



## REPORT TO COMMON COUNCIL

**Common Council Meeting Date:** June 17, 2020

**Item:** Final Plat – North Edgewood Estates 2

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

### GENERAL INFORMATION

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**Owner/Applicant:** North Edgewood Estates Development, LLC c/o Kurt Coenen

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

**Petitioner's Request:** The applicant is proposing to subdivide the property into 24 lots and three outlots for single-family and two-family residential development.

### BACKGROUND

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This item would typically go to Plan Commission for review and a recommendation. However, to help prevent the spread of COVID-19, Plan Commission will not meet and Common Council will conduct their business as Committee of the Whole.

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.

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.

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.

Rezoning #3-20, to rezone the subject area from R-1B Single-Family District to R-2 Two-Family District, is also being presented at this June 17, 2020 Common Council meeting.

### STAFF ANALYSIS

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**Existing Conditions:** The subject area to be subdivided is currently undeveloped. The area to be platted for single-family and two-family residential development totals 16.4971 acres, which will be divided into 24 lots and three outlots.

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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 part of parcel #31-1-7610-00 (16.4971 acres). However, the Final Plat is generally consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots. One noteworthy change is that parts of Acadia Drive and Sequoia Drive are now shown as Outlots 3 and 4 and reserved for future road right-of-way, instead of being dedicated with the Final Plat.

**Zoning Ordinance Review Criteria:** Rezoning #3-20 is also being presented at this Common Council meeting. The current lot development standards for the R-2 Two-Family District (Section 23-95 of the Municipal Code) are as follows. While not included in this staff report, unique development standards are also established for zero lot line two-family dwellings.

- Minimum lot area: 6,000 square feet for detached single-family dwellings.  
7,000 square feet for two-story two-family duplex dwellings.  
9,000 square feet for single-story two-family duplex dwellings.  
7,000 square feet for all other uses.
  - *The proposed lots range in size from 13,195 square feet to approximately 46,797 square feet. All lots exceed these requirements.*
- Minimum lot width: 50 feet for single-family dwellings.  
70 feet for all other uses.
  - *The proposed lots range in width from 60 feet to approximately 204.21 feet. Outlots 3, 4, and 5 each have a lot width of 60 feet. Outlots 3 and 4 are reserved for future road right-of-way, and Outlot 5 is to be owned by the City for placement of a sanitary lift station. Once Outlot 4 becomes right-of-way, Outlot 5 will have a lot width of 231.20 feet. All other lots exceed these requirements.*
- Minimum front, side, and rear lot line setbacks: 20-foot front lot line (25-foot minimum on arterial street), 6-foot side lot line, and 25-foot rear lot line.
  - *Required front lot line 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: 60%.
  - *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 an extension of existing Rubyred Drive. The 70-foot wide street right-of-way for Rubyred Drive and Sequoia Drive and the 60-foot wide street right-of-way for Yosemite Lane and Acadia Drive will be dedicated to the public with the Final Plat. Outlots 3 and 4 are reserved for future road right-of-way, and a Temporary Turn Around & Ingress/Egress Easement is proposed east of the Plat boundary. Outagamie County has no objections to the proposed street names, which appear to comply with the City's street name policy.

**Surrounding Zoning Classification and Land Uses:**

North: R-1B Single-Family District. The adjacent land uses to the north are currently agricultural.

South: P-I Public Institutional District and Town of Grand Chute. The adjacent land uses to the south are currently agricultural.

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 and Public/Institutional designations 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 building permits being issued for individual lots (when the exact number of dwelling units is known). For lots zoned R-2 Two-Family District, park fees are \$200 per dwelling unit.

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**Technical Review Group (TRG) Report:** This item appeared on the May 19, 2020 Technical Review Group agenda. Comments were received from participating departments and captured in the stipulations found below.

### RECOMMENDATION

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The North Edgewood Estates 2 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. Park fees shall be paid to the City of Appleton Finance Department prior to building permits being issued for individual lots. For lots zoned R-2 Two-Family District, park fees are \$200 per dwelling unit, pursuant to Section 17-29 of the Municipal Code.
3. Rezoning #3-20, to rezone the subject area from R-1B Single-Family District to R-2 Two-Family District, is also being presented at this June 17, 2020 Common Council meeting. The proposed lots were reviewed against applicable development standards for the R-1B and R-2 Districts. Rezoning #3-20 must be approved by Common Council in order for the R-2 zoning to take effect.
4. There is a “City of Appleton” label on the wrong side of the corporate limit line. Revise as necessary.
5. For the south line of Lot 69, the dimensions listed appear to be incorrect and no distance is shown between the meander line and Plat boundary.
6. The 35’ | 35’ labels shown for Acadia Drive appear to be incorrect. Revise as necessary.
7. The Location Map in the upper right corner should be updated.
8. The Easement Exhibit terminology “Temporary Turn Around & Ingress/Egress Easement” would be clearer to simply read “Ingress/Egress Easement”. This will need to be a permanent easement unless the landowner dedicates public right-of-way in the future.
9. A Stormwater Permit application with Stormwater Management Plan (SWMP) was submitted to DPW for review. DPW has provided Stormwater Permit review comments to the developer’s engineer, and issuance of the required Stormwater Permit is pending. Revisions to the Final Plat may be needed based on future Stormwater resubmittals and reviews.
10. The Stormwater Permit review letter included comments on Wetlands and 100-year water surface elevations that are yet to be addressed. Based on the pending resubmittal, additional comments may be forthcoming on the Wetlands/Shoreland Zoning/Floodplain Exhibit Sheet for the Final Plat.

