



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: March 23, 2022

Common Council Public Hearing Date: April 20, 2022

Item: Floodplain Zoning Amendment - Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-205 (b) (2) Official maps based on other studies related to CLOMR – Case #21-05-3029R.

Staff Contact: Peter Neuberger, P.E., Department of Public Works, Engineering Division

Prepared by: Don Harp, Principal Planner

GENERAL INFORMATION

Owner: Doctors Properties, LLC c/o Henry Chou

Subject Site: Apple Fields plat

Project: Installation of a culvert and fill placement within the Apple Fields plat

Staff Contact/Initiated By: Peter Neuberger, P.E., Department of Public Works, Engineering Division

Petitioner's Request: Floodplain Zoning Amendment - Article X. Floodplain Zoning Division 1. Statutory Authorization, Finding of Fact, Statement of Purpose, Title and General Provisions. Sec. 23-205 (b) (2) Official maps based on other studies related to CLOMR – Case #21-05-3029R.

BACKGROUND/ANALYSIS

The Federal Emergency Management Agency (FEMA) requires local units of government to adopt the national floodplain map so any changes to the national floodplain maps, such as this change in base flood elevation (*the elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year*), must be approved as a text/map amendment.

The City has received comments and preliminary approval of a Conditional Letter of Map Revision (CLOMR) from the Federal Emergency Management Agency (FEMA) for installation of a culvert and fill placement within the Apple Fields plat. (See attached CLOMR Case #21-05-3029R)

Floodplain Zoning Amendment Chapter 23 Zoning Ordinance
March 23, 2022
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The Apple Fields plat is located in an area upstream of the limits of the current floodplain mapping, and the proposed changes are required to meet the Department of Natural Resources (DNR) and the Federal Emergency Management (FEMA) requirements for the proposed project. Changes to the floodplain are occurring on the subject property and on adjacent property upstream. Where floodplain elevations increase on neighboring property as a result of the project, the developer has obtained floodplain easements on the affected property.

Following the issuance of the CLOMR, the property owner installs the culvert and fill on the property. Upon completion of the project, the data required on pages 5 and 6 of the CLOMR are submitted to FEMA in order to have an official Letter of Map Amendment or Revision (LOMA/LOMR) issued which officially adjusts the FEMA Floodplain and Flood Insurance Rate Map (FIRM).

Technical Review Group (TRG) Report: This item appeared on the March 1, 2022 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION:

Pending public comments, staff recommends the proposed amendments to Article X Floodplain Zoning of Chapter 23 of the Municipal Code, Section 23-205 (b) (2) Official maps based on other studies, as attached,
BE APPROVED.

PROPOSED ZONING ORDINANCE TEXT AMENDMENTS

The text recommended to be added is underlined.

Sec. 23-205. General provisions.

(a) ***Areas to be regulated.*** This ordinance regulates all areas that would be covered by the regional flood or base flood as shown on the Flood Insurance Rate Map (FIRM) or other maps approved by DNR. Base flood elevations are derived from the flood profiles in the Flood Insurance Study (FIS) and are shown as AE, A1-30, and AH Zones on the FIRM. Other regulatory zones are displayed as A and AO zones. Regional Flood Elevations (RFE) may be derived from other studies. If more than one map or revision is referenced, the most restrictive information shall apply.

(b) ***Official maps and revisions.*** The boundaries of all floodplain districts are designated as A, AE, AH, AO or A1-30 on the maps based on the Flood Insurance Study (FIS) listed below. Any change to the base flood elevations (BFE) or any changes to the boundaries of the floodplain or floodway in the FIS or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA through the Letter of Map Change process (see Division 8 *Amendments*) before it is effective. No changes to RFE's on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Department of Public Works, City of Appleton. If more than one map or revision is referenced, the most restrictive information shall apply.

