



## MEMO

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**TO:** Finance Committee

**FROM:** Paula Vandehey, Director of Public Works *PAV*

**DATE:** December 2, 2020

**SUBJECT:** **Request for City of Appleton to waive the Connection Fee in Lieu of Sanitary Sewer Special Assessment (\$17,301.98) and the Sanitary Area Assessment (\$10,066.66) in exchange for a sanitary sewer easement at 6331 N. Ballard Road.**

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In February 2006, First English Lutheran Church provided a 30-foot wide sanitary sewer easement to the City of Appleton (see attached Exhibit "A"). This easement allowed for the development of the Glacier Ridge Subdivision, without the City having to purchase land. Because the construction of the Church preceded City utilities, it was built using well and septic systems. The Church annexed to the City of Appleton in November, 2007.

Over time, the Church has served many community needs including recreation teams and youth groups using the gym, as well as scout troops, the men's choir and a community orchestra. These additional uses have put a strain on their existing well and septic systems, so they are now looking to connect to City sewer and water.

Based on the City of Appleton's Special Assessment Policy, this property has Connection Fees in Lieu of Special Assessments due upon connection to the City infrastructure. However, it has become common practice for the City to waive special assessments in exchange for land dedication, easements, etc.

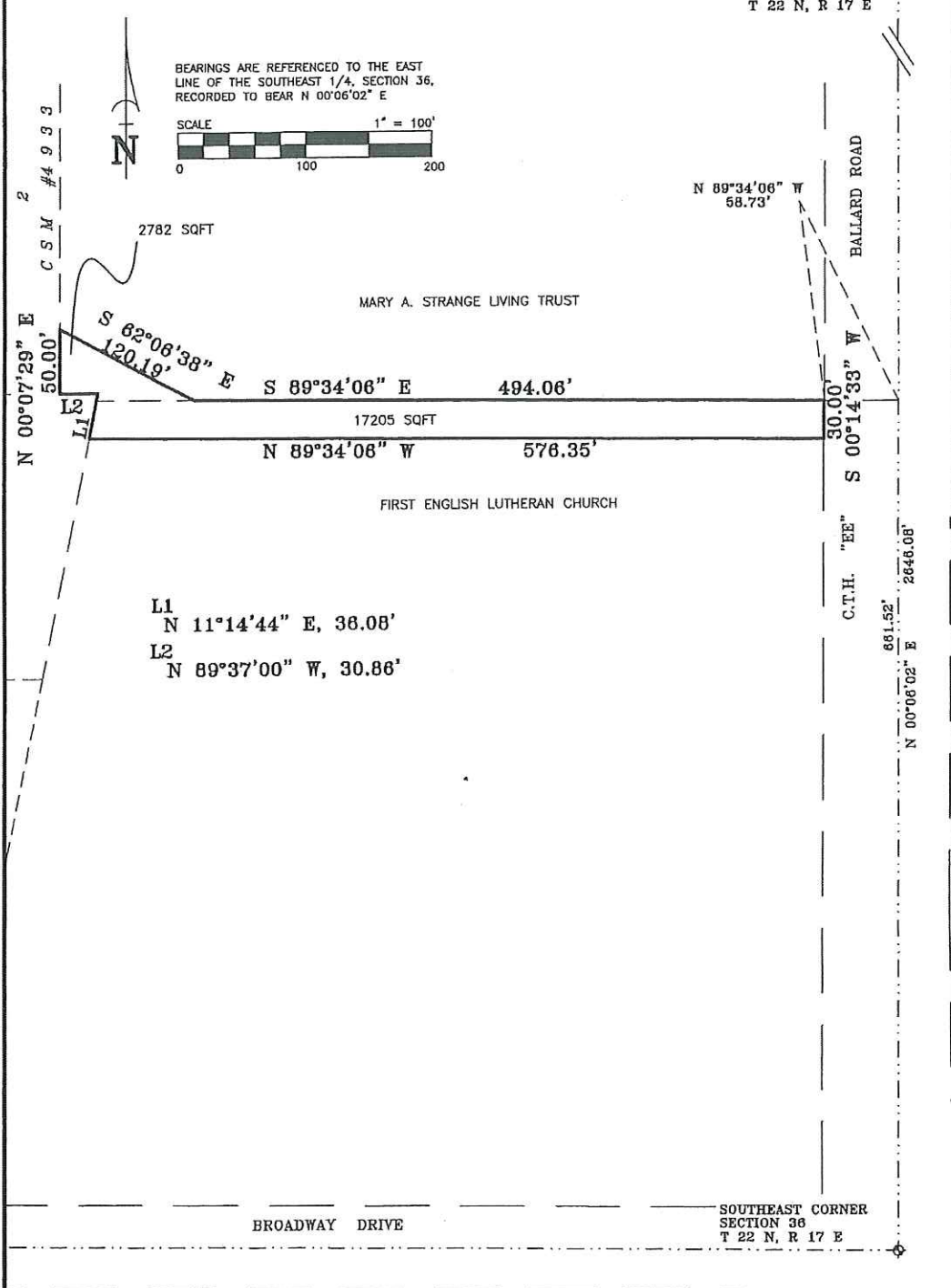
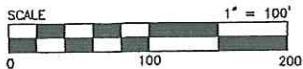
Therefore, staff supports the request to waive the Connection Fee in Lieu of Sanitary Sewer Special Assessment and the Sanitary Area Assessment in exchange for the sanitary sewer easement at 6331 N. Ballard Road. The Connection Fee in Lieu of Special Assessments for the watermain (\$38,251.11) will still be required upon connection.