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11. 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. Provide information for Lots 46 and 69 to verify this requirement is being met based on the final drainage plan elevations.
12. Reference elevations to NAVD 88 not NGVD 29.
13. In the Legend on sheet 1 list the outside diameter of iron pipes found or set.
14. The bar scale on sheet 1 and 2 does not appear to be correct, revise as necessary.
15. No distance is shown for the meander line angle point in Lot 46 to the Plat boundary, revise as necessary.
16. The dimension of set monuments listed in the legend does not meet City ordinance minimum standards.
17. Add the State of Wisconsin public trust note to the Plat.
18. Add the word easement to item number 8 in the Notes list on sheet 1.
19. Revise the description on top of sheet 1 of the Plat that states “All of Lot 3” to read Part of Lot 3.
20. In order to track the parcel history more easily, Outlot 5 should be deeded to the City by separate document immediately after recording the Plat. An alternative could be a deed transferring ownership, even if the Plat states “dedicated to the public.”
21. On sheet 3, the following revisions are needed under the Surveyor’s Certificate: replace the Northwest 1/4 with the North 1/2; remove the duplicate thence S66°31'11"E, 76.16 feet; replace said Ease line with said East line.
22. For phase 2 of North Edgewood Estates, they need to provide an easement for force main and water main in Lot 46.
23. To service North Edgewood Estates 2, they need to extend water main thru future Lots 128 and 129 and south to Rubyred Drive.
24. 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.
25. The following streets within the Final Plat are to be classified as follows:
  - a. Rubyred Drive: Collector Street
  - b. Yosemite Lane: Local Street

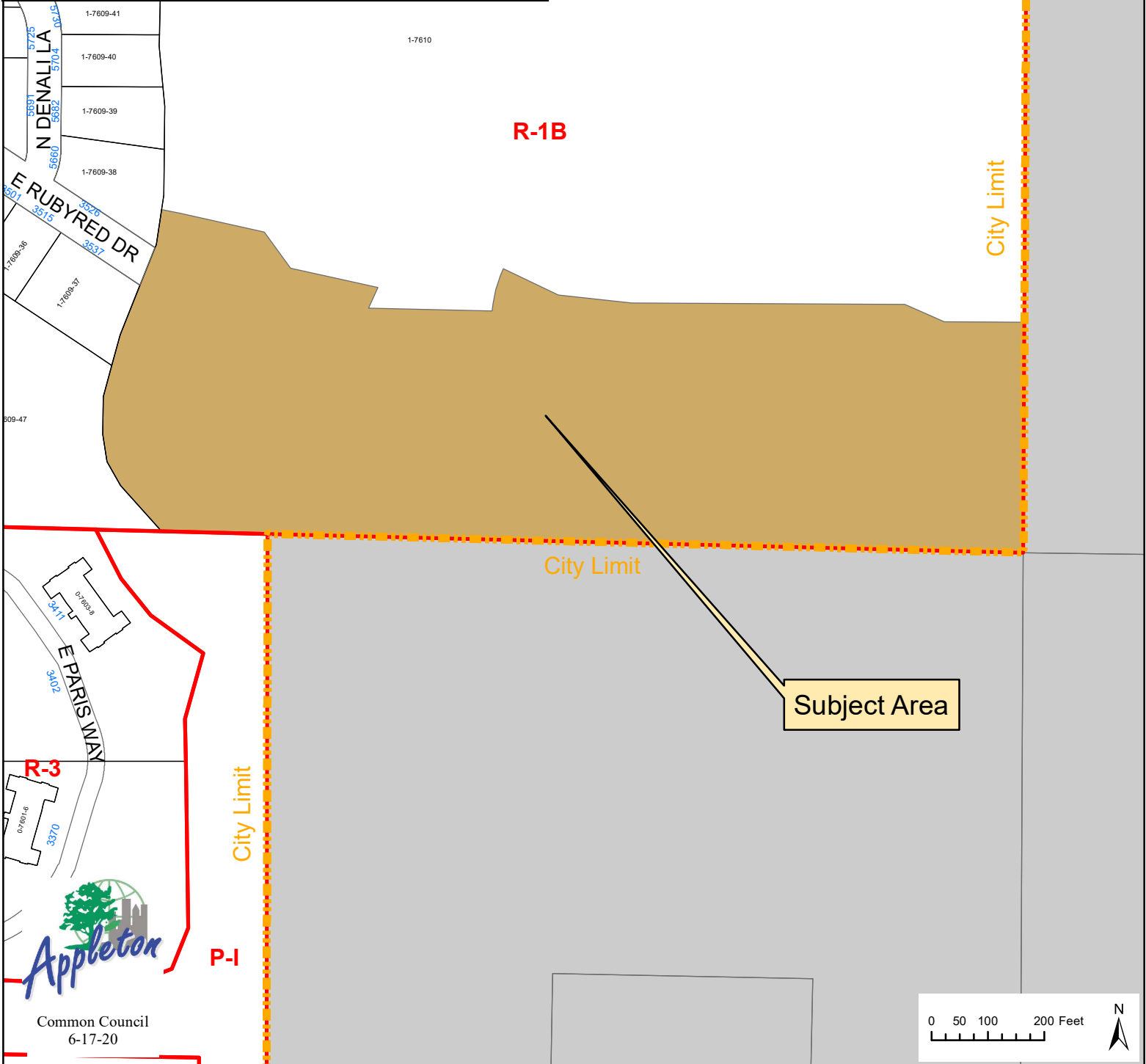
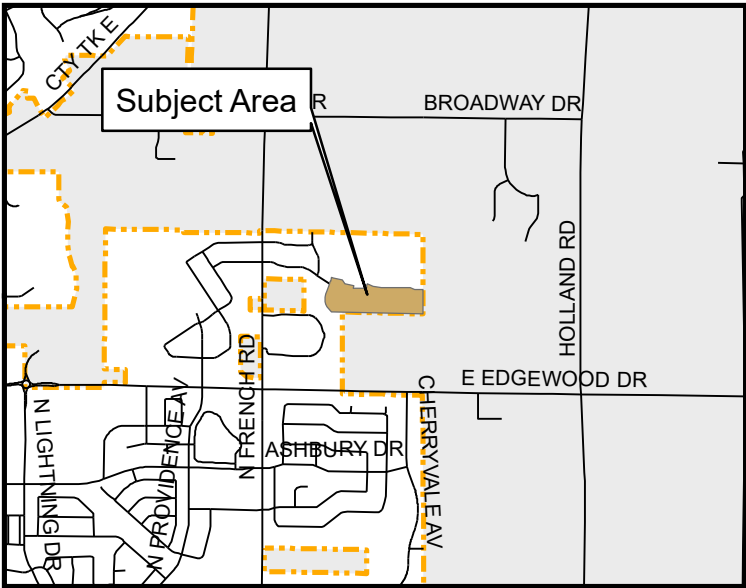
**Final Plat – North Edgewood Estates 2**

**June 17, 2020**

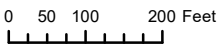
**Page 6**

- c. Acadia Drive: Local Street
  - d. Sequoia Drive: Collector Street
26. 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 an amendment approved by Common Council on April 22, 2020.

