the subject area.

The Final Plat for North Edgewood Estates 2, consisting of 24 lots and three outlots, was approved by Common Council on June 17, 2020 for land located immediately south of the subject area (second phase of subdivision). Rezoning #3-20, to rezone the second phase area from R-1B Single-Family District to R-2 Two-Family District, was approved at the same Common Council meeting.

### STAFF ANALYSIS

**Existing Conditions:** The subject property consists of vacant, undeveloped land. The area to be platted for single-family residential development totals 30.9957 acres, which will be divided into 65 lots.

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**Comparison between Final Plat and Preliminary Plat:** The Preliminary Plat covered a larger area (47.4931 acres), whereas the Final Plat is for the remainder of Tax Id #31-1-7610-00 (30.9957 acres). However, the Final Plat is generally consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots. This is the third phase of lots for the broader subdivision development area.

**Zoning Ordinance Review Criteria:** The current lot development standards for the R-1B Single-Family District (Section 23-93 of the Municipal Code) are as follows.

- Minimum lot area: 6,000 square feet.
  - *The proposed lots range in size from 11,701 square feet to approximately 58,507 square feet. All lots exceed this requirement.*
- Minimum lot width: 50 feet.
  - *The proposed lots range in width from approximately 56 feet to approximately 163 feet. All lots exceed this requirement.*
- Minimum front, side, and rear yard setbacks: 20 feet front yard (25 feet on arterial street), 6 feet side yard, and 25 feet rear yard.
  - *Required front yard setback is shown on the Final Plat. Setbacks will be reviewed through the building permit review process.*
- Maximum building height: 35 feet.
  - *This will be reviewed through the building permit review process.*
- Maximum lot coverage: 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 modification of regulations has been requested.

**Access and Traffic:** Vehicular access to the subject lots is provided by extensions of existing Yosemite Lane, Acadia Drive, and Sequoia Drive. In accordance with the development agreement, future access to Broadway Drive is also anticipated with a planned extension of Sequoia Drive north of the plat boundary. The street right-of-way for Yosemite Lane, Acadia Drive, Sequoia Drive, Teton Lane, and Zion Lane/Court will be dedicated to the public with the Final Plat. All streets are shown as 60-foot-wide right-of-way, except for Sequoia Drive, which is shown as 70-foot-wide right-of-way. The proposed street names were reviewed and approved with the Preliminary Plat, and the street names have not changed for the Final Plat.

### **Surrounding Zoning Classification and Land Uses:**

**North:** AG Agricultural District and Town of Grand Chute. The adjacent land use to the north is currently agricultural.

**South:** R-2 Two-Family District. A previous phase of the subdivision, North Edgewood Estates 2, is located to the south and being developed with two-family residential.

## **Final Plat – North Edgewood Estates 3**

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East: Town of Vandebroek. The adjacent land uses to the east are currently agricultural.

West: R-1B Single-Family District. A previous phase of the subdivision, North Edgewood Estates, is located to the west and being developed with single-family residential.

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with the One and Two-Family Residential designation 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, Variety, 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 5.3 Housing and Neighborhoods:*

*Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.*

*Policy 5.3.3 Plan for a supply of developable land suitable for residential development.*

### *OBJECTIVE 10.1 Land Use:*

*Provide an adequate supply of suitable land meeting the demand for development of various land uses.*

### *OBJECTIVE 10.4 Land Use:*

*Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.*

*Policy 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.*

**Parks and Open Space:** Section 17-29 of the Municipal Code requires parkland dedication or fee in lieu of dedication for residential subdivisions. Since no parkland will be dedicated on the subject property, park fees will be due prior to the City signing the Final Plat, which is consistent with the North Edgewood Estates Development Agreement. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

**Technical Review Group (TRG) Report:** This item appeared on the September 21, 2021 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

**RECOMMENDATION**

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The North Edgewood Estates 3 Final Plat, as shown on the attached maps, **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. For lots zoned R-1B Single-Family District, park fees are \$300 per lot. Park fees of \$19,500 shall be paid to the City of Appleton Finance Department prior to City signatures being affixed to the Final Plat.
3. When CSM 7488 was recorded, the total land area for Lot 3 was listed as 2,069,133 square feet. Combined, the total land area for the North Edgewood Estates 2 and North Edgewood Estates 3 plats is 2,068,795 square feet. Provide an explanation for the difference.
4. Correct the spelling of “Yosemite” Lane on the Plat (not Yosmite) to match the previous phase of the subdivision.
5. There is a typo in the Treasurer’s Certificate. It should read, “... on any of the land included in this plat.”
6. There are several instances where the combined dimension listed does not match the interval dimensions:
  - a. At the north end of Lots 80-82, the interval dimensions listed add up to 355.02’.
  - b. At the north end of Lots 83-90, the interval dimensions listed add up to 1148’±.
  - c. At the south end of Lots 117 and 124, the interval dimensions listed add up to 487.98’.
7. There are several errors in the Surveyor’s Certificate:
  - a. “... 107.65 feet to the East right of way line of Acadia Drive; thence, along said East right of way line ...” refers to an area of land that is not yet dedicated as right-of-way.
  - b. “... feet more or less for the centerline of said centerline of a tributary of Apple Creek ...” includes duplication of words.
  - c. “... N88°35’21”W, 63 feet more or less of said centerline ...” is missing the word ‘from.’
8. Revise 1 ¼” x 24” rebar to 1 ¼” x 30” rebar in the legend.
9. On sheet 3 of 3 remove the word Watermain from the Drainage Maintenance and Storm Sewer Easement Provisions, item #3 text.