(1) ***Official maps based on the FIS:***

- a. Calumet County Flood Insurance Rate Map (FIRM), panel numbers 55015C0007E, 55015C0026E and 55015C0027E dated February 4, 2009; with corresponding profiles that are based on the Calumet County Flood Insurance Study (FIS), dated February 2009, volume number 55015CV000A.
- b. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0304E, and 55087C0308E dated January 20, 2016; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated January 20, 2016, volume number 55087CV000B.
- c. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0309D, 55087C0314D, 55087C0316D, 55087C0317D, 55087C0318D, 55087C0319D, 55087C0330, 55087C0338D, 55087C0427D, 55087C0431D and 55087C451D dated July 22, 2010; with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A.
- d. Outagamie County Flood Insurance Rate Map (FIRM) panel numbers 55087C0328D, 55087C0329D, 55087C0336D, 55087C0337D dated July 22, 2010 and revised August 23, 2013 with corresponding profiles that are based on the Outagamie County Flood Insurance Study (FIS) dated July 22, 2010 volume number 55087CV000A, all revised and annotated pursuant to FEMA Letter of Map Revision Determination Document Case No: 12-05-6032P, Issue Date April 10, 2013, Effective Date August 23, 2013.

Approved by: The DNR and FEMA

- (2) ***Official maps based on other studies.*** Any maps referenced in this section must be approved by the DNR and be more restrictive than those based on the FIS at the site of the proposed development.
 - a. LOMR – Case #11-05-7670P, Floodway and Floodplain revisions between Flood Insurance Study (FIS) Cross Section AW to BA, Outagamie County Flood Insurance Rate Map (FIRM) panels 55087C0318D and 55087C0319D, dated July 22, 2010. This reflects changes on the Fox River from just downstream of the Private Middle Dam to approximately 250 feet upstream of the Appleton Upper Dam.

- b. LOMR – Case #13-05-7920P, Floodplain revisions between Flood Insurance Study (FIS) Cross Section AN to AM, Outagamie County Flood Insurance Rate panels 55087C0319D, dated July 22, 2010. This reflects changes along the south side of the Fox River from the College Avenue Bridge to approximately 850 feet downstream.
- c. LOMR – Case #17-05-1963P. Floodplain revisions on Outagamie County Flood Insurance Study (FIS) AAL Tributary Cross Section C, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective September 29, 2017. This reflects changes along the AAL Tributary from just downstream of Lightning Drive to approximately 200 feet upstream of East Glenhurst Lane.
- d. LOMR – Case #17-05-3854P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Fox River Cross Section AS through AW, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0319D, effective February 16, 2018. This reflects changes along the Fox River from just upstream of railroad to just downstream of South Oneida Street.
- e. LOMR – Case #20-05-2300P. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) Apple Creek North Cross Section H through J, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0328D, effective July 22, 2010. This reflects changes along Apple Creek North from approximately 1,440 feet downstream of Harrier Lance to approximately 160 feet downstream of Ballard Road.
- f. CLOMR – Case #21-05-3029R. Floodplain revisions to Outagamie County Flood Insurance Study (FIS) AAL Tributary from just upstream of East Glenhurst Lane to approximately 500 feet upstream of Everbreeze Circle, Outagamie County Flood Insurance Rate Map (FIRM) panel 55087C0336D, effective November 1, 2021.
- g. Kensington Pond Dam Failure analysis approved by the Department of Natural Resources on January 7, 2008, including:
 - 1. Map dated July 2007 and titled “Figure 2, City of Appleton, Kensington Pond Dam Break Analysis, Hydraulic Shadow” (Hydraulic Shadow boundary from Cross Section 0.001 to 4.84).
 - 2. Floodway data table dated 8/28/2007 and titled “Table F-10, Maximum Water Surface Elevations, Kensington Pond Dam Break Analysis, City of Appleton”.
 - 3. Flood profiles dated 7/10/2007 and titled “Figure 3, Maximum Water Surface Profiles” (Hydraulic Shadow profile from Garners Creek Sta 0 to Sta 25000). Revisions made as a result of DNR review and received from Pete Neuberger via email 2/23/2021.
- h. ~~h.~~ Outagamie County Flood Storage District Map Panel 1 of 2 approved by Wisconsin Department of Natural Resources and dated January 20, 2016. Prepared by DNR, approved by DNR.