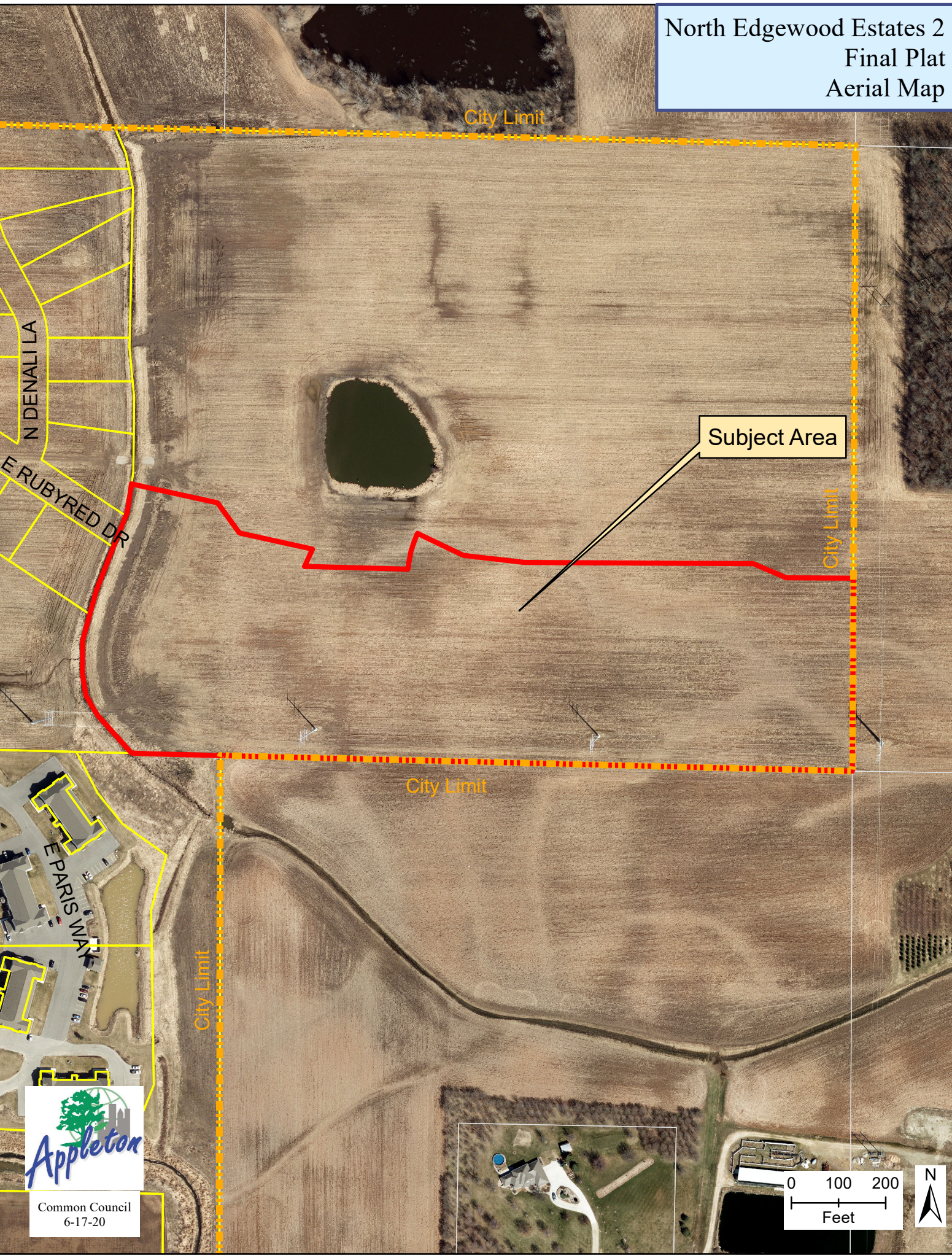
# North Edgewood Estates 2 Final Plat Zoning Map