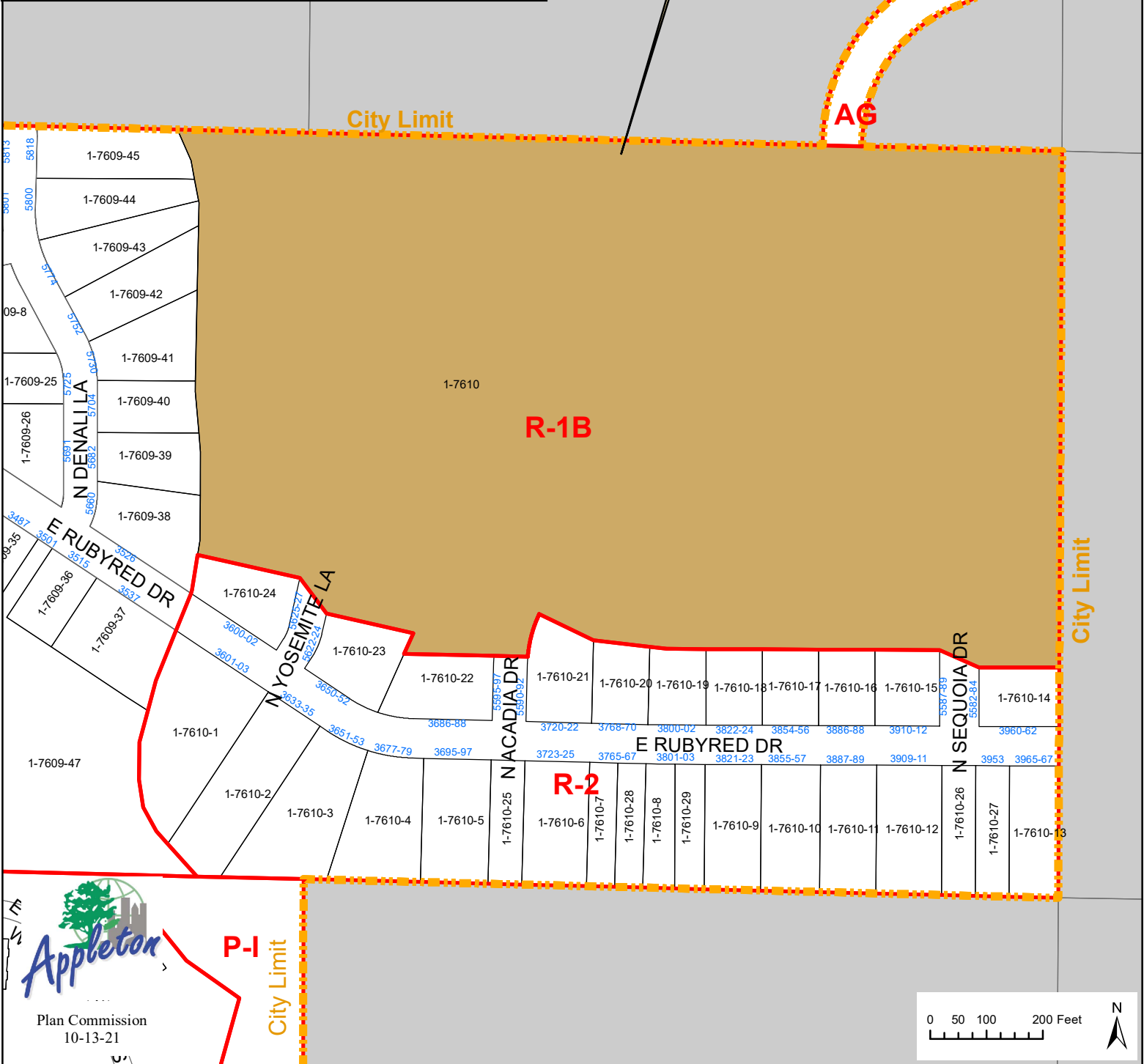
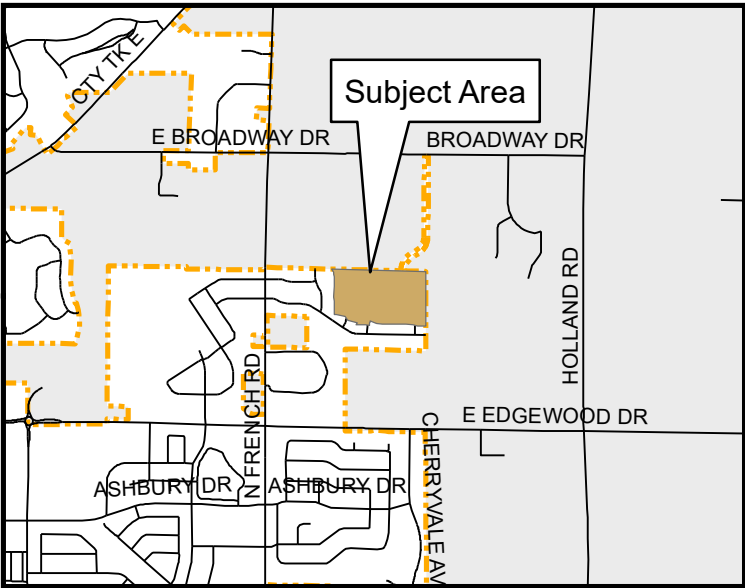
**Final Plat – North Edgewood Estates 3**

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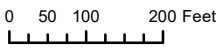
**October 13, 2021**

10. Change S88°35'21"W 2690.22' to S88°35'21"E 2690.22' on sheet 1.
11. Curve 13 data is a duplicate of curve 15 data, when it should be the total of all the curve segments. Curve 48 data is a duplicate of curve 50 data, when it should be the total of all the curve segments. The curve data needs to be corrected.
12. Per Section 17-26(i)(1) of the Municipal Code, subdivided lots shall have at least 50% of the minimum required lot area, based upon the respective zoning district, at least two feet above the elevation of the 100-year reoccurrence interval flood. Identify which lots, if any, require earthwork or fill to satisfy this requirement.
13. As attested by Davel Engineering, there are no changes to the Final Plat or other proposed changes that require updates to the approved Stormwater Management Plan or Construction Drawings. Provide an updated Erosion Control plan for City review and approval.
14. On the Preliminary Plat, wetlands were shown on multiple lots in between Yosemite Lane and Acadia Drive. They are not shown on the Final Plat. What is the status of these wetlands? If wetland permitting is involved, please provide a copy of such permit(s).
15. The following streets within the Final Plat are to be classified as follows:
  - a. Yosemite Lane: Local Street
  - b. Acadia Drive: Local Street
  - c. Sequoia Drive: Collector Street
  - d. Teton Lane: Local Street
  - e. Zion Lane: Local Street
  - f. Zion Court: Local Street
16. Development is subject to conditions of the Development Agreement between North Edgewood Estates Development, LLC and the City of Appleton that was originally approved by Common Council on January 17, 2018, with amendments approved by Common Council on April 22, 2020 and September 1, 2021.
17. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.