Federal Emergency Management Agency

Washington, D.C. 20472

November 1, 2021

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Jake Woodford
Mayor, City of Appleton
City Hall
100 N. Appleton Street
Appleton, WI 54911

IN REPLY REFER TO:

Case No.: 21-05-3029R
Community Name: City of Appleton, WI
Community No.: 555542

Dear Mayor Woodford:

We are providing our comments with the enclosed Conditional Letter of Map Revision (CLOMR) on a proposed project within your community that if constructed as proposed could revise the effective Flood Insurance Study report and Flood Insurance Rate Map for your community.

If you have any questions regarding the floodplain management regulations for your community, the National Flood Insurance Program (NFIP) in general, or technical questions regarding this CLOMR, please contact the Director, Mitigation Division of the Federal Emergency Management Agency (FEMA) Regional Office in Chicago, Illinois at (312) 408-5500, or the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at <https://www.fema.gov/flood-insurance>.

Sincerely,

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration

List of Enclosures:

Conditional Letter of Map Revision Comment Document

cc: Ms. Paula Vandehey
Director of Public Works
City of Appleton

Mr. Brian Cunningham, CFM
State NFIP Coordinator
Wisconsin Department of Natural Resources

Mr. John R. Davel, P.E.
President
Davel Engineering & Environmental, Inc.



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT

COMMUNITY INFORMATION		PROPOSED PROJECT DESCRIPTION	BASIS OF CONDITIONAL REQUEST
COMMUNITY	City of Appleton Outagamie County Wisconsin	CULVERT FILL	HYDROLOGIC ANALYSIS 1D HYDRAULIC ANALYSIS FLOODWAY UPDATED TOPOGRAPHIC DATA
	COMMUNITY NO.: 555542		
IDENTIFIER	Apple Fields	APPROXIMATE LATITUDE & LONGITUDE: 44.309, -88.370 SOURCE: USGS QUADRANGLE DATUM: NAVD 88	
AFFECTED MAP PANELS			
TYPE: FIRM*	NO.: 55087C0336D DATE: July 22, 2010	* FIRM - Flood Insurance Rate Map	

FLOODING SOURCE AND REACH DESCRIPTION

AAL Tributary - from just upstream of East Glenhurst Lane to approximately 500 feet upstream of East Everbreeze Circle

PROPOSED PROJECT DESCRIPTION

Flooding Source	Proposed Project	Location of Proposed Project
AAL Tributary	Fill Placement	Just upstream and downstream of East Everbreeze Circle, as well as 180 feet and 265 feet upstream of East Glenhurst Lane
	New Culvert	220 feet upstream of East Glenhurst Lane

SUMMARY OF IMPACTS TO FLOOD HAZARD DATA

Flooding Source	Effective Flooding	Proposed Flooding	Increases	Decreases
AAL Tributary	BFEs*	BFEs	Yes	Yes
	No BFEs	BFEs	Yes	None
	Zone AE	Zone AE	Yes	Yes
	Zone A	Zone AE	Yes	None
	No Floodway	Floodway	Yes	None

* BFEs - Base (1-percent-annual-chance) Flood Elevations

COMMENT

This document provides the Federal Emergency Management Agency's (FEMA's) comment regarding a request for a CLOMR for the project described above. This document is not a final determination; it only provides our comment on the proposed project in relation to the flood hazard information shown on the effective National Flood Insurance Program (NFIP) map. We reviewed the submitted data and the data used to prepare the effective flood hazard information for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. Your community is responsible for approving all floodplain development and for ensuring that all permits required by Federal or State/Commonwealth law have been received. State/Commonwealth, county, and community officials, based on their knowledge of local conditions and in the interest of safety, may set higher standards for construction in the Special Flood Hazard Area (SFHA), the area subject to inundation by the base flood. If the State/Commonwealth, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**CONDITIONAL LETTER OF MAP REVISION
COMMENT DOCUMENT (CONTINUED)**