Attachment

# EXHIBIT "A" FOR SANITARY SEWER EASEMENT

EAST 1/4 CORNER  
SECTION 36  
T 22 N, R 17 E

BEARINGS ARE REFERENCED TO THE EAST  
LINE OF THE SOUTHEAST 1/4, SECTION 36,  
RECORDED TO BEAR N 00°06'02" E



L1  
N 11°14'44" E, 38.08'  
L2  
N 89°37'00" W, 30.86'



**Martenson & Eisele, Inc.**  
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 info@martenson-eisele.com

PROJECT NO. 663-001  
 FILE 663001soneas  
 THIS INSTRUMENT WAS DRAFTED BY: DMS

## SANITARY SEWER EASEMENT

For and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, First English Lutheran Church, Mary A. Strange Living Trust, ("Grantors") do hereby grant to the City of Appleton, of Outagamie County, Wisconsin ("Grantee"), the right to install, replace, relocate, operate, maintain and repair a sanitary sewer and associated appurtenances within an easement as described below:

*The servient property is legally described as:*

PART OF THE SOUTHEAST 1/4, SECTION 36, TOWN 22 NORTH, RANGE 17 EAST, TOWN OF CENTER, OUTAGAMIE COUNTY, WISCONSIN

*The easement is legally described by:*

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 36; THENCE NORTH 00 DEGREES 06 MINUTES 02 SECONDS EAST, ALONG THE EAST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 661.52 FEET; THENCE NORTH 89 DEGREES 34 MINUTES 06 SECONDS WEST, 58.73 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 00 DEGREES 14 MINUTES 33 SECONDS WEST, ALONG THE WEST RIGHT OF WAY LINE OF C.T.H. "EE", 30.00 FEET; THENCE NORTH 89 DEGREES 34 MINUTES 06 SECONDS WEST, 576.35 FEET; THENCE NORTH 11 DEGREES 14 MINUTES 44 SECONDS EAST, 36.08 FEET; THENCE NORTH 89 DEGREES 37 MINUTES 00 SECONDS WEST, 30.86 FEET; THENCE NORTH 00 DEGREES 07 MINUTES 29 SECONDS EAST, ALONG THE EXTENDED AND EAST LINE OF LOT 2, CERTIFIED SURVEY MAP #4933, A DISTANCE OF 50.00 FEET; THENCE SOUTH 62 DEGREES 06 MINUTES 38 SECONDS EAST, 120.19 FEET; THENCE SOUTH 89 DEGREES 34 MINUTES 06 SECONDS EAST, 494.06 FEET TO THE POINT OF BEGINNING, CONTAINING 19,987 SQUARE FEET (0.459 ACRES).