Common Council  
6-17-20



North Edgewood Estates 2  
Final Plat  
Aerial Map



City Limit

Subject Area

City Limit

City Limit

City Limit



Common Council  
6-17-20



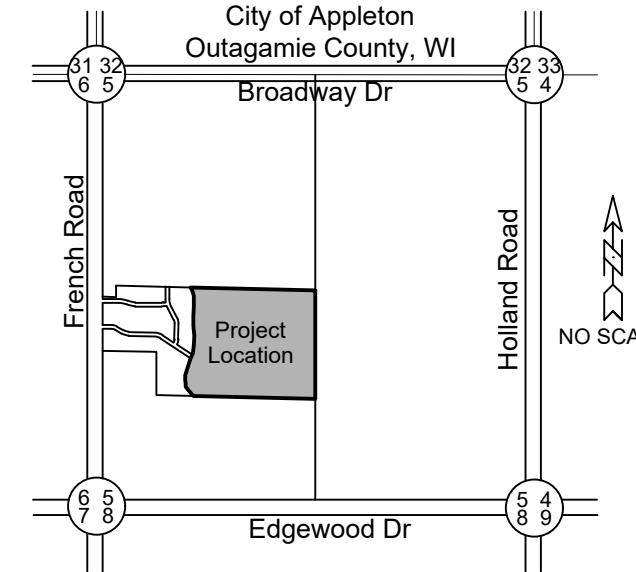


# North Edgewood Estates 2

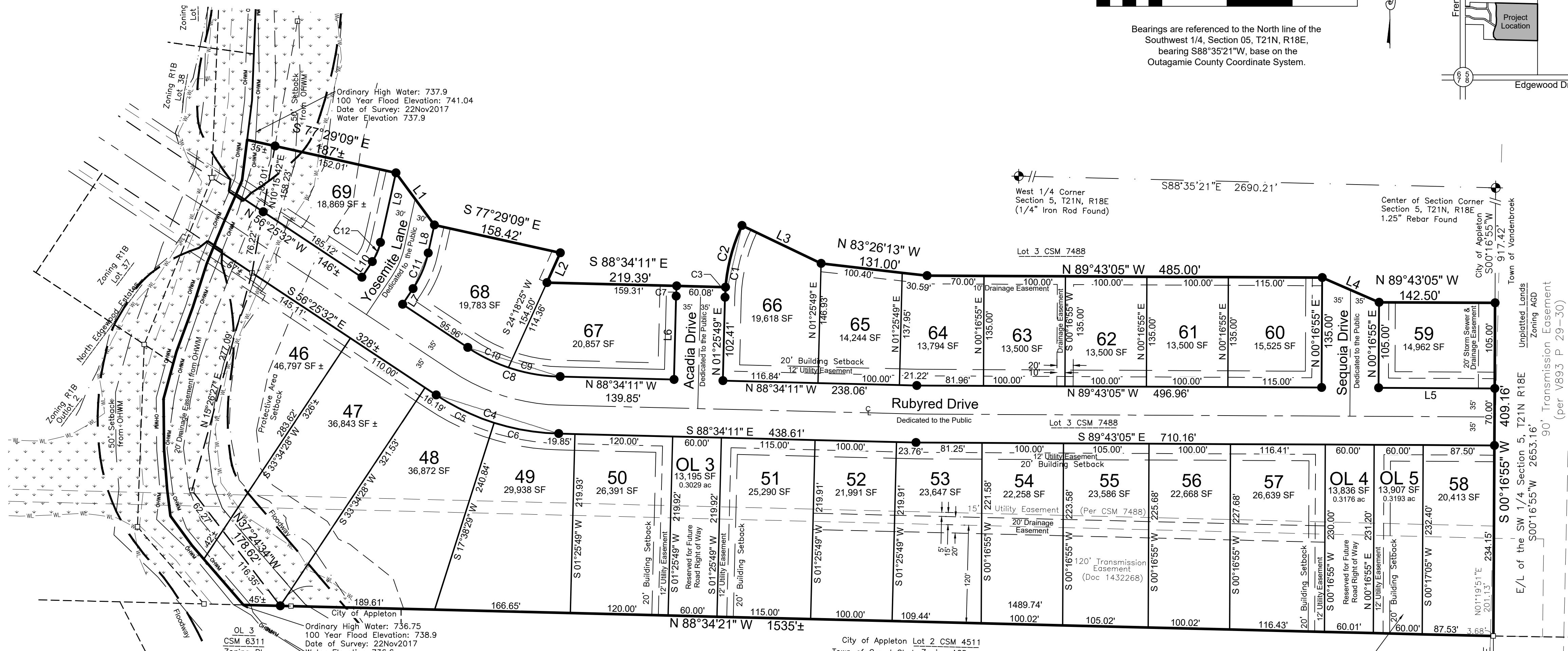
All of Lot 3, Certified Survey Map 7488, being part of the Northwest 1/4 of the Southwest 1/4 and all of the Northeast 1/4 of the Southwest 1/4 all located in of Section 05, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

## LOCATION MAP

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



Bearings are referenced to the North line of the Southwest 1/4, Section 05, T21N, R18E, bearing S88°35'21"W, 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.
- Outlot 3 & 4 are reserved for future road right of way. The Developer shall retain ownership of said Outlots, retaining all rights, privileges and restrictions of ownership of said Outlots until such time as they are granted to the City of Appleton.
- Lots 50, 51, 57 and Outlot 5 have a 20' Building Setback adjacent to Outlots 3 and 4 so they can have the appropriate setback to the future right of way grants.
- Outlot 5 is dedicated to the City of Appleton for placement and use of a Sanitary Lift Station.
- Lots 46-48 & 69 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 29.
- 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
- The 20' Drainage and Maintenance along the Navigable Stream is granted to the City of Appleton.

CURVE TABLE						
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in / Tangent Bearing-out
C1	220.00'	N 13°19'09" E	90.65'	91.30'	23°46'41"	N 01°25'49" E / N 25°12'30" E
C2	220.00'	N 14°57'35" E	78.29'	78.70'	20°29'50"	N 04°42'39" E / N 25°12'30" E
C3	220.00'	N 03°04'14" E	12.60'	12.60'	3°16'51"	N 01°25'49" E / N 04°42'39" E
C4	285.00'	S 72°29'52" E	157.80'	159.89'	32°08'39"	S 56°25'32" E / S 88°34'11" E
C5	285.00'	S 64°23'31" E	79.00'	79.25'	15°55'58"	S 56°25'32" E / S 72°21'31" E
C6	285.00'	S 80°27'51" E	80.37'	80.64'	16°12'40"	S 72°21'31" E / S 88°34'11" E
C7	280.00'	N 02°43'08" E	12.59'	12.59'	2°34'38"	N 01°25'49" E / N 04°00'27" E
C8	215.00'	N 72°29'52" W	119.04'	120.62'	32°08'39"	N 88°34'11" W / N 56°25'32" W
C9	215.00'	N 79°57'42" W	64.36'	64.60'	17°12'58"	N 88°34'11" W / N 71°21'13" W
C10	215.00'	N 63°53'23" W	55.86'	56.02'	14°55'41"	N 71°21'13" W / N 56°25'32" W
C11	130.00'	N 23°02'39" E	47.52'	47.78'	21°03'37"	N 33°34'28" E / N 12°30'51" E
C12	70.00'	S 23°02'39" W	25.59'	25.73'	21°03'37"	S 12°30'51" W / S 33°34'28" W