COMMUNITY INFORMATION

To determine the changes in flood hazards that will be caused by the proposed project, we compared the hydraulic modeling reflecting the proposed project (referred to as the proposed conditions model) to the hydraulic modeling used to prepare the Flood Insurance Study (FIS) (referred to as the effective model). If the effective model does not provide enough detail to evaluate the effects of the proposed project, an existing conditions model must be developed to provide this detail. This existing conditions model is then compared to the effective model and the proposed conditions model to differentiate the increases or decreases in flood hazards caused by more detailed modeling from the increases or decreases in flood hazards that will be caused by the proposed project.

The table below shows the changes in the BFEs:

BFE Comparison Table

Flooding Source: AAL Tributary		BFE Change (feet)	Location of maximum change
Existing vs. Effective	Maximum increase	0.00	N/A
	Maximum decrease	0.02	Approximately 150 feet upstream of East Glenhurst Lane
Proposed vs. Existing	Maximum increase	0.82	Approximately 300 feet upstream of East Glenhurst Lane
	Maximum decrease	0.11	Approximately 250 feet upstream of East Everbreeze Circle
Proposed vs. Effective	Maximum increase	0.00	N/A
	Maximum decrease	0.03	Approximately 150 feet upstream of East Glenhurst Lane

Increases due to the proposed project that exceed those permitted under Paragraphs (c)(10) or (d)(3) of Section 60.3 of the NFIP regulations must adhere to Section 65.12 of the NFIP regulations. With this request, your community has complied with all requirements of Paragraph 65.12(a) of the NFIP regulations. Compliance with Paragraph 65.12(b) also is necessary before FEMA can issue a Letter of Map Revision when a community proposes to permit encroachments into the effective regulatory floodway that will cause BFE increases in excess of those permitted under Paragraph 60.3(d)(3).

NFIP regulations Subparagraph 60.3(b)(7) requires communities to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management ordinances; therefore, responsibility for maintenance of the altered or relocated watercourse, including any related appurtenances such as bridges, culverts, and other drainage structures, rests with your community. We may request that your community submit a description and schedule of maintenance activities necessary to ensure this requirement.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

DATA REQUIRED FOR FOLLOW-UP LOMR

Upon completion of the project, your community must submit the data listed below and request that we make a final determination on revising the effective FIRM, and FIS report. If the project is built as proposed and the data below are received, a revision to the FIRM and FIS report would be warranted.

- Form 1, entitled "Overview & Concurrence Form". Detailed application and certification forms must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1 must be included. If as-built conditions differ from the proposed plans, please submit new forms, which may be accessed at <https://www.fema.gov/flood-maps/change-your-flood-zone/paper-application-forms/mt-2>, or annotated copies of the previously submitted forms showing the revised information.
- Form 2, entitled "Riverine Hydrology & Hydraulics Form."
- Form 3, entitled "Riverine Structures Form."
- Hydraulic analyses, for as-built conditions, of the base flood; the 10-percent, 2-percent, and 0.2 percent annual chance floods; and the regulatory floodway, together with a topographic work map showing the revised floodplain and floodway boundaries. Please ensure that the revised information ties in with the current effective information at the downstream and upstream ends of the revised reach.
- An annotated copy of the FIRM, at the scale of the effective FIRM, that shows the revised floodplain and floodway boundary delineations shown on the submitted work map and how they tie into the floodplain and floodway boundary delineations shown on the current effective FIRM at the downstream and upstream ends of the revised reach.
- As-built plans, certified by a registered professional engineer, of all proposed project elements.
- A copy of the public notice distributed by your community, stating its intent to revise the regulatory floodway, or a signed statement by your community that it has notified all affected property owners and affected adjacent jurisdictions.
- Documentation of the individual legal notices sent to property owners who will be affected by any widening/shifting of the base floodplain and/or any BFE increases along AAL Tributary.
- Evidence that your community has, prior to approval of the proposed encroachment, adopted floodplain management ordinances that incorporate the increased BFEs and revised floodway boundary delineations to reflect the post-project conditions, as stated in Paragraph 65.12(b).