# North Edgewood Estates 3 Final Plat Zoning Map



Plan Commission  
10-13-21



North Edgewood Estates 3  
Final Plat  
Zoning Map

Subject Area

City Limit

City Limit

City Limit

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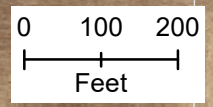
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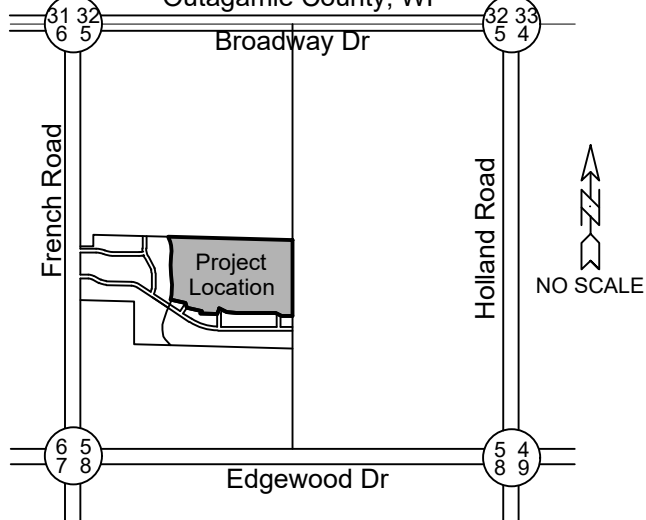


Plan Commission  
10-13-21



**LOCATION MAP**

SEC 5, T 21 N, R 18 E,  
City of Appleton  
Outagamie County, WI



NO SCALE

# North Edgewood Estates 3

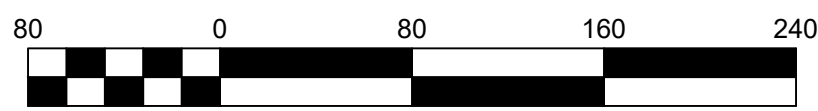
Part of Lot 3, Certified Survey Map 7488, being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 all located in of Section 05, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

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



Bearings are referenced to the North line of the Southwest 1/4, Section 05, T21N, R18E, bearing S88°35'21"E, base on the Outagamie County Coordinate System.

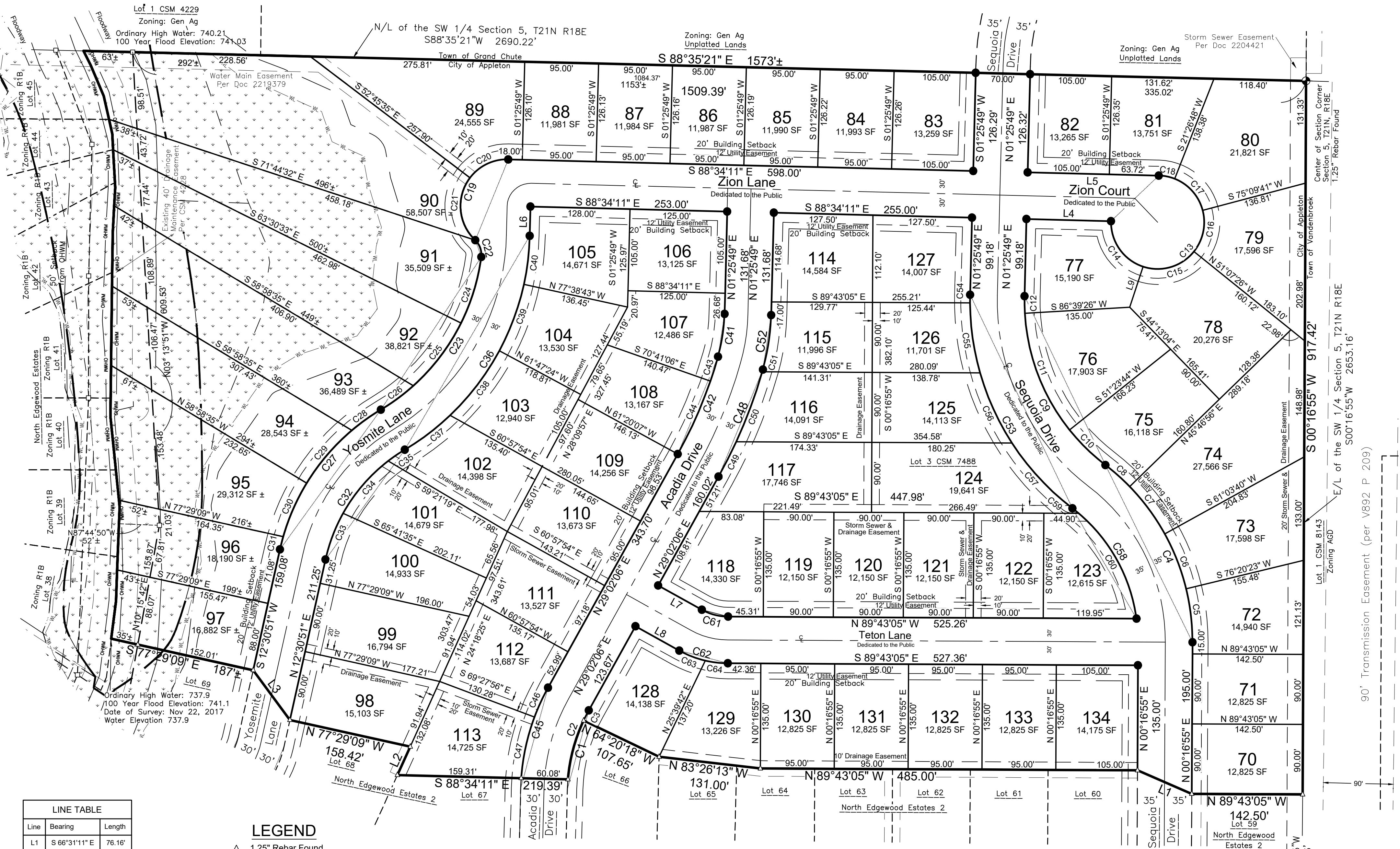
**Notes:**

- All linear measurements have been made to the nearest one hundredth of a foot.
- All bearings are computed and measured to the nearest second.
- Lots 90-97 are subject to additional restrictions related to floodplain and wetlands. The wetland setback line as shown is the most restrictive setback. Impervious surfaces, including, but not limited to: buildings, patios, and sidewalks, are not allowed within the wetland protective setback area. Impervious surfaces may be allowed within the wetland protective setback area and outside the wetlands and floodway under the following conditions:
  - Runoff from the impervious surface is made to drain away from the wetland so that it enters the City storm sewer.
  - Written approval has been granted by Wisconsin Department of Natural Resources and submitted to City of Appleton Department of Public Works for concurrence, to allow a lesser specified setback to the wetland, according to Maximum Extent Practicable (MEP) consideration.
- All elevation shown on map are per City of Appleton Datum based on NGVD 88.
- Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution
- Ordinary High Water Mark (OWHM) was determined at the time of the initial survey of the property by Steve Swanson of Outagamie County Development and Land Services Department.
- The 20' Drainage and Maintenance Easement along the Navigable Stream is granted to the City of Appleton.
- Maintenance of all Drainage Easements within the land division or serving this Subdivision are the sole responsibility of the lot owners for the purpose of conveying and managing stormwater through the plat.
- Upon failure of the property owners to perform maintenance of the drainage ways, the City of Appleton retains the right to perform maintenance and/or repairs. The payment of the maintenance and repairs shall be assessed among the property owners of this subdivision in an equal amount or where the cause can be specifically identified then the payment shall be assessed to the specific property owner(s).