LINE TABLE		
Line	Bearing	Length
L1	S 36°28'44" E	79.51'
L2	S 24°18'25" W	40.14'
L3	N 64°20'18" W	107.85'
L4	S 66°31'11" E	76.16'
L5	N 89°43'05" W	142.50'
L6	N 01°25'49" E	102.41'
L7	N 33°34'28" E	23.14'
L8	N 12°30'51" E	35.32'
L9	S 12°30'51" W	87.49'
L10	S 33°34'28" W	23.14'

### LEGEND

- 1" Iron Pipe Found
- 1/4" x 18" Steel Rebar @ 4.30lbs/LF SET
- 3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
- SF Lot areas in square feet
- Floodway Limits
- - - Floodplain Limits

Outlot 5 is dedicated to the public for placement of a Sanitary Lift Station.

South 1/4 Corner Section 5, T21N, R18E 0.75" Iron Rod Found

James R. Schloff PLS 2692 Date

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: 5641Final2.dwg  
Date: 05/12/2020  
Drafted By: jim  
Sheet: 1 of 3

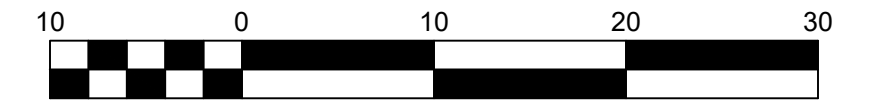


**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
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1164 Province Terrace, Menasha, WI 54952  
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# North Edgewood Estates 2

Part of Lot 3, Certified Survey Map 7488, being part of the Northwest 1/4 of the Southwest 1/4 and all 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

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.