*THE LOCATION OF THE EASEMENT HEREIN DESCRIBED IS SHOWN ON THE REFERENCE DRAWING MARKED "EXHIBIT A" AND MADE A PART HEREOF.*

It is further agreed that the easement described above shall be a permanent easement.

It is further agreed that the Grantor, its lessees, successors, heirs or assigns (hereinafter referred to as "Grantor"), shall have full use and enjoyment of the property referenced above provided that such use does not interfere with Grantee's right to replace, operate, maintain and repair said sanitary sewer and associated appurtenances. It is further agreed that after maintaining, repairing, replacing or relocating of said sanitary 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 sanitary sewer and associated appurtenances outside of the above described easement area. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

Record and return to:

City of Appleton, City Attorney's Office  
100 North Appleton Street  
Appleton, WI 54911-4799

Tax Key Nos. 040100300 and 040100500

IN WITNESS WHEREOF, the said Grantor(s) has caused these presents to be signed this 1 day of February, 2006.

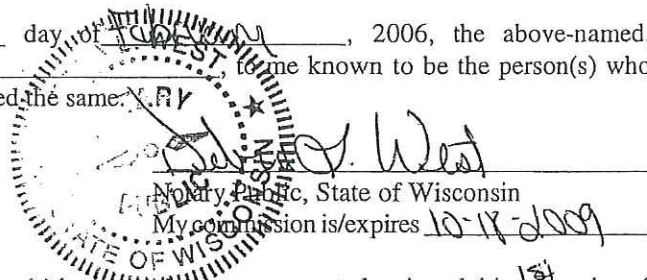
FIRST ENGLISH LUTHERAN CHURCH

By: Walter S England  
Printed Name: Walter S England  
Title: Resource Director

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

STATE OF WISCONSIN )  
: ss  
OUTAGAMIE COUNTY )

Personally came before me this 1<sup>st</sup> day of February, 2006, the above-named, Walter S. England and \_\_\_\_\_ for me known to be the person(s) who executed the foregoing instrument and acknowledged the same.



IN WITNESS WHEREOF, the said Grantor(s) has caused these presents to be signed this 1<sup>st</sup> day of February, 2006.

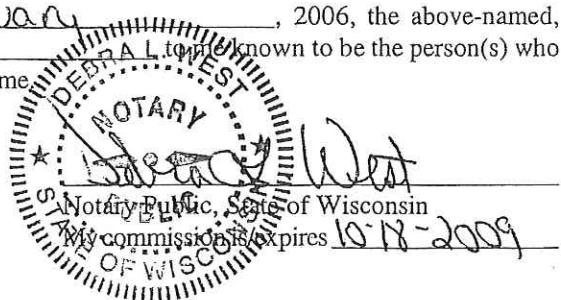
MARY A. STRANGE LIVING TRUST

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: Mary A Strange  
Printed Name: Mary A. Strange  
Title: Trustee

STATE OF WISCONSIN )  
: ss  
OUTAGAMIE COUNTY )

Personally came before me this 1<sup>st</sup> day of February, 2006, the above-named, Mary A. Strange and \_\_\_\_\_ for me known to be the person(s) who executed the foregoing instrument and acknowledged the same.



This instrument was drafted by:  
James P. Walsh, City Attorney  
N:\WORD\FORMS\EASEMENT\Strange-First English Lutheran Easement (4-18-06).doc