



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** December 13, 2023

**Common Council Meeting Date:** December 20, 2023

**Item:** Final Plat – Southpoint Commerce Park Plat No. 4

**Case Manager:** Don Harp, Principal Planner

### GENERAL INFORMATION

**Owner:** City of Appleton

**Applicant:** Tom Kromm, City Surveyor

**Location:** Land area bounded by Eisenhower Drive, Midway Road, and Coop Road

**Parcel Numbers:** 31-9-5900-00 and 31-9-5800-00

### BACKGROUND

The property was annexed to the City through the Southeast Industrial Park Annexation #4 that became effective in December of 1999.

On March 19, 2003, Southpoint Commerce Park Plat No. 1 (47 acres) was approved by the Common Council. This phase created 13 lots and 1 outlot.

On August 3, 2005, Southpoint Commerce Park Plat No. 2 (67.9 acres) was approved by the Common Council. This phase created 12 lots and 1 outlot.

On May 3, 2006, Southpoint Commerce Park Plat No. 3 (27.8 acres) was approved by the Common Council. This phase created 12 lots.

On June 28, 2023, the Plan Commission recommended approval of Resolution No. 23-CPC-01 designating the proposed district boundaries and approving the Project Plan for Tax Incremental Financing District #13 in Southpoint Commerce Park.

On July 19, 2023, a press event was held to announce the City's intention to designate approximately 32 acres of the Southpoint Commerce Park Plat No. 4 as a conservancy/public park. The proposed parkland dedication consists of Lot 13 (conservancy park consisting of mixed hardwoods for potential low-impact activities like hiking, biking, and cross-country skiing) and Outlot 2 (future construction of a trailhead and public trail).

On July 19, 2023, Resolution #8-R-26 Creating Appleton Conservancy Park was introduced at the Common Council Meeting and referred to Plan Commission. Condition #1 in the staff recommendation is associated to the resolution and the following action item 23-0904. The filing and recording of the

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Southpoint Commerce Park Plat No. 4 will statutorily dedicate this land to the public for parkland, trail and trailhead use.

On July 26, 2023, the Preliminary Plat for Southpoint Commerce Park Plat No. 4 was approved by the Plan Commission and approved by the Common Council on August 2, 2023.

**STAFF ANALYSIS**

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**Existing Conditions:** The subject site is agricultural land with a wooded wetland and an existing stormwater management pond. The land area is 117.379 acres.

**Comparison Between Final Plat and Preliminary Plat:** The Final Plat is generally consistent with the Preliminary Plat layout in terms of the shape, size, building setback dimensions, and location of the lot lines. However, the lot numbering on the Final Plat is not consistent with the Preliminary Plat. (see below)

**Proposed Layout:** The Final Plat for Southpoint Commerce Park Plat No. 4 subdivides the land area into the following lots:

- Lots 38 through 49 will be marketed for industrial park development. (Shown as Lots 1 through 12 on the Preliminary Plat)
- Outlot 2 is an existing stormwater management pond. (Shown as Outlot 1 on the Preliminary Plat)
- Outlot 3 is being dedicated to the public for public park, trailhead and trail. (Shown as Outlot 2 on the Preliminary Plat)
- Outlot 4 is being dedicated to the public for public park per Resolution #8-R-26 Creating Appleton Conservancy Park. (Shown as Lot 13 on the Preliminary Plat)

**Zoning District Classification:** M-1 Industrial Park District

**Zoning Ordinance Review Criteria:** M-1 Industrial Park District lot development standards (Section 23-93) are as follows:

- Minimum lot area: One (1) acre.
  - *The proposed lot size ranges from 1.878 acres to 31.585 acres. All lots/outlots exceed the minimum lot area requirement.*
- Minimum lot width: One hundred fifty (150) feet.
  - *All lots exceed this minimum requirement.*

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- Minimum front, side and rear yard setbacks: Forty (40) foot front yard, Twenty-five (25) foot side yard, and Twenty-five (25) foot rear yard. Fifty (50) foot side and rear yard, if abutting a residentially-zoned district.
  - *Required front yard setback has been shown on the Final Plat. Required setbacks will be reviewed through the site plan and building permit review process.*
- Maximum building height: Sixty (60) feet.
  - *This will be reviewed through the site plan and building permit review process.*
- Maximum lot coverage. Ninety percent (90%).
  - *This will be reviewed through the site plan and building permit review process.*

**Compliance with the Appleton Subdivision Regulations:** This subdivision complies with the Appleton Subdivision Regulations.

**Access and Traffic:**

- Vehicular access to proposed lots within Southpoint Commerce Park Plat No. 4 will be from Endeavor Drive, Vantage Drive, Coop Road, and Inspire Court.
- The proposed public right-of-way for Eisenhower Drive, Midway Road, Endeavor Drive, Vantage Drive and Inspire Court within the subdivision is being dedicated to the public with the Final Plat.
- All lots are restricted from access to Eisenhower Drive and County Trunk “AP” (Midway Road).