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

## 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):

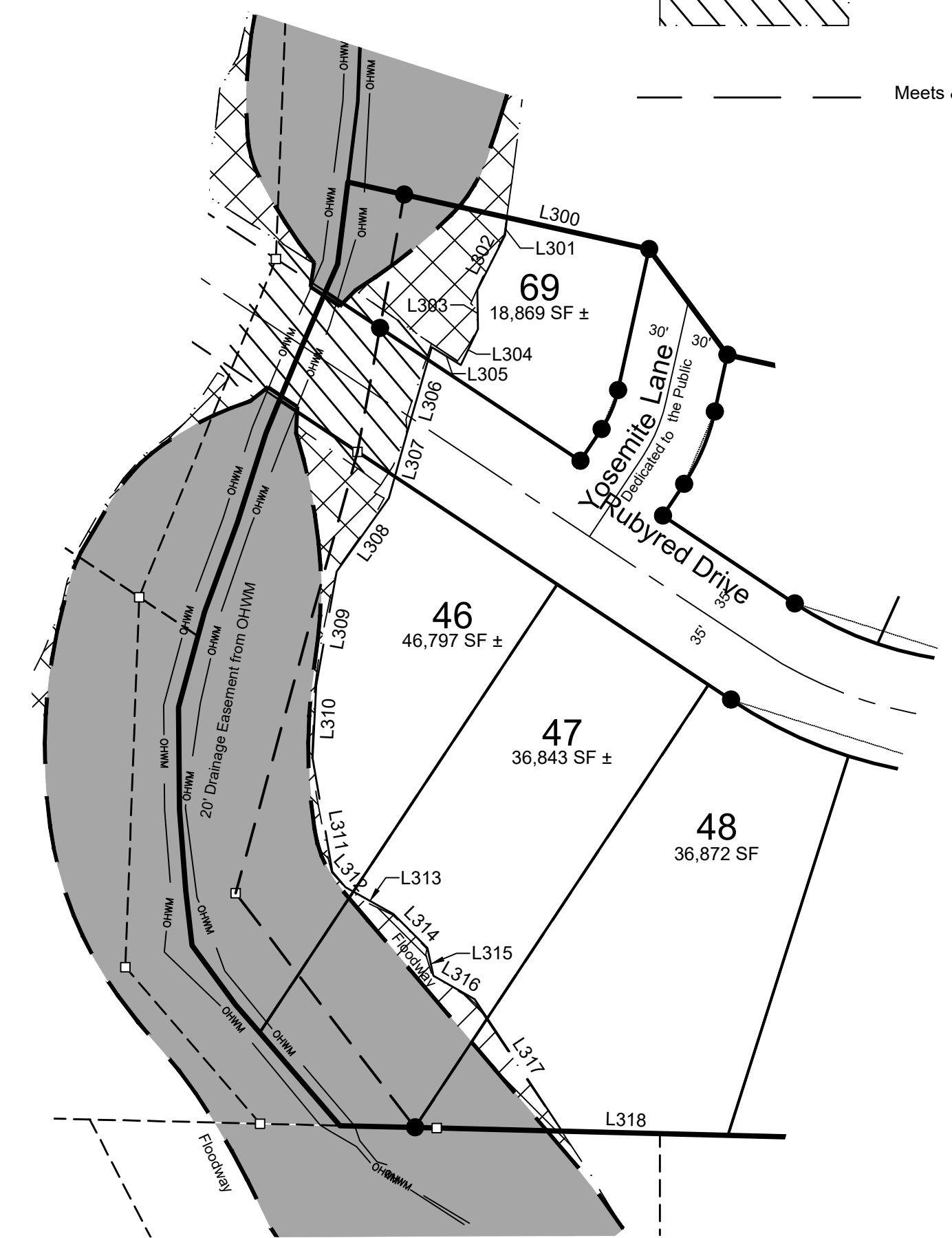
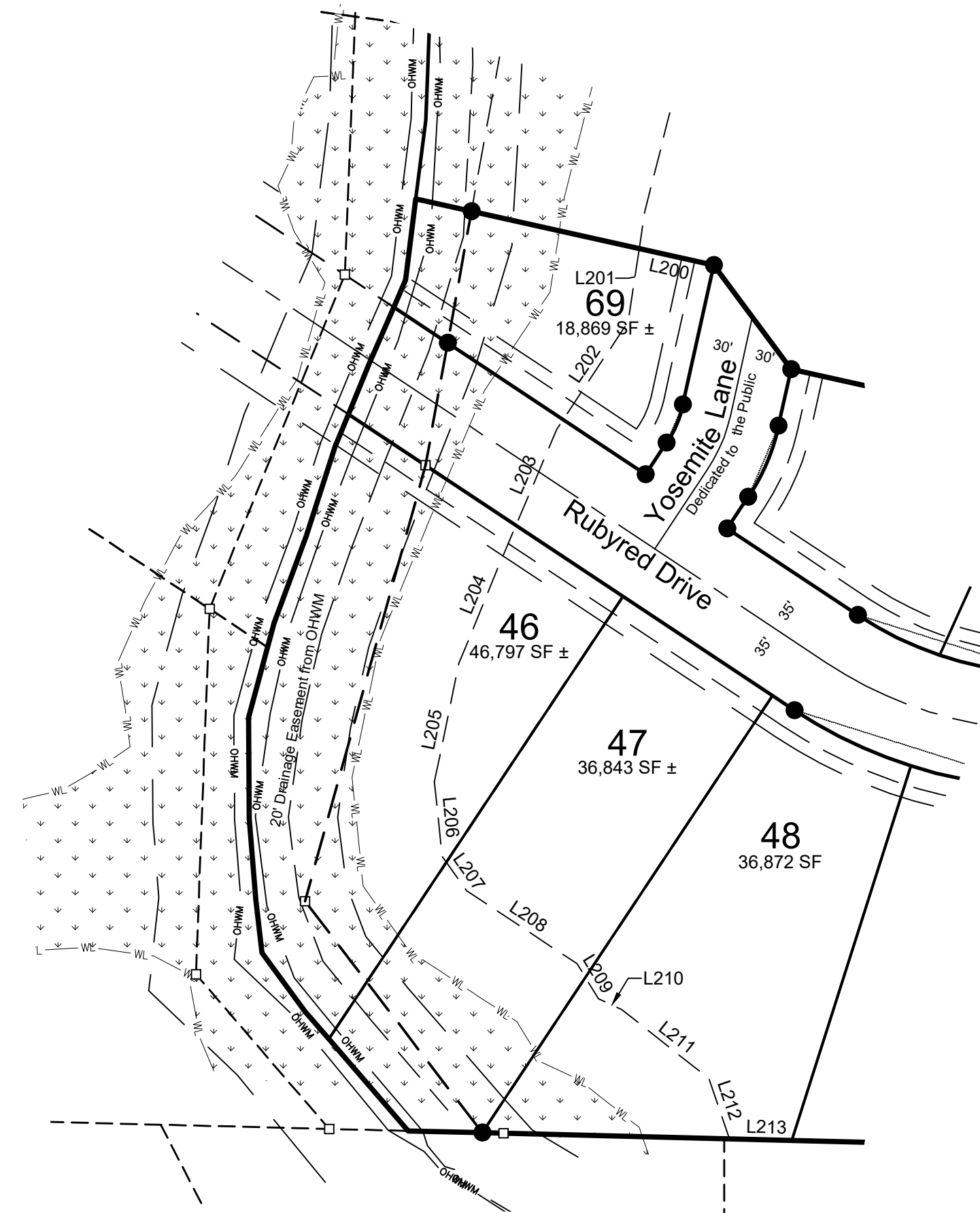
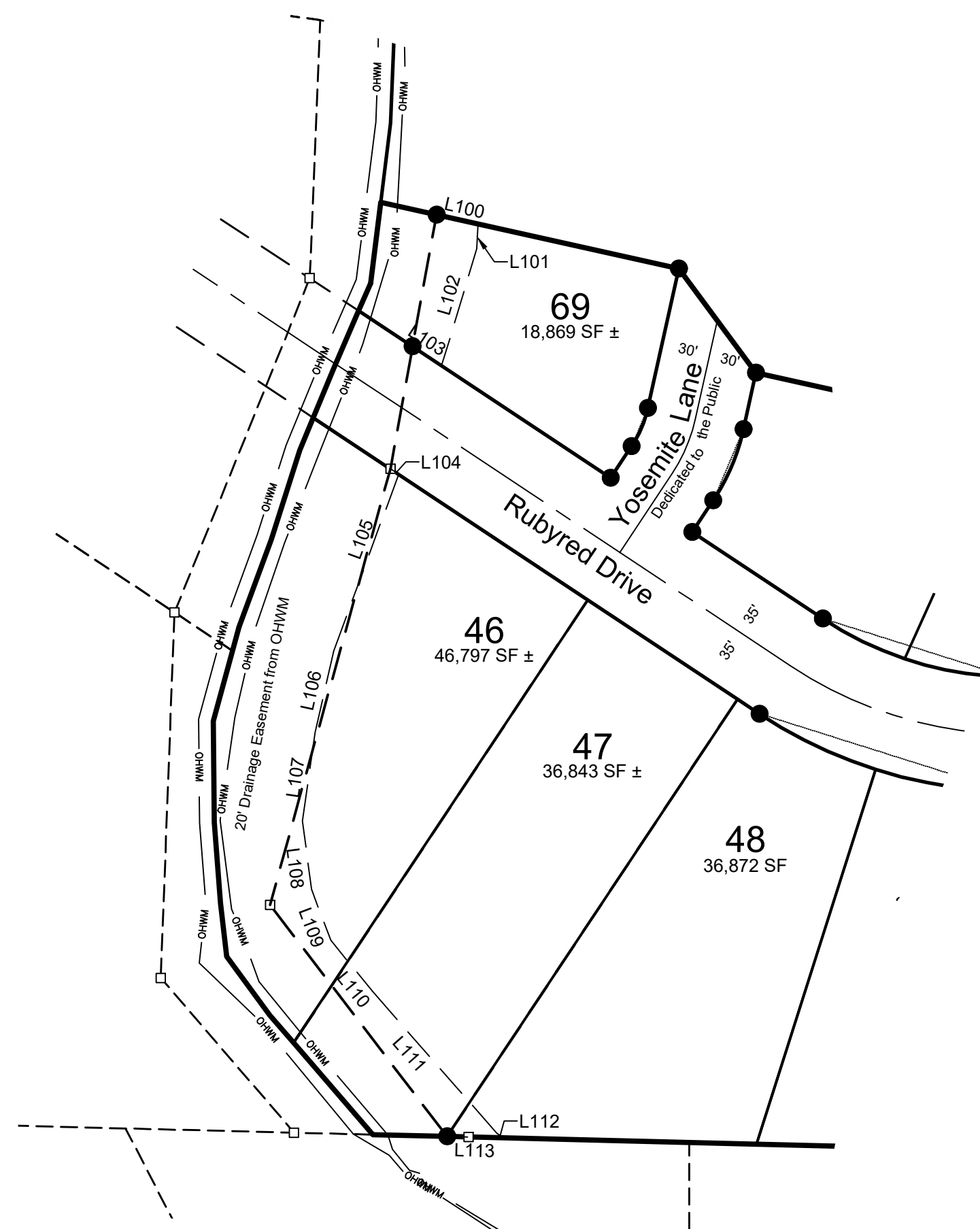
- (3) The following requirements shall be met:
  - a. Impervious surfaces shall be kept out of the protective area entirely or [as may be approved by the City of Appleton] to the maximum extent practicable.
  - b. Where land disturbing construction activity occurs within a protective area, and where 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 (CLOMR) 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 19 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.