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

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Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency

Washington, D.C. 20472

CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

COMMUNITY INFORMATION (CONTINUED)

• A letter stating that your community will adopt and enforce the modified regulatory floodway, OR, if the State/Commonwealth has jurisdiction over either the regulatory floodway or its adoption by your community, a copy of your community's letter to the appropriate State/Commonwealth agency notifying it of the modification to the regulatory floodway and a copy of the letter from that agency stating its approval of the modification.

• FEMA's fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps may be accessed at <https://www.fema.gov/flood-maps/change-your-flood-zone/status/flood-map-related-fees>. The fee at the time of the map revision submittal must be received before we can begin processing the request. Payment of this fee can be made through a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only). Please forward the payment, along with the revision application, to the following address:

LOMC Clearinghouse
3601 Eisenhower Avenue, Suite 500
Alexandria, VA 22304-6426

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the flood hazard information (i.e., base flood elevations, base flood depths, SFHAs, zone designations, and/or regulatory floodways) will change as a result of the project, a 90-day appeal period will be initiated for the revision, during which community officials and interested persons may appeal the revised flood hazard information based on scientific or technical data.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Mapping and Insurance eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional Information about the NFIP is available on the FEMA website at <https://www.fema.gov/flood-insurance>.

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Patrick "Rick" F. Sacibit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency
Washington, D.C. 20472

**CONDITIONAL LETTER OF MAP REVISION
COMMENT DOCUMENT (CONTINUED)**

COMMUNITY INFORMATION (CONTINUED)