**Surrounding Zoning and Land Uses:**

North: Village of Harrison Zoning – Multi-family residential use  
South: Village of Harrison Zoning – Agricultural use  
East: Village of Harrison Zoning – Single-family residential uses  
West: City of Appleton Zoning - M-1 Industrial Park District – Industrial uses

**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with the Business/Industrial designation shown on the City’s *Comprehensive Plan 2010-2030* Future Land Use Map and Resolution #8-R-23 Creating Appleton Conservancy Park. Listed below are related excerpts from the City’s *Comprehensive Plan 2010-2030*.

*Chapter 4: Overall Community Goals Goal 1 – 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.*

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*Goal 8 – Appleton will pursue economic development that retains and attracts talented people, brings good jobs to the area, and supports the vitality of its industrial areas, downtown, and neighborhood business districts.*

*Chapter 9: Economic Development*

*Objective 9.2 – Grow Appleton’s business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.*

*Policy 9.5.1 – Ensure a continued adequate supply of industrial and commercial land to sustain new business development.*

*Policy 9.5.2 – Proactively acquire property targeted for redevelopment and develop a land bank to assist in property assembly with a focus on corridors, the downtown, and areas identified as business/industrial on the Future Land Use Map.*

*Chapter 10: Land Use*

*Objective 10.1 – Provide an adequate supply of suitable land meeting the demand for development of various land uses.*

*Objective 10.4 – 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 10.4.3 – Promote commercial and industrial development which is compatible with nearby residential areas.*

*Chapter 18 Park and Recreation Mater Plan*

*18.1 OBJECTIVE: Identify land for acquisition, or opportunities to share facilities, to provide adequate access to parks in developed parts of Appleton where there are no existing parks.*

*18.3 OBJECTIVE: Develop the City's park system as an interconnected network of sites linked by greenways and trails.*

*18.6 OBJECTIVE: Plan, design, and develop additional parks and recreational facilities that meet current and emerging needs of the community.*

**City of Appleton Trails Master Plan (January 2017):** The City of Appleton Trails Master Plan proposed network map identifies a proposed trail between Eisenhower Drive and Coop Road located within the proposed Southpoint Commerce Park Plat No. 4.

**Technical Review Group (TRG) Report:** This item appeared on the November 21, 2023 TRG Agenda. No negative comments were received from participating departments.