| Line | Bearing       | Length  |
|------|---------------|---------|
| L1   | S 66°31'11" E | 76.16'  |
| L2   | N 24°18'25" E | 40.14'  |
| L3   | S 36°28'44" E | 79.51'  |
| L4   | S 88°34'11" E | 108.72' |
| L5   | S 88°34'11" E | 168.72' |
| L6   | N 01°25'49" E | 37.57'  |
| L7   | N 60°57'54" W | 64.39'  |
| L8   | S 60°57'54" E | 64.39'  |
| L9   | N 18°15'30" E | 54.92'  |

**LEGEND**

- 1.25" Rebar Found
- 1.3" O.D. Iron Pipe Found
- 1/2" x 24" Steel Rebar @ 4.30lbs/LF SET
- All other corners
- 3/4" x 24" Steel Rebar @ 1.50lbs/LF SET
- SF Lot areas in square feet
- Floodway Limits
- Floodplain Limits



James R. Sehloff PLS 2692 Date \_\_\_\_\_

File: 5641Final3.dwg  
Date: 09/09/2021  
Drafted By: Jim  
Sheet: 1 of 3

Revision Date: Sep 09, 2021



**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
Civil Engineers and Land Surveyors  
1164 Province Terrace, Menasha, WI 54952  
Ph: 920-991-1866 Fax: 920-441-0804  
www.davelpro

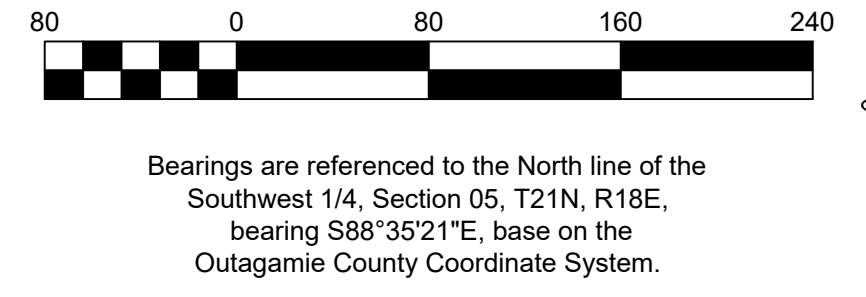
Sep 09, 2021 - 2:52pm - J:\Projects\5641\Final3.dwg - Printed by: Jim



# North Edgewood Estates 3

These exhibits are a representation of current conditions and regulations, at the time of platting. Per the City's current interpretation of City of Appleton code 17.12(b)(2) dimensioned location of these lines is required. Due to changing nature of environmental conditions and regulatory nature of wetlands, flood plain and ordinary high water mark these dimensions should only act as a guide and actual field conditions and/or legislative regulations are held over dimensions shown on this map.

Part of Lot 3, Certified Survey Map 7488, being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 all located in of Section 05, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin



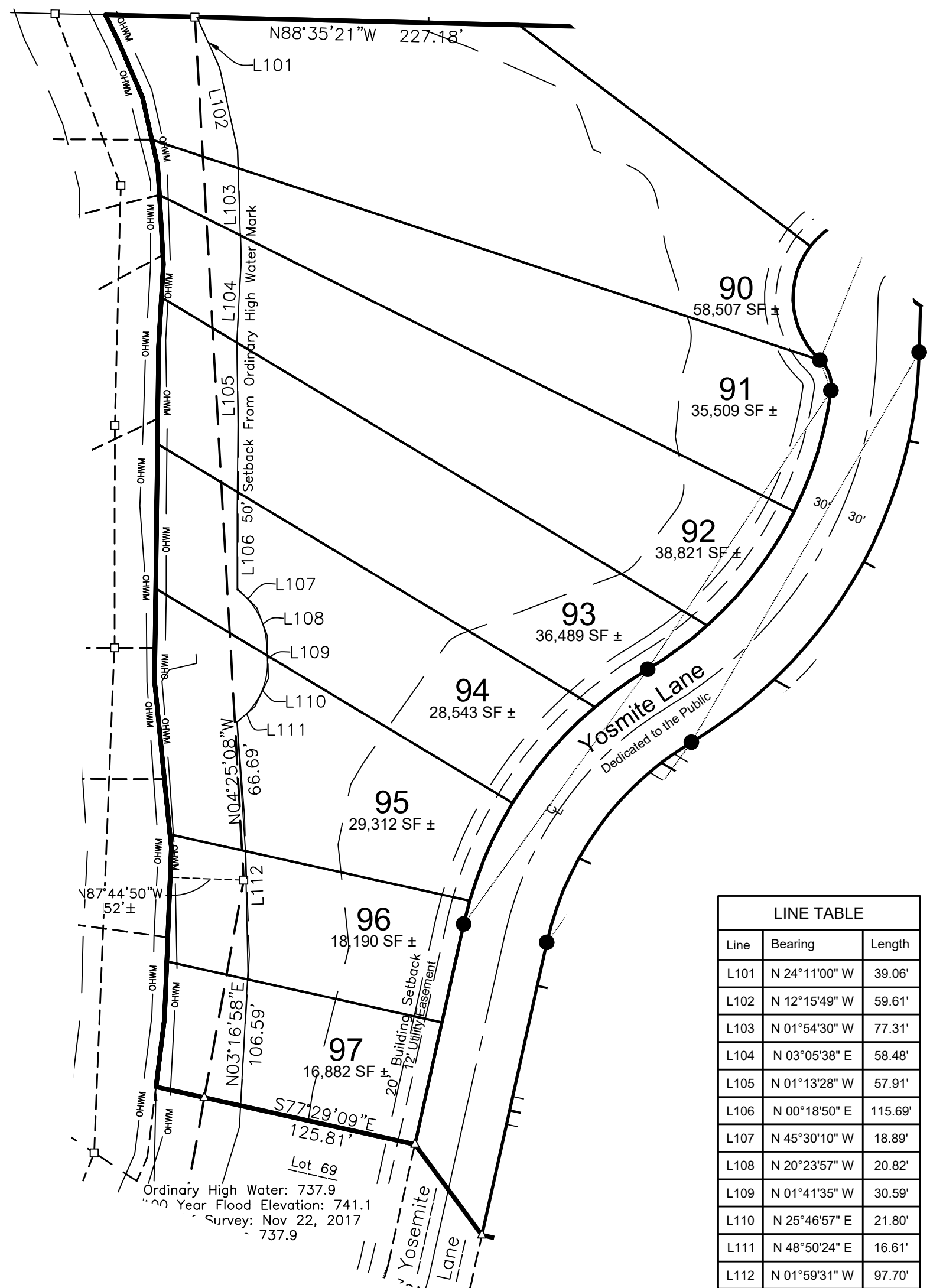
James R. Sehloff PLS 2692 Date \_\_\_\_\_

## Shoreland Zoning Setback Exhibit:

Construction or placement of structures is prohibited within the shoreland setback area.