COMMUNITY REMINDERS

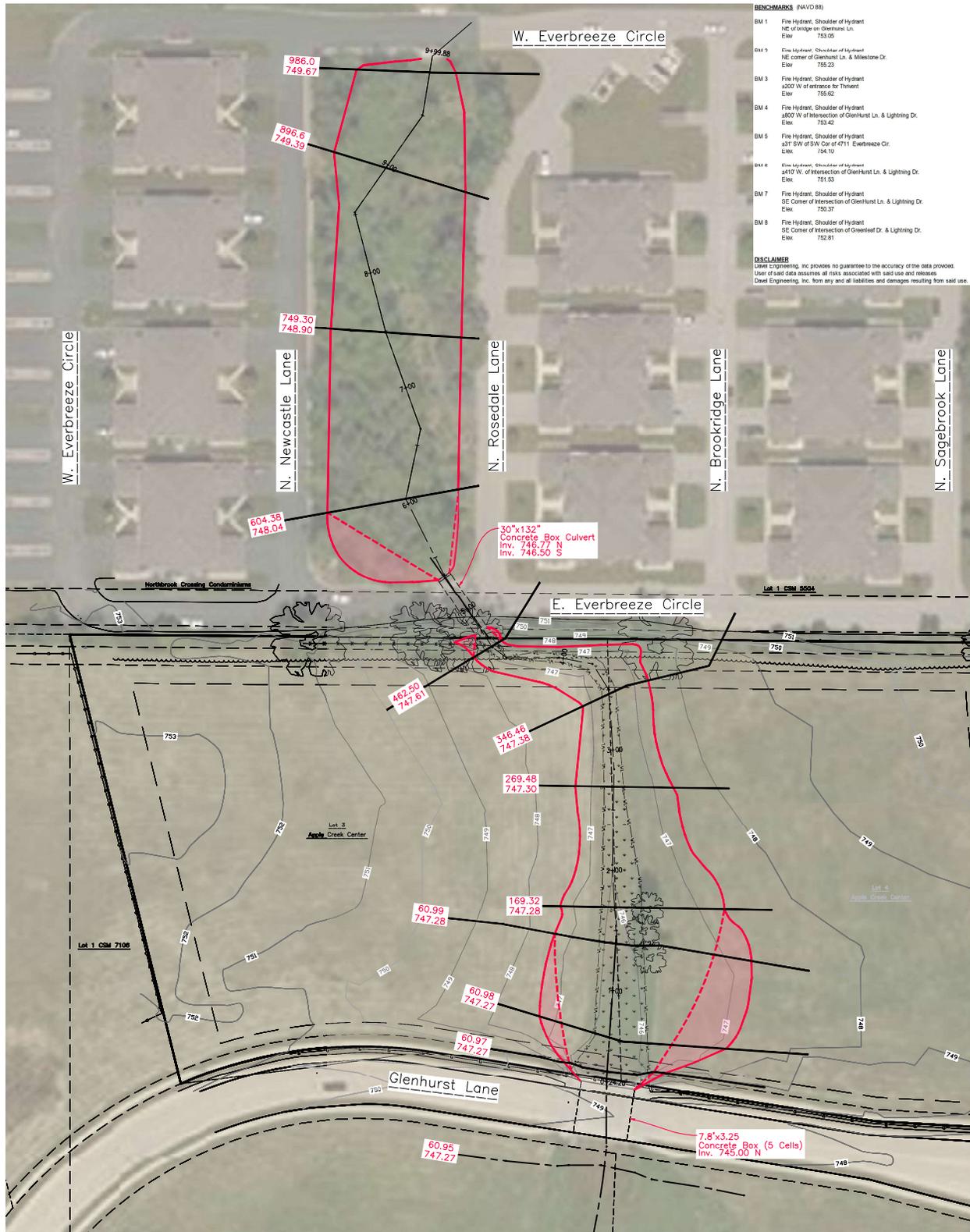
We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Ms. Mary Beth Caruso
Director, Mitigation Division
Federal Emergency Management Agency, Region V
536 South Clark Street, Sixth Floor
Chicago, IL 60605
(312) 408-5500

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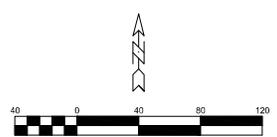
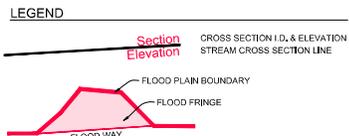
Patrick "Rick" F. Sacbbit, P.E., Branch Chief
Engineering Services Branch
Federal Insurance and Mitigation Administration



BENCHMARKS (NAVD 88)

BM 1	Fire Hydrant, Shoulder of Hydrant NE of bridge on Greenway Ln. Elev. 753.05
BM 2	Fire Hydrant, Shoulder of Hydrant NE corner of Glenhurst Ln. & Milestone Dr. Elev. 755.23
BM 3	Fire Hydrant, Shoulder of Hydrant s200 W of entrance for Thivent Elev. 755.62
BM 4	Fire Hydrant, Shoulder of Hydrant s802 W of intersection of Glenhurst Ln. & Lighting Dr. Elev. 753.42
BM 5	Fire Hydrant, Shoulder of Hydrant s31' SW of SW Cor of 4711 Everbreeze Cir. Elev. 756.10
BM 6	Fire Hydrant, Shoulder of Hydrant s410' W of intersection of Glenhurst Ln. & Lighting Dr. Elev. 751.33
BM 7	Fire Hydrant, Shoulder of Hydrant SE Corner of Intersection of Glenhurst Ln. & Lighting Dr. Elev. 750.37
BM 8	Fire Hydrant, Shoulder of Hydrant SE Corner of Intersection of Greenleaf Dr. & Lighting Dr. Elev. 752.81