## LEGEND

- Floodway Area
- Floodplain Area
- Flood plain to be filled
- Meets & Bounds linework



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



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

Exhibit Line Table on Sheet 3

Revision Date: May 12, 2020  
 File: 5641Final2.dwg  
 Date: 05/12/2020  
 Drafted By: jim  
 Sheet: 2 of 3



**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
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# North Edgewood Estates 2

Part of Lot 3 of CSM 7488, being part of the Northwest 1/4 of the Southwest 1/4 Section 5, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

## Surveyor's Certificate

I, James R. Sehoff, 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 2; 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 Section 5, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 718,615 Square Feet (16.4971 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 N00°16'55"E, 1326.58 feet to the point of beginning; thence, along the South line of Lot 3 CSM 7488, N88°34'21"W, 1489.73 feet to a meander point being S88°34'21"E, 45 feet more or less from the centerline of a tributary of Apple Creek; thence, along a meander line N37°24'34"W, 178.62 feet; thence, continuing along said meander line, N15°26'27"E 277.09 feet; thence, continuing along said Meander line, N10°15'42"E, 158.23 feet to a meander point being S77°29'09"E, 35 feet more or less from said centerline of a tributary of Apple Creek; thence S77°29'09"E 152.01 feet; thence S36°28'44"E 79.51 feet; thence S77°29'09"E 158.42 feet; thence S24°18'25"W 40.14 feet; thence S88°34'11"E 219.39 feet; thence 78.70 feet along the arc of a curve to the right with a radius of 220.00 feet and a chord of 78.29 feet which bears N14°57'35"E; thence S64°20'18"E, 107.65 feet; thence S83°26'13"E, 131.00 feet; thence S89°43'05"E, 485.00 feet; thence S66°31'11"E, 76.16 feet; thence S66°31'11"E, 76.16 feet; thence S89°43'05"E, 142.50 feet to the East line of the Southwest 1/4; thence, along said Ease line, S00°16'55"W, 409.16 feet to the point of beginning, subject to all easements, and restrictions of record.

Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

James R. Sehoff, Wisconsin Professional Land Surveyor No. S-2692

## Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by

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

Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee, SBC, Grantee, and Time Warner Cable, Grantee

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, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, 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 incident 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, natural gas facilities, or telephone and cable TV 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 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.

North Edgewood Estates Development, LLC.

Kurt Coenen, Managing Member

Date

## Treasurer's Certificate

We, being the duly elected, qualified and acting Treasurer's of the City of Appleton and Outagamie County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this plat.

City Treasurer

Date

County Treasurer

Date

## 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.

My Commission Expires \_\_\_\_\_

Notary Public, Wisconsin

## 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 storm sewer, drainage ditch/swale, 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, drainage ditch/swale 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 Easement" or "Storm Sewer & Drainage 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.
- 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.

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

## City of Appleton Approval

Resolved, that the plat of North Edgewood Estates 2, in the City of Appleton, Outagamie County, North Edgewood Estates Development, LLC., owners, is hereby approved by the Common Council of the City of Appleton.

Mayor

Date

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

Clerk

Date

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

LINE TABLE		
Line	Bearing	Length
L100	N 77°29'09" W	26.19'
L101	N 03°09'31" E	15.14'
L102	N 16°43'14" E	74.89'
L103	S 56°25'32" E	21.37'
L104	N 56°25'32" W	6.06'
L105	N 20°11'10" E	115.33'
L106	N 12°47'34" E	50.97'
L107	N 08°06'35" E	54.95'
L108	N 07°24'37" W	42.14'
L109	N 20°45'42" W	33.43'
L110	N 39°11'36" W	40.72'
L111	N 41°14'04" W	115.38'
L112	N 59°03'25" W	5.41'
L113	S 88°34'21" E	35.19'
L200	N 77°29'09" W	46.81'
L201	N 08°34'31" E	45.49'
L202	N 33°36'29" E	78.99'
L203	N 23°01'00" E	85.43'
L204	N 22°15'22" E	70.11'
L205	N 11°38'19" E	73.97'
L206	S 05°52'59" E	46.01'
L207	S 35°22'29" E	25.87'
L208	S 56°31'46" E	80.93'
L209	S 31°37'10" E	25.35'

