



MEMORANDUM

TO: City Plan Commission

FROM: David Kress, Principal Planner

DATE: January 7, 2021

RE: Restriction Release – First Addition to Clearwater Creek

The First Addition to Clearwater Creek Final Plat was approved by the Common Council on June 18, 2008. The subdivision plat was recorded with the Outagamie County Register of Deeds on July 16, 2008. This plat established an access restriction for certain lots with frontage on Haymeadow Avenue.

The owner/agent of Lot 91 of First Addition to Clearwater Creek (Tax Id #31-6-6200-91) recently provided a request to the Department of Public Works, seeking a release of the access restriction for that particular parcel. The owner/agent request is attached. Also attached is a copy of the recorded plat with the restriction release area highlighted.

An Affidavit of Correction is the instrument needed to complete a restriction release, per the Wisconsin Platting Manual. Pursuant to Wisconsin Statutes §236.295(2)(a), each affidavit correcting a plat that changes restrictions for public benefit must be approved by the governing body of the municipality in which the subdivision is located. The requested restriction release appears before Plan Commission and Common Council, since that is the same manner in which the plat was originally approved. The restriction release is also going to the Municipal Services Committee, with a staff recommendation to approve.

RECOMMENDATION:

The access restriction release for Lot 91 of First Addition to Clearwater Creek (Tax Id #31-6-6200-91), as requested and shown on the attached map, pending approval by the Municipal Services Committee, **BE APPROVED** subject to the following condition:

1. To formalize the restriction release, the owner/agent is responsible for completing and recording an appropriate correction instrument with the Outagamie County Register of Deeds.