DISCLAIMER
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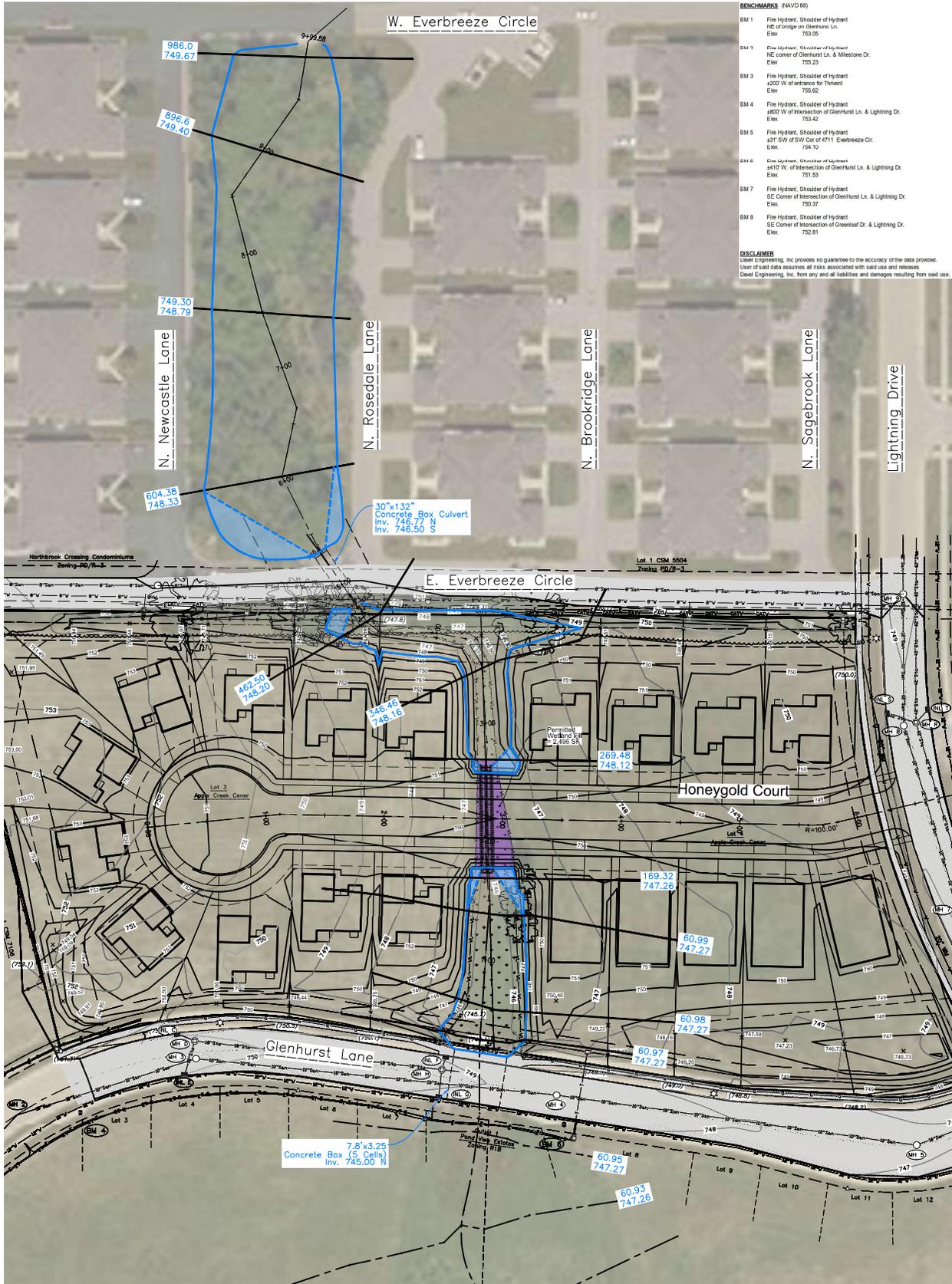
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Author	JND
Check	Jennifer
Date	07/28/2021
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Apple Fields
 City of Appleton, Outagamie County, WI
 For: Doctors Properties, LLC