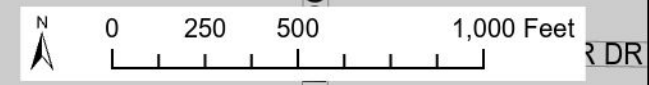
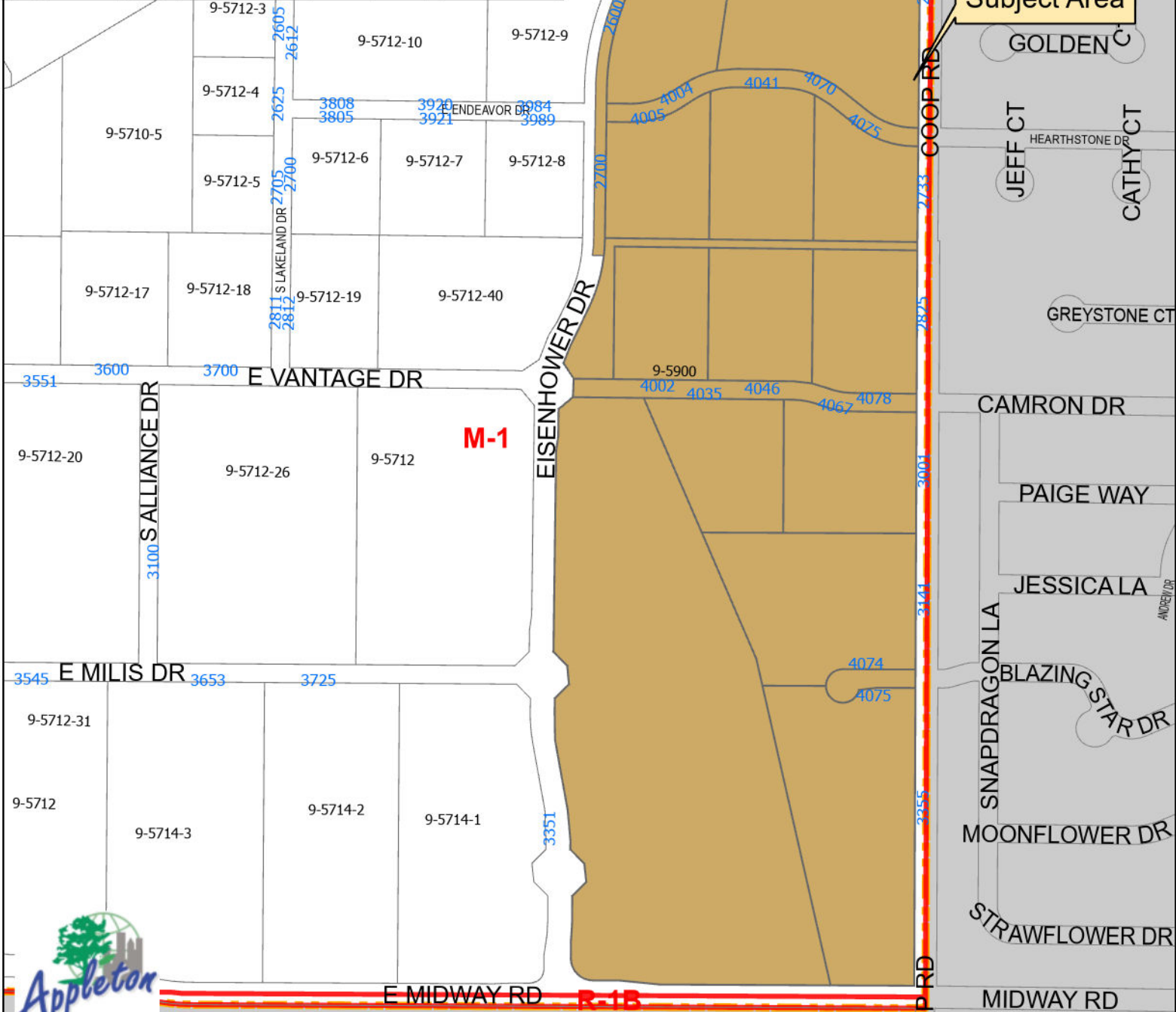
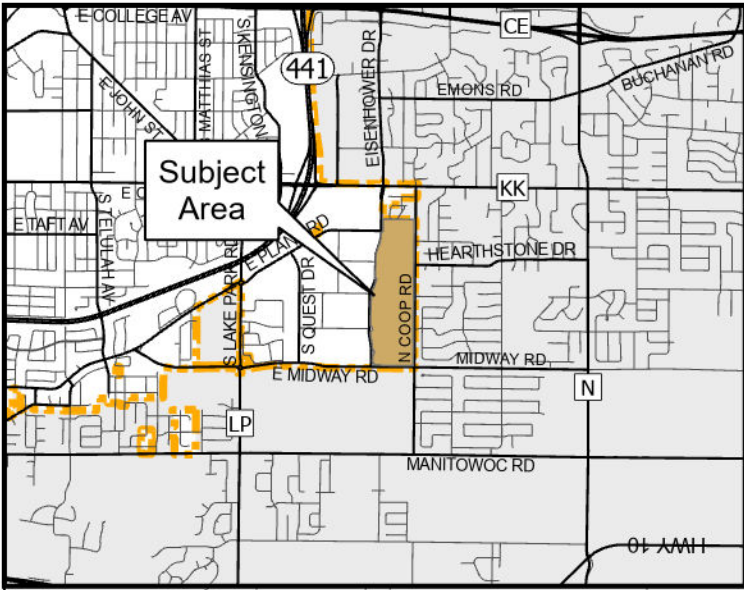
**RECOMMENDATION**

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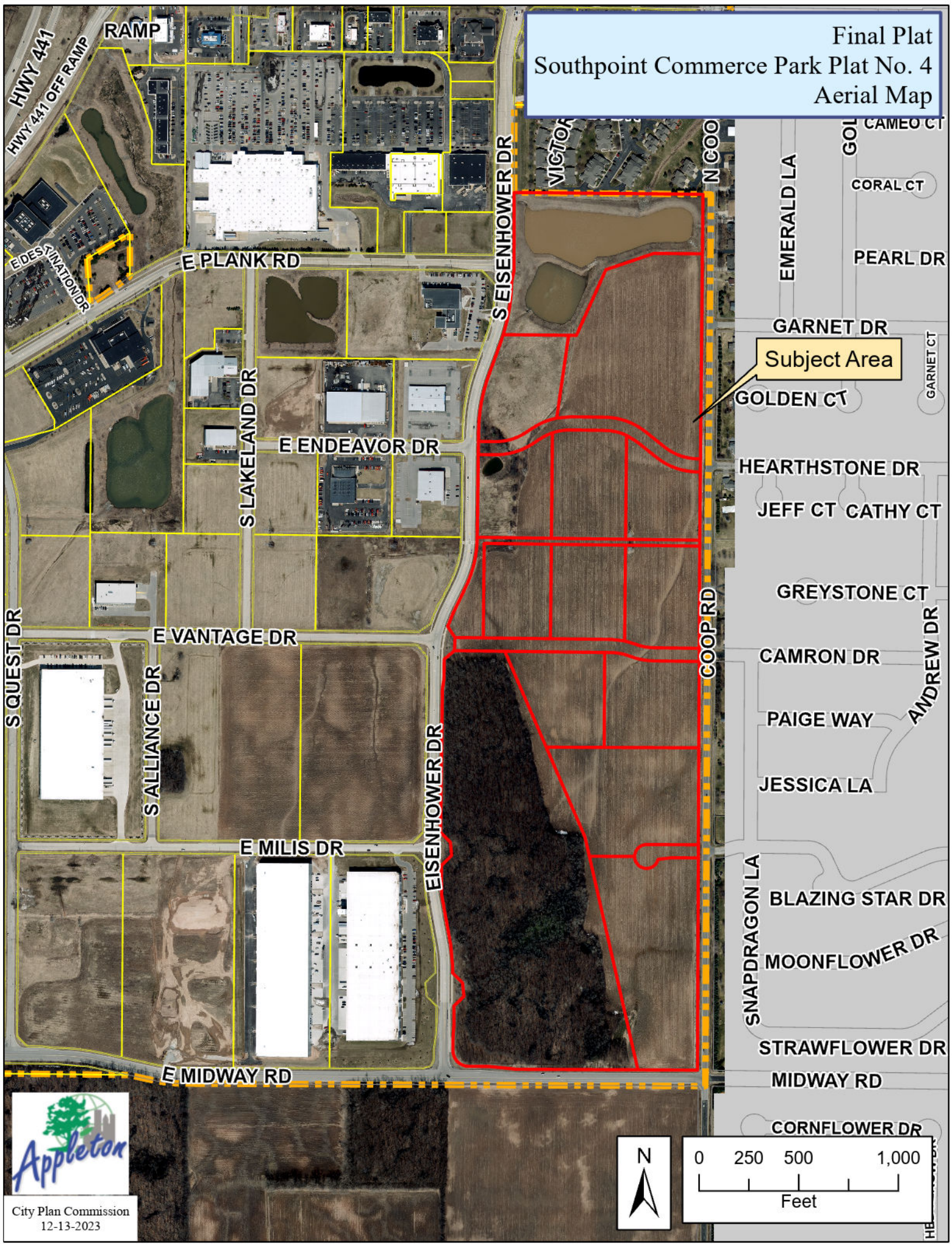
The Final Plat for Southpoint Commerce Park Plat No. 4 **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. City Signatures shall not be affixed to the Final Plan until objecting authorities (Department of Administration and Calumet County Planning and Zoning Committee) reviews and notifies the City that they do not object to the Final Plat.
2. 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.
3. 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.