The following requirements apply as excerpted from Appleton Municipal Cod Sec. 23-754:

- (a) There shall be established a shoreland setback area of at least fifty (50) feet from the ordinary high water mark.
- (c) A person who owns shoreland property that contains vegetation, shall maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending thirty-five (35) inland from the ordinary high water mark of a navigable water.
- (d) If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation the owner of the shoreland property may remove the vegetation, except that if the owner removes all of the vegetation in the vegetative buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.
- (e) The person who is required to maintain or establish a vegetative buffer zone under paragraph (c) above, may remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no more than thirty (30) feet wide for every one hundred (100) feet of shoreland frontage and that extends no more than thirty-five (35) feet inland from the ordinary high water mark.



## Wetland Protected Area Setback Exhibit:

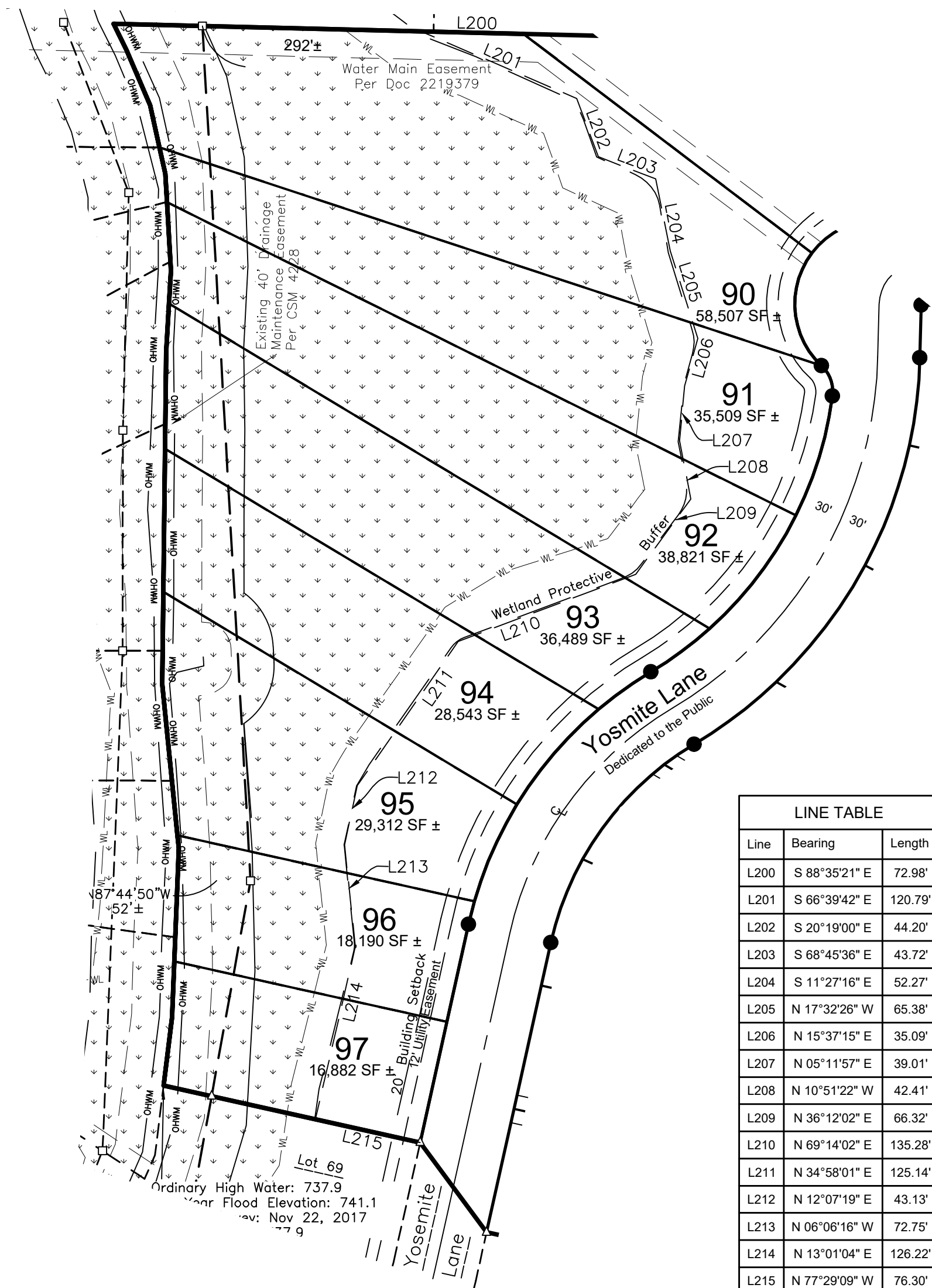
Setback shown is per City of Appleton protective area in City of Appleton Code 20-312(f)

## Wetland Protected Area Exhibit:

The following requirements apply as excerpted from City of Appleton Municipal Code 20-312(f):