**100-YEAR FLOOD
 EXISTING CONDITIONS**



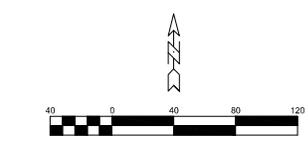
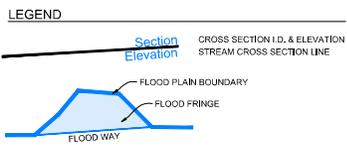
DAVEL ENGINEERING & ENVIRONMENTAL, INC.
 Civil Engineers and Land Surveyors
 1164 Province Terrace, Menasha, WI 54952
 Ph: 920-891-1868 Fax: 920-441-0804
 www.davel.pro



BENCHMARKS (NAVD 88)

BM 1	Fire Hydrant, Shoulder of Hydrant NE corner of Greenway Ln.	Elev. 753.05
BM 2	Fire Hydrant, Shoulder of Hydrant NE corner of Glenhurst Ln. & Milestone Dr.	Elev. 753.23
BM 3	Fire Hydrant, Shoulder of Hydrant s200' W of entrance for Thivent	Elev. 755.62
BM 4	Fire Hydrant, Shoulder of Hydrant s800' W of intersection of Glenhurst Ln. & Lightning Dr.	Elev. 753.42
BM 5	Fire Hydrant, Shoulder of Hydrant s31' SW of SW Cor of 4711 Everbreeze Cir.	Elev. 756.10
BM 6	Fire Hydrant, Shoulder of Hydrant s410' W of intersection of Glenhurst Ln. & Lightning Dr.	Elev. 751.33
BM 7	Fire Hydrant, Shoulder of Hydrant SE Corner of Intersection of Glenhurst Ln. & Lightning Dr.	Elev. 750.37
BM 8	Fire Hydrant, Shoulder of Hydrant SE Corner of Intersection of Greenleaf Dr. & Lightning Dr.	Elev. 752.81

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Apple Fields
 City of Appleton, Outagamie County, WI
 For: Doctors Properties, LLC

**100-YEAR FLOOD
 PROPOSED CONDITIONS**



DAVEL ENGINEERING & ENVIRONMENTAL, INC.
 Civil Engineers and Land Surveyors
 1164 Province Terrace, Menasha, WI 54952
 Ph: 920-891-1868 Fax: 920-441-0804
 www.davel.pro

Apple Fields

All of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

Surveyor's Certificate

I, James R. Seibel, Professional Land Surveyor, hereby certify that in full compliance with the provisions of Chapter 238 of the Wisconsin Statutes and the subdivision regulations of the City of Appleton, and under the direction of Doctors Properties, LLC, owner of said land, I have surveyed and reassembled Apple Fields, that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed, and that the land is all of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 279,377 Square Feet (6.438 Acres) of land more or less, subject to all easements, and restrictions of record.

Given under my hand and seal of the State of Wisconsin, this 15th day of December, 2021.

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

Owner's Certificate

Doctors Properties, 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 indicated as represented on this plat.

Doctors Properties, 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 15th day of December, 2021.

In the presence of: Doctors Properties, LLC

Huang-Liang Chou
Sign
Huang-Liang Chou
Print Name
Member, Doctors Properties, LLC
Title



State of Wisconsin)
Columbia County ss

Personally came before me this 15th day of December, 2021, 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 3/1/2023

Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by Doctors Properties, 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, telephones and cable TV facilities for such purposes as the same in now or may hereafter be