LINE TABLE		
Line	Bearing	Length
L210	S 65°05'04" E	15.68'
L211	S 51°39'38" E	67.89'
L212	S 19°00'43" E	39.27'
L213	S 88°34'21" E	38.05'
L300	S 77°29'09" E	88.15'
L301	N 06°51'17" E	10.76'
L302	N 26°34'42" E	37.24'
L303	N 00°42'48" W	23.45'
L304	N 25°12'45" E	24.22'
L305	S 58°29'11" E	20.73'
L306	N 16°03'15" E	52.59'
L307	N 15°39'42" E	42.43'
L308	N 35°28'36" E	54.46'
L309	N 10°09'08" E	70.00'
L310	N 02°58'58" E	44.09'
L311	N 10°01'48" W	69.85'
L312	N 40°26'48" W	12.30'
L313	N 60°48'03" W	33.14'
L314	N 44°51'57" W	29.08'
L315	N 12°40'15" W	17.20'
L316	N 60°12'00" W	28.75'
L317	N 33°30'46" W	95.79'
L318	N 88°34'21" W	100.47'

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: 5641Final2.dwg  
Date: 05/12/2020  
Drafted By: jim  
Sheet: 3 of 3



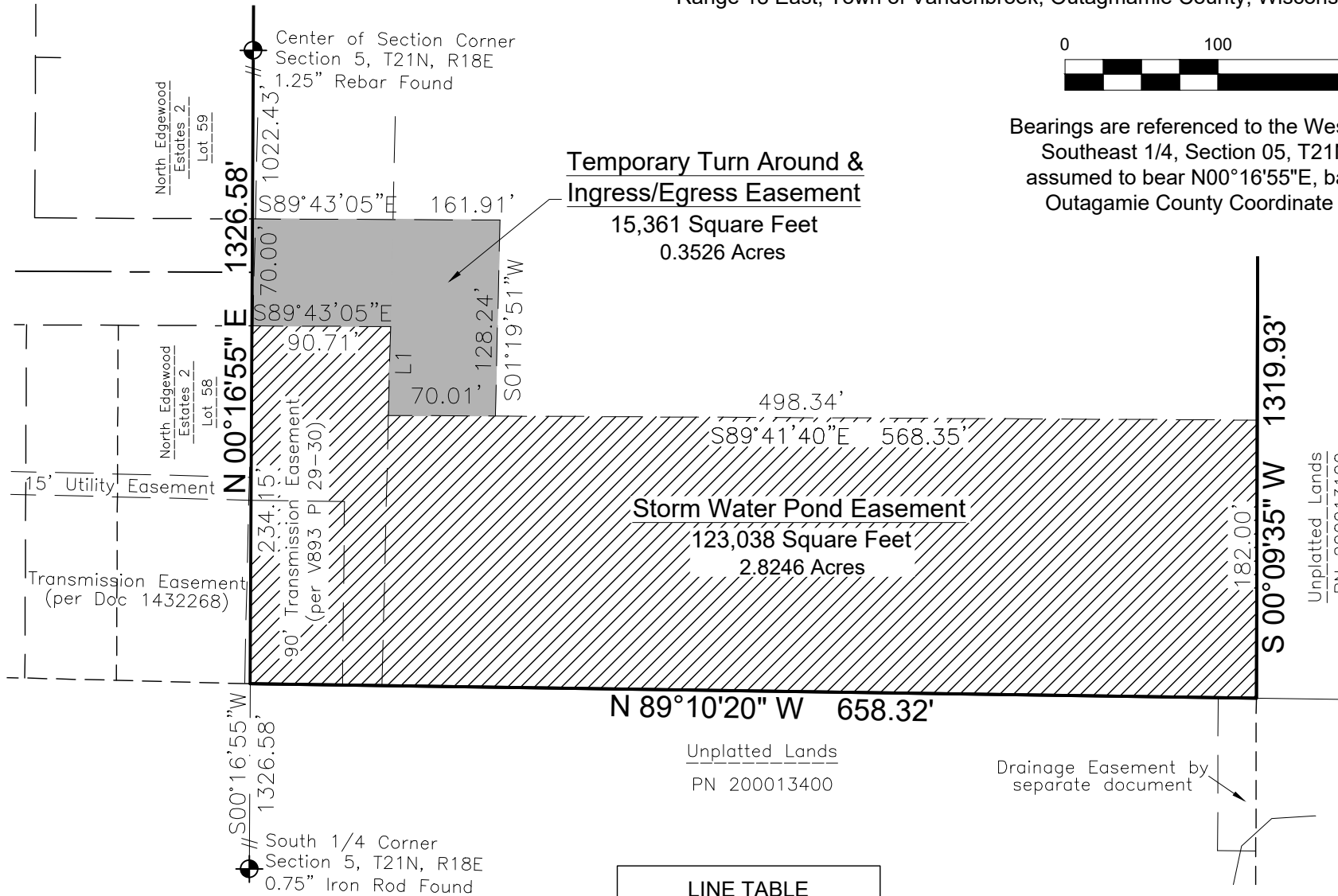
**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
Civil Engineers and Land Surveyors  
1164 Province Terrace, Menasha, WI 54952  
Ph: 920-991-1866 Fax: 920-441-0804  
www.davel.pro

# Easement Exhibit

Part of the Northwest 1/4 of the Southeast 1/4 of Section 05, Township 21 North, Range 18 East, Town of Vandebroek, Outagamie County, Wisconsin.



Bearings are referenced to the West line of the Southeast 1/4, Section 05, T21N, R18E, assumed to bear N00°16'55"E, base on the Outagamie County Coordinate System.



LINE TABLE		
Line	Bearing	Length
L1	S 01°25'15" W	58.20'



**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
CIVIL ENGINEERING CONSULTANTS

1811 Racine Street Menasha, WI 54952  
Ph: 920-991-1866 Fax: 920-830-9595  
www.davel.pro

File: 5641Ease2.dwg  
Date: 05/12/2020  
Drafted By: jim  
Sheet: Exhibit