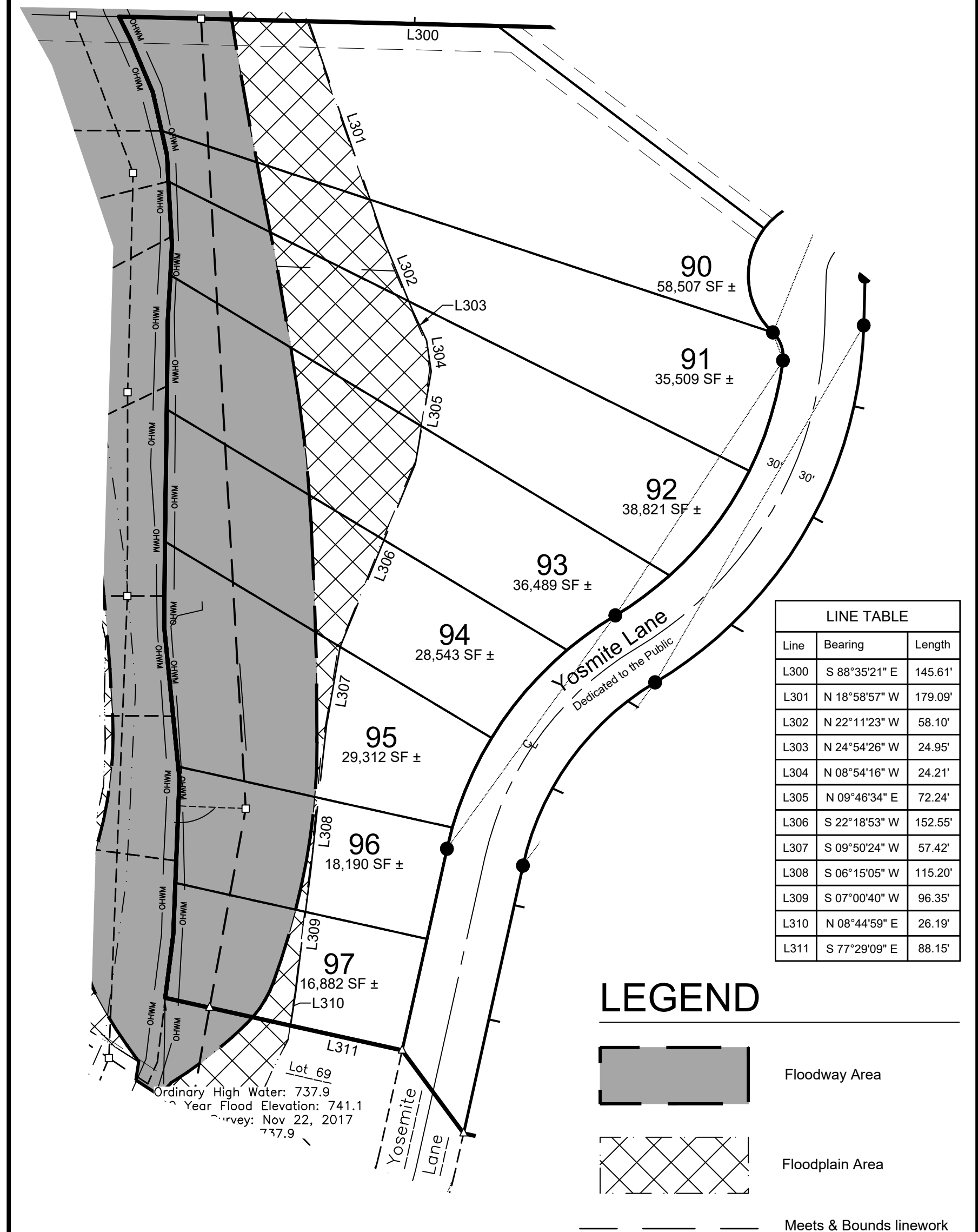
(3) The following requirements shall be met:

- a. Impervious surfaces shall be kept out of the protective area entirely or [as may be approved by the City of Appleton] to the maximum extent practicable.
- b. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining native vegetative cover of seventy percent (70%) or greater shall be established and maintained. The self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. [Subject to the issuance of all applicable permit], nonvegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
- c. Best management practices such as filter strips, treatment swales, or wet detention basins, that are designed to control pollutants from nonpoint sources may be located in the protective area.
- (5) Protective areas do not apply to:
  - d. Post-construction sites from which runoff does not enter the surface water, including wetlands, without first being treated by a [Stormwater Management Practice that has been approved by the City of Appleton], except to the extent that vegetative ground cover is necessary to maintain bank stability.



## Flood Plain Area Exhibit:

Floodplain is shown per FEMA Conditional Letter of Map Revision (LOMR) 19-05-0161R, dated May 23, 2019, and is subject to change based on the pending FEMA Letter of Map Revision (LOMR) after FEMA-approved proposed fill placement by developer is complete. The floodplain is regulated by City of Appleton Municipal Code Chapter 23 Article X (Floodplain Zoning). A City of Appleton floodplain zoning official map revision is pending, dependent upon issuance of a FEMA LOMR. The following activities are prohibited within the floodplain unless a City of Appleton Floodplain Permit has been issued authorizing the activity: grading, placement of fill material, and/or the placement or construction of any structures that occupy volume above the existing ground surface.



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

File: 5641Final3.dwg  
Date: 09/09/2021  
Drafted By: Jim  
Sheet: 2 of 3

Revision Date: Sep 09, 2021

**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
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# North Edgewood Estates 3

Part of Lot 3, Certified Survey Map 7488, being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 all located in of Section 05, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

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

## Surveyor's Certificate

I, James R. Sehloff, Professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Appleton, and under the direction of North Edgewood Estates Development, LLC., owner of said land, I have surveyed divided and mapped North Edgewood Estates 3; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is part of Lot 3 of CSM 7488, being part of the Northwest 1/4 of the Southwest 1/4 and part of Northeast 1/4 of the Southwest 1/4, Section 5, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 1,350,180 Square Feet (30,9957 Acres) of land more or less, including all lands between the meander line and the centerline of a tributary of Apple Creek, described as follows:

Commencing at the South 1/4 Corner of Section 5; thence, along said East line of the Southwest 1/4, N00°16'55"E, 1735.73 feet to the Northeast Corner of North Edgewood Estates 2 said point being the point of beginning; thence, along the North line of said North Edgewood Estates 2, N89°43'05"W, 142.50 feet to the East right of way line of Sequoia Drive; thence, continuing along said North line, N66°31'11"W, 76.16 feet to the West right of way line of said Sequoia Drive; thence, continuing along said North line, N89°43'05"W, 485.00 feet; thence, continuing along said North line, N83°26'13"W, 131.00 feet; thence, continuing along said North line, N64°20'18"W, 107.65 feet to the East right of way line of Acadia Drive; thence, along said East right of way line, 78.70 feet along the arc of a curve to the left with a radius of 220.00 feet and a chord of 78.29 feet which bears S14°57'35"W; thence, continuing along said North line, N88°34'11"W, 219.39 feet; thence, continuing along said North line, N24°18'25"E, 40.14 feet; thence, continuing along said North line, N77°29'09"W, 158.42 feet to the East right of way of Yosemite Lane; thence, continuing along said North line, N36°28'44"W, 79.51 feet to the West right of way line of said Yosemite Lane; thence, continuing along said North line, N77°29'09"W, 152.01 feet to a meander point being S77°29'09"E, 35 feet more or less from the centerline of a tributary of Apple Creek; thence, along a meander line N10°15'42"E, 155.87 feet to a meander point being N87°44'50"W, 52 feet more or less for the centerline of said centerline of a tributary of Apple Creek; thence along said meander line, N03°13'51"W 609.53 feet to a meander point on the North line of the Southwest 1/4 being N88°35'21"W, 63 feet more or less of said centerline of a tributary of Apple Creek; thence, along said North line S88°35'21"E, 1509.39 feet to the Center of said Section 5; thence, along said East line of the Southwest 1/4, S00°16'55"W, 917.42 feet to the point of beginning, subject to all easements, and restrictions of record.