# Final Plat Southpoint Commerce Park Plat No. 4 Vicinity Map



Final Plat  
 Southpoint Commerce Park Plat No. 4  
 Aerial Map



HWY 441  
 HWY 441 OFF RAMP

RAMP

EDESINATION DR

E PLANK RD

S EISENHOWER DR

VICTOR

N 500

EMERALD LA

GOI

CAMEO CT

CORAL CT

PEARL DR

GARNET DR

Subject Area

GOLDEN CT

GARNET CT

E ENDEAVOR DR

S LAKELAND DR

HEARTHSTONE DR

JEFF CT CATHY CT

GREYSTONE CT

S QUEST DR

E VANTAGE DR

CAMRON DR

PAIGE WAY

ANDREW DR

S ALLIANCE DR

EISENHOWER DR

JESSICA LA

E MILIS DR

SNAPDRAGON LA

BLAZING STAR DR

MOONFLOWER DR

STRAWFLOWER DR

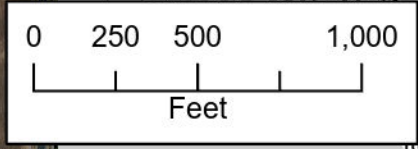
E MIDWAY RD

MIDWAY RD

CORNFLOWER DR

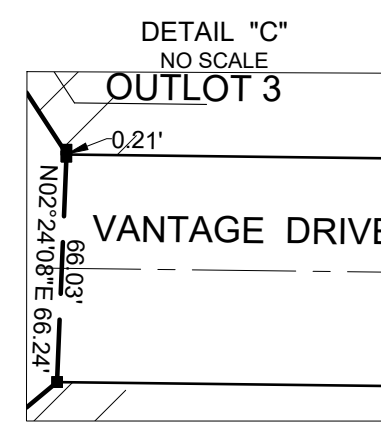
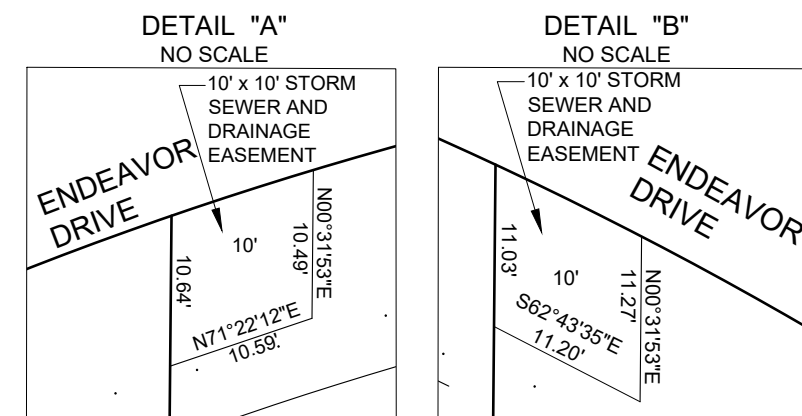
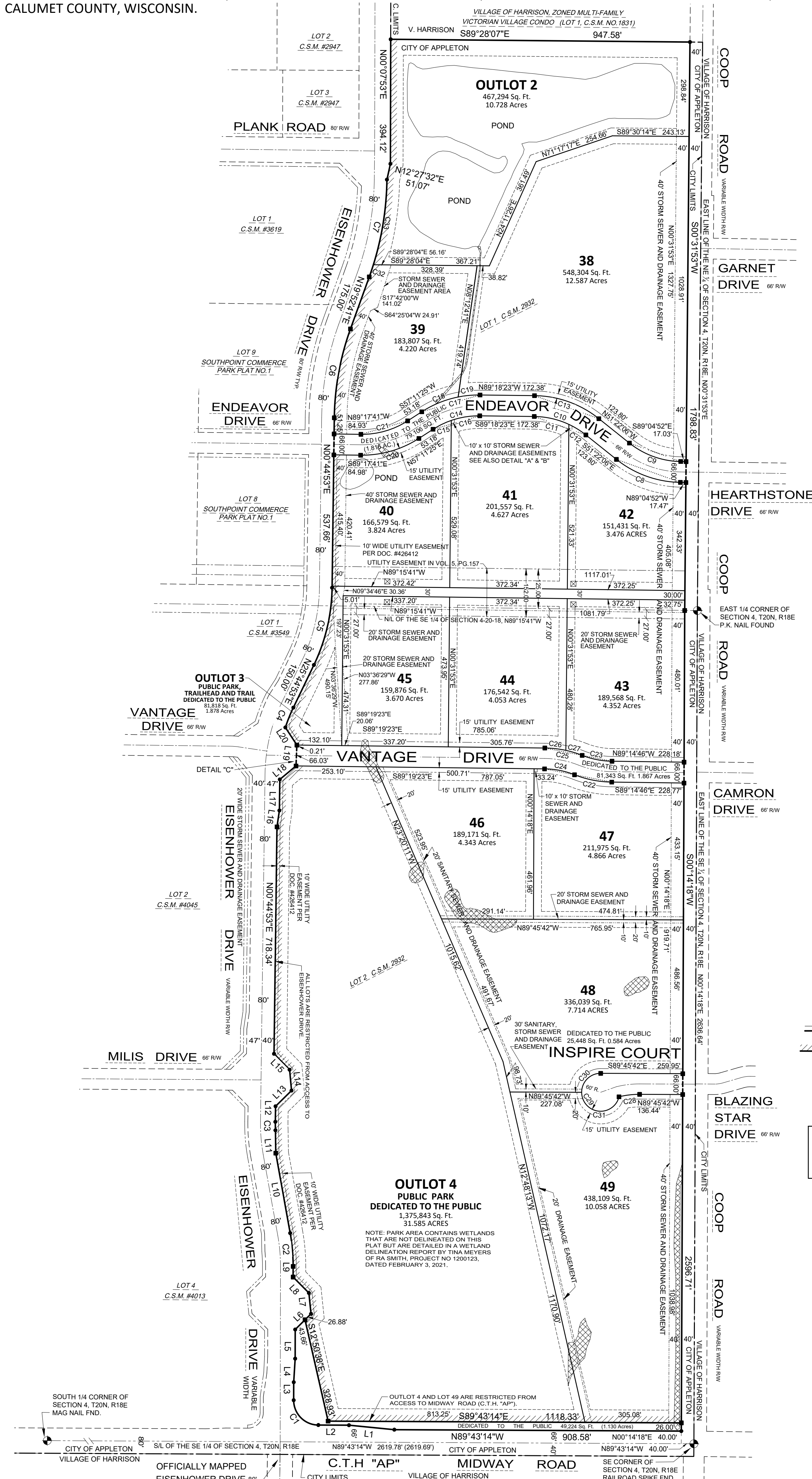


City Plan Commission  
 12-13-2023



# SOUTHPOINT COMMERCE PARK PLAT NO. 4

ALL OF LOT 1 AND 2 OF CERTIFIED SURVEY MAP NO. 2932, LOCATED IN THE NORTHEAST 1/4 OF THE NORTHEAST 1/4, THE SOUTHEAST 1/4 OF THE NORTHEAST 1/4, THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4, THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, AND THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4, OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN.