## Owner's Certificate

North Edgewood Estates Development, LLC., a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

North Edgewood Estates Development, LLC., does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

City of Appleton  
Department of Administration

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

In the presence of: North Edgewood Estates Development, LLC.

Kurt Coenen

State of Wisconsin)

\_\_\_\_\_ County) ss

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above the property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Notary Public, Wisconsin My Commission Expires \_\_\_\_\_

## Drainage Maintenance and Storm Sewer Easement Provisions

An easement for Drainage and Storm Sewer is hereby granted by:

North Edgewood Estates Development, LLC., Grantor, to:

THE CITY OF APPLETON, Grantee,

- Purpose:** The purpose of this easement is for the Grantee to access, install, regrade, replace, relocate, operate, maintain, resize and repair storm sewer, and associated appurtenances. Grantee does hereby agree to compensate Grantor 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 easement area. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with grantee's use of the easement area.
- Access:** Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area.
- Buildings or Other Structures:** Buildings or any other type of structure shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Drainage, Storm Sewer or Watermain Easement".
- Elevation:** The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered without the written consent of grantee.
- Restoration:** Grantee agrees that it will restore subsurface materials on grantor's land, as nearly as is reasonably possible, to the prior existing condition when conducting all future maintenance, resizing or repair activities. Grantor shall be responsible for all surface restoration. 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, sidewalks, structures, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein.
- Notification:** Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. Grantee and Grantor agree to cooperate in good faith to minimize interference or disruption to the normal facility operations. Grantee shall provide advance notice to Grantor (except in emergency situations, in which event notice shall be provided as soon as is practical) of any activity with a reasonable likelihood of interfering or disrupting the operation Grantor's facility, and to conduct such activities at mutually agreeable times.
- This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

North Edgewood Estates Development, LLC.

Kurt Coenen, Managing Member

This Final Plat is contained wholly within the property described in the following recorded instruments:

The property owner of record: Recording Information: Parcel Number(s):

North Edgewood Estates Development, LLC. Doc No. 2186456 part of 31-1-7610-00

| CURVE TABLE |         |                 |              |            |               |                    |                     |
|-------------|---------|-----------------|--------------|------------|---------------|--------------------|---------------------|
| Curve       | Radius  | Chord Direction | Chord Length | Arc Length | Central Angle | Tangent Bearing-in | Tangent Bearing-out |
| C1          | 220.00' | N 14°57'35" E   | 78.29'       | 78.70'     | 20°29'50"     | N 04°42'39" E      | N 25°12'30" E       |
| C2          | 220.00' | N 16°52'22" E   | 92.70'       | 93.40'     | 24°19'26"     | N 04°42'39" E      | N 29°02'06" E       |
| C3          | 220.00' | N 27°07'18" E   | 14.69'       | 14.69'     | 3°49'36"      | N 25°12'30" E      | N 29°02'06" E       |
| C4          | 285.00' | N 26°10'04" W   | 253.88'      | 263.13'    | 52°53'56"     | N 00°16'55" E      | N 52°37'02" W       |
| C5          | 285.00' | N 06°41'21" W   | 69.18'       | 69.35'     | 13°56'31"     | N 00°16'55" E      | N 13°39'37" W       |
| C6          | 285.00' | N 21°17'59" W   | 75.78'       | 76.00'     | 15°16'44"     | N 13°39'37" W      | N 28°56'20" W       |
| C7          | 285.00' | N 36°34'42" W   | 75.78'       | 76.00'     | 15°16'44"     | N 28°56'20" W      | N 44°13'04" W       |
| C8          | 285.00' | N 48°25'03" W   | 41.74'       | 41.78'     | 8°23'57"      | N 44°13'04" W      | N 52°37'02" W       |
| C9          | 265.00' | N 25°35'36" W   | 240.81'      | 249.98'    | 54°02'51"     | N 52°37'02" W      | N 01°25'49" E       |
| C10         | 265.00' | N 45°36'39" W   | 64.65'       | 64.81'     | 14°00'46"     | N 52°37'02" W      | N 38°36'16" W       |
| C11         | 265.00' | N 20°58'25" W   | 160.53'      | 163.09'    | 35°15'42"     | N 38°36'16" W      | N 03°20'34" W       |
| C12         | 265.00' | N 00°57'23" W   | 22.07'       | 22.08'     | 4°46'23"      | N 03°20'34" W      | N 01°25'49" E       |
| C13         | 60.00'  | S 73°34'02" W   | 68.30'       | 72.66'     | 69°22'56"     | S 38°52'34" W      | N 71°44'30" W       |
| C14         | 60.00'  | S 35°09'21" E   | 71.52'       | 76.63'     | 73°10'19"     | S 71°44'30" E      | S 01°25'49" W       |
| C15         | 60.00'  | N 73°34'02" E   | 68.30'       | 72.66'     | 69°22'56"     | N 38°52'34" E      | S 71°44'30" E       |
| C16         | 60.00'  | N 12°01'07" E   | 54.21'       | 56.25'     | 53°42'53"     | N 14°50'19" W      | N 38°52'34" E       |
| C17         | 60.00'  | N 41°41'46" W   | 54.21'       | 56.25'     | 53°42'53"     | N 68°33'12" W      | N 14°50'19" W       |
| C18         | 60.00'  | N 76°33'42" W   | 20.85'       | 20.96'     | 20°00'59"     | N 88°34'12" W      | N 68°33'12" W       |
| C19         | 60.00'  | N 22°12'33" E   | 112.19'      | 144.98'    | 138°26'32"    | N 47°00'43" W      | S 88°34'11" E       |
| C20         | 60.00'  | N 64°20'07" E   | 54.66'       | 56.75'     | 54°11'24"     | N 37°14'25" E      | S 88°34'11" E       |
| C21         | 60.00'  | N 04°53'09" W   | 80.49'       | 88.23'     | 84°15'07"     | N 47°00'43" W      | N 37°14'25" E       |
| C22         | 25.00'  | N 19°44'28" W   | 22.91'       | 23.80'     | 54°32'30"     | N 07°31'47" E      | N 47°00'43" W       |
| C23         | 270.00' | N 33°20'17" E   | 235.10'      | 243.24'    | 51°37'01"     | N 59°08'48" E      | N 07°31'47" E       |
| C24         | 270.00' | N 17°00'37" E   | 88.95'       | 89.35'     | 18°57'40"     | N 26°29'27" E      | N 07°31'47" E       |
| C25         | 270.00' | N 37°17'30" E   | 101.19'      | 101.80'    | 21°36'06"     | N 48°05'33" E      | N 26°29'27" E       |
| C26         | 270.00' | N 53°37'11" E   | 52.01'       | 52.09'     | 11°03'15"     | N 59°08'48" E      | N 48°05'33" E       |
| C27         | 280.00' | N 35°49'49" E   | 221.65'      | 227.89'    | 46°37'57"     | N 12°30'51" E      | N 59°08'48" E       |
| C28         | 280.00' | N 54°27'35" E   | 45.76'       | 45.81'     | 9°22'25"      | N 49°46'23" E      | N 59°08'48" E       |
| C29         | 280.00' | N 40°36'11" E   | 89.24'       | 89.63'     | 18°20'24"     | N 31°25'59" E      | N 49°46'23" E       |
| C30         | 280.00' | N 23°42'21" E   | 75.30'       | 75.52'     | 15°27'16"     | N 15°58'43" E      | N 31°25'59" E       |
| C31         | 280.00' | N 14°14'47" E   | 16.93'       | 16.93'     | 3°27'52"      | N 12°30'51" E      | N 15°58'43" E       |
| C32         | 220.00' | N 35°49'49" E   | 174.15'      | 179.06'    | 46°37'57"     | N 12°30'51" E      | N 59°08'48" E       |
| C33         | 220.00' | N 20°49'37" E   | 63.61'       | 63.84'     | 16°37'33"     | N 12°30'51" E      | N 29°08'24" E       |
| C34         | 220.00' | N 40°47'29" E   | 88.86'       | 89.48'     | 23°18'11"     | N 29°08'24" E      | N 52°26'35" E       |
| C35         | 220.00' | N 55°47'41" E   | 25.73'       | 25.74'     | 6°42'13"      | N 52°26'35" E      | N 59°08'48" E       |
| C36         | 330.00' | N 30°17'18" E   | 318.54'      | 332.42'    | 57°42'59"     | N 59°08'48" E      | N 01°25'49" E       |
| C37         | 330.00' | N 52°46'35" E   | 73.23'       | 73.38'     | 12°44'25"     | N 59°08'48" E      | N 46°24'23" E       |
| C38         | 330.00' | N 37°18'30" E   | 104.36'      | 104.80'    | 18°11'47"     | N 46°24'23" E      | N 28°12'36" E       |
| C39         | 330.00' | N 20°16'57" E   | 91.03'       | 91.32'     | 15°51'19"     | N 28°12'36" E      | N 12°21'17" E       |
| C40         | 330.00' | N 06°53'33" E   | 62.83'       | 62.92'     | 10°55'29"     | N 12°21'17" E      | N 01°25'49" E       |
| C41         | 220.00' | N 08°41'50" E   | 55.66'       | 55.81'     | 14°32'01"     | N 15°57'50" E      | N 01°25'49" E       |
| C42         | 595.00' | S 22°29'58" W   | 135.44'      | 135.74'    | 13°04'15"     | S 15°57'50" W      | S 29°02'06" W       |
| C43         | 595.00' | S 17°32'37" W   | 32.81'       | 32.81'     | 3°09'34"      | S 15°57'50" W      | S 19°07'25" W       |
| C44         | 595.00' | S 24°04'45" W   | 102.80'      | 102.93'    | 9°54'41"      | S 19°07'25" W      | S 29°02'06" W       |
| C45         | 280.00' | N 16°31'16" E   | 121.34'      | 122.31'    | 25°01'39"     | N 04°00'27" E      | N 29°02'06" E       |
| C46         | 280.00' | S 24°47'05" W   | 41.50'       | 41.54'     | 8°30'01"      | S 20°32'04" W      | S 29°02'06" W       |
| C47         | 280.00' | N 12°16'15" E   | 80.49'       | 80.77'     | 16°31'38"     | N 04°00'27" E      | N 20°32'04" E       |
| C48         | 655.00' | N 20°25'37" E   | 95.86'       | 95.95'     | 8°23'36"      | N 24°37'24" E      | N 16°13'49" E       |
| C49         | 655.00' | N 26°49'45" E   | 50.42'       | 50.43'     | 4°24'41"      | N 29°02'06" E      | N 24°37'24" E       |
| C50         | 655.00' | N 20°25'37" E   | 95.86'       | 95.95'     | 8°23'36"      | N 24°37'24" E      | N 16°13'49" E       |
| C51         | 655.00' | N 16°05'50" E   | 3.04'        | 3.04'      | 0°15'59"      | N 16°13'49" E      | N 15°57'50" E       |
| C52         | 280.00' | N 08°41'50" E   | 70.84'       | 71.03'     | 14°32'01"     | N 15°57'50" E      | N 01°25'49" E       |
| C53         | 335.00' | N 25°35'36" W   | 304.42'      | 316.01'    | 54°02'51"     | N 52°37'02" W      | N 01°25'49" E       |
| C54         | 335.00' | N 00°32'33" E   | 10.38'       | 10.38'     | 1°46'31"      | N 00°20'42" W      | N 01°25'49" E       |
| C55         | 335.00' | N 08°08'59" W   | 90.98'       | 91.27'     | 15°36'34"     | N 15°57'16" W      | N 00°20'42" W       |
| C56         | 335.00' | N 24°27'36" W   | 99.10'       | 99.46'     | 17°00'40"     | N 32°57'56" W      | N 15°57'16" W       |
| C57         | 335.00' | N 42°47'29" W   | 114.34'      | 114.90'    | 19°39'06"     | N 52°37'02" W      | N 32°57'56" W       |
| C58         | 215.00' | N 30°10'41" W   | 164.13'      | 168.40'    | 44°52'41"     | N 07°44'21" W      | N 52°37'02" W       |
| C59         | 215.00' | N 51°13'48" W   | 10.41'       | 10.41'     | 2°46'27"      | N 49°50'34" W      | N 52°37'02" W       |
| C60         | 215.00' | N 28°47'28" W   | 154.46'      | 157.99'    | 42°08'14"     | N 07°44'21" W      | N 49°50'34" W       |
| C61         | 70.00'  | S 75°20'30" E   | 34.76'       | 35.13'     | 28°45'11"     | S 60°57'54" E      | S 89°43'05" E       |
| C62         | 130.00' | S 75°20'30" E   | 64.56'       | 65.24'     | 28°45'17"     | S 60°57'54" E      | S 89°43'05" E       |
| C63         | 130.00' | S 68°53'11" E   | 35.83'       | 35.95'     | 15°50'33"     | S 60°57'54" E      | S 76°48'27" E       |
| C64         | 130.00' | S 83°15'46" E   | 29.23'       | 29.29'     | 12°54'38"     | S 76°48'27" E      | S 89°43'05" E       |

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