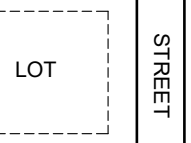


CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	CENTRAL ANGLE	TANGENT BEARING	TANGENT BEARING
C1	78.50'	123.06'	110.84'	N44°48'33"W	89°49'22"	N89°43'14"W	N00°06'08"E
C2	590.00'	106.12'	105.98'	N05°03'02"W	10°18'20"	N00°06'08"E	N10°12'12"W
C3	503.00'	26.80'	26.79'	N00°46'41"W	3°03'08"	N02°18'15"W	N00°44'53"E
C4	500.00'	67.63'	67.58'	N21°52'23.5"E	7°44'59"	N17°59'54"E	N25°44'53"E
C5	580.00'	253.07'	251.07'	N13°14'53"E	25°00'00"	N25°44'53"E	N00°44'53"E
C6	860.00'	287.14'	285.81'	N10°18'47"E	19°07'48"	N00°44'53"E	N19°52'41"E
C7	940.00'	314.55'	313.08'	N10°17'30"E	19°10'22"	N19°52'41"E	N00°42'19"E
C8	333.00'	219.18'	215.25'	N70°13'29"E	37°42'46"	N89°04'52"W	N51°22'06"W
C9	267.00'	175.74'	172.59'	N70°13'29"E	37°42'46"	N89°04'52"W	N51°22'06"W
C10	267.00'	176.79'	173.58'	S70°20'14.5"E	37°56'17"	N51°22'06"W	N89°18'23"W
C11	267.00'	113.30'	112.45'	S77°09'00"E	24°18'46"	N64°59'37"W	N89°18'23"W
C12	267.00'	63.49'	63.34'	S58°10'51"E	13°37'31"	N51°22'06"W	N64°59'37"W
C13	333.00'	220.49'	216.49'	N70°20'14.5"W	37°56'17"	N51°22'06"W	N89°18'23"W
C14	267.00'	156.13'	153.91'	S73°56'31"W	33°30'12"	N89°18'23"W	S57°11'25"W
C15	267.00'	64.28'	64.12'	S64°05'13"W	19°42'37"	S70°59'00"W	S57°11'25"W
C16	267.00'	91.85'	91.40'	S80°50'19"W	13°47'35"	N89°18'23"W	S70°59'00"W
C17	333.00'	194.72'	191.96'	S73°56'31"W	33°30'12"	N89°18'23"W	S57°11'25"W
C18	333.00'	124.99'	124.26'	S67°56'36"W	21°30'22"	S78°41'47"W	S57°11'25"W
C19	333.00'	69.73'	69.60'	S84°41'42"W	11°59'50"	N89°18'23"W	S78°41'47"W
C20	333.00'	194.79'	192.02'	S73°56'32"W	33°30'54"	S57°11'25"W	N89°17'41"W
C21	267.00'	156.18'	153.96'	S73°56'32"W	33°30'54"	S57°11'25"W	N89°17'41"W
C22	333.00'	120.74'	120.08'	N78°51'33"W	20°46'26"	N89°14'46"W	N68°28'20"W
C23	267.00'	96.81'	96.28'	N78°51'33"W	20°46'26"	N89°14'46"W	N68°28'20"W
C24	267.00'	97.16'	96.63'	N78°51'33"W	20°51'03"	N68°28'20"W	N89°18'23"W
C25	333.00'	121.18'	120.51'	N78°51'33"W	20°51'03"	N68°28'20"W	N89°18'23"W
C26	333.00'	67.05'	66.94'	N83°33'17.5"W	11°32'11"	N77°47'12"W	N89°18'23"W
C27	333.00'	54.13'	54.07'	N73°07'46"W	9°18'52"	N68°28'20"W	N77°47'12"W
C28	267.00'	156.85'	153.96'	S83°10'24"W	14°07'49"	N89°45'14"W	S70°59'00"W
C29	60.00'	268.53'	94.28'	N37°58'35"W	25°25'46"	S13°48'32"W	S89°45'42"E
C30	60.00'	94.50'	85.03'	S45°07'05"W	9°01'42"	N00°00'08"W	S89°45'42"E
C31	60.00'	174.03'	119.13'	N83°05'48"W	16°61'20"	S13°48'32"W	N00°00'08"W
C32	940.00'	40.62'	40.62'	N18°38'24"E	2°28'33"	S19°52'41"W	N71°21'36"W
C33	940.00'	273.93'	272.96'	N09°03'14"E	16°41'49"	S71°21'36"E	N00°42'19"E

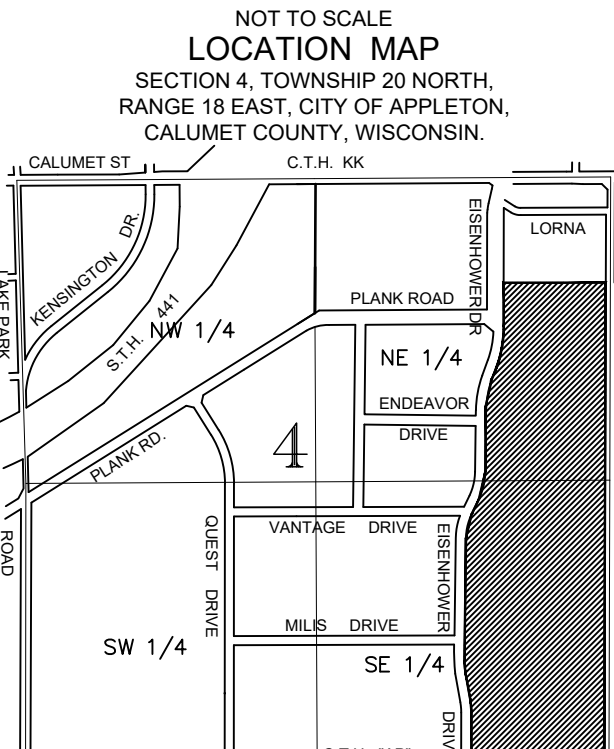
**NOTES:**  
 THIS PLAT IS ZONED M-1 DUE TO EXTENSIVE GRADING, A WAIVER FROM THE REQUIREMENTS OF §236.15 OF THE WISCONSIN STATUTES AND CHAPTER 17 OF THE CITY OF APPLETON MUNICIPAL CODE RELATING TO THE PLACEMENT OF SURVEY MONUMENTS FOR LOTS 38 THROUGH 49 AND OUTLOTS 2 THROUGH 4 OF THIS PLAT HAS BEEN APPROVED BY THE CITY OF APPLETON, PURSUANT TO §17-3(E), APPLETON MUNICIPAL CODE, ALL MONUMENTS SHALL BE IN PLACE WITHIN (1) YEAR OF THE GRANTING OF THE MONUMENT WAIVER.

- LEGEND**
- 1/2" x 30" Iron Rebar Set, Weighing 4.3 lbs./lineal foot set
  - 3/4" Iron Rebar Found
  - Measurements of Record
  - Government Corner
  - All other lot corners monumented with 3/4" x 24" iron rebar, weighing 1.5 lbs./lineal foot set
  - Delineated Wetland Areas
  - Utility Tower
  - Proposed 15' Utility Easement (Unless Otherwise Noted)
  - No Access to County Trunk "AP" (Midway Road) or Eisenhower Drive

ALL DIMENSIONS ARE MEASURED AND COMPUTED TO THE NEAREST 0.01 FOOT. ALL ANGLES AND BEARINGS ARE MEASURED AND COMPUTED TO THE NEAREST SECOND. ALL ELEVATIONS ARE REFERENCED TO NAVD 88 DATUM.

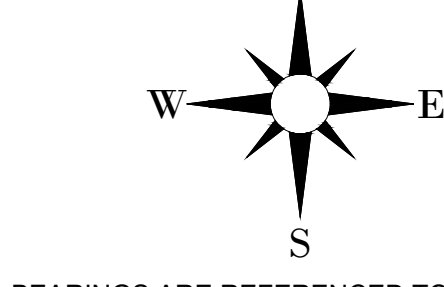


LINE	DESCRIPTION
L1	N84°20'57"W 144.21'
L2	N89°43'14"W 93.03'
L3	N00°06'08"E 56.88'
L4	N03°33'16"E 74.73'
L5	N00°06'08"E 92.20'
L6	N45°14'23"E 70.54'
L7	N05°56'56"W 66.40'
L8	N44°45'37"W 70.88'
L9	N00°06'08"E 33.52'
L10	N10°12'12"W 256.84'
L11	N00°51'56"W 72.56'
L12	N00°44'53"E 49.18'
L13	N45°33'46"E 70.94'
L14	N05°18'36"W 66.33'
L15	N44°26'14"W 70.48'
L16	N08°26'29"E 52.29'
L17	N00°44'53"E 98.21'
L18	N50°11'14"E 66.74'
L19	N02°24'08"E 66.24'
L20	N33°11'41"W 66.49'

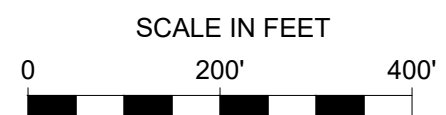


There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified \_\_\_\_\_, 20\_\_\_\_  
 Department of Administration



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, CALUMET COUNTY, EAST LINE OF THE SE 1/4 SECTION 4, T.20N., R.18E.; WHICH BEARS N00°14'18"E  
 H:\Acad\Plats\Southpoint 2022\Southpoint4\_2023\_0906\_Final



**CITY OF APPLETON**  
 DEPT. OF PUBLIC WORKS  
 ENGINEERING DIVISION  
 100 NORTH APPLETON STREET  
 APPLETON, WI 54911  
 920-832-6474  
 DRAFTED BY: T. KROMM  
 SHEET 1 OF 2

**APPROVAL AGENCIES**  
 CITY OF APPLETON  
 AGENCIES HAVING AUTHORITY TO OBJECT  
 DEPARTMENT OF ADMINISTRATION  
 CALUMET COUNTY PLANNING AND ZONING COMMITTEE



# SOUTHPOINT COMMERCE PARK PLAT NO. 4

ALL OF LOT 1 AND 2 OF CERTIFIED SURVEY MAP NO.2932, LOCATED IN THE EAST ½ OF THE SE ¼ AND THE EAST ½ OF THE NE ¼, OF SECTION 4, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN.

## SURVEYOR'S CERTIFICATE:

I, Thomas M. Kromm, Wisconsin Professional Land Surveyor, certify that I have surveyed divided, and mapped under the direction of the City of Appleton, All of Lot One (1) and Lot Two (2) of Certified Survey Map Number 2932, located in the Northeast ¼ of the Northeast ¼, the Southeast ¼ of the Northeast ¼, the Northwest ¼ of the Southeast ¼ the Northeast ¼ of the Southeast ¼, the Southeast ¼ of the Southeast ¼, and the Southwest ¼ of the Southeast ¼, of Section 4, Township Twenty (20) North, Range Eighteen (18) East, in the City of Appleton, Calumet County, Wisconsin, containing 5,113,024 Square Feet (117,379 Acres) of land. Said lands subject to all easements and restrictions of record.

That I have fully complied with the provisions of Chapter 236.34 of the Wisconsin Statutes and the City of Appleton subdivision ordinance in surveying, dividing and mapping the same. That this map is a correct representation of all exterior boundaries of the land surveyed and the division thereof.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Wisconsin Professional Land Surveyor, S-2062  
Thomas M. Kromm

## CORPORATE OWNER'S CERTIFICATE OF DEDICATION

The City of Appleton, a Wisconsin municipal corporation duly established and existing under and by virtue of the laws of the State of Wisconsin, as owner, does hereby certify that said municipal corporation caused the land described in this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

The City of Appleton, does further certify that 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  
Calumet County

In Witness Whereof, said City of Appleton has caused these presents to be signed by its Mayor, and countersigned by its City Clerk, at Appleton Wisconsin, and its corporate seal to be hereunto affixed on this \_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
Jacob A. Woodford, Mayor

\_\_\_\_\_  
Kami Lynch, City Clerk

State of Wisconsin)  
) SS  
Calumet County )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2023. Jacob A. Woodford, Mayor, and Kami Lynch, City Clerk of the above named municipal corporation to me known to be the persons who executed the foregoing instrument and to me known to be such Mayor and City Clerk of said municipal corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of such corporation, by its authority.

\_\_\_\_\_  
Notary Public

My commission expires \_\_\_\_\_

## COUNCIL APPROVAL

Resolved, that the plat of SOUTHPOINT COMMERCE PARK PLAT NO. 4, in the City of Appleton, is hereby approved by the Common Council of the City of Appleton.

Date: \_\_\_\_\_ Signed: \_\_\_\_\_  
Mayor

I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Appleton.

Date: \_\_\_\_\_ Signed \_\_\_\_\_  
City Clerk

## CERTIFICATE OF FINANCE OFFICER

I, \_\_\_\_\_, being the duly qualified and acting treasurer 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 the plat of SOUTHPOINT COMMERCE PARK PLAT NO. 4.

Date: \_\_\_\_\_  
Jeri A. Ohman, Director of Finance

## COUNTY TREASURER'S CERTIFICATE

State of Wisconsin)  
) SS  
Calumet County)

I, \_\_\_\_\_, being the duly elected, qualified and acting treasurer of the County of Calumet, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or unpaid special assessments as of \_\_\_\_\_ affecting the lands included in the plat of SOUTHPOINT COMMERCE PARK PLAT NO. 4.

Date: \_\_\_\_\_  
County Treasurer

## SANITARY SEWER, STORM SEWER AND DRAINAGE EASEMENT PROVISIONS

An easement for sanitary sewer, storm sewer and drainage is hereby granted by:  
THE CITY OF APPLETON, Grantor, to

THE CITY OF APPLETON, Grantee,

1. Purpose: The purpose of this easement for the Grantee to access, install, regrade, replace, relocate, operate, maintain, resize and repair a sanitary sewer, storm sewer, drainage way 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 sanitary sewer, storm sewer and drainage way that occurs 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.
2. 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.
3. 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 "sanitary sewer easement, storm sewer easement, and drainage easement".
4. Elevation: The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered by more than 4 inches without the written consent of grantee.
5. 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.
6. 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.
7. Drainage easements are conveyance paths for storm water. The placement of fill in a drainage easement, which interferes with the flow or changes to the shape of the drainage easement by the lot owner or his agent, is prohibited. Upon failure of lot owner's to maintain said drainage ways and easements as designed; the City of Appleton retains the right to perform maintenance and or repairs. The payment of said maintenance and or repairs shall be equally assessed to the adjacent lot owners.
8. The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

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Jacob. A. Woodford, Mayor

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Kami Lynch, City Clerk

## UTILITY EASEMENT PROVISIONS

An easement for electric and communications service is hereby granted by The City of Appleton, Grantor, to  
WISCONSIN ELECTRIC POWER COMPANY, A WISCONSIN CORP. D/B/A WE ENERGIES  
WISCONSIN BELL, INC. D/B/A AT&T WISCONSIN  
TIME WARNER CABLE  
Grantees,

Their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy for such purposes as the same is now or may hereafter be used and for sounds and signals, all in, over, under, across, 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 within and beneath the surface of each lot to serve improvements thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required, incidental to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities or communication facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without the written consent of grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

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Jacob A. Woodford, Mayor

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Kami Lynch, City Clerk

Revised this

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



## CITY OF APPLETON

DEPT. OF PUBLIC WORKS  
ENGINEERING DIVISION  
100 NORTH APPLETON STREET  
APPLETON, WI 54911  
920-832-6474  
DRAFTED BY: T. KROMM  
SHEET 2 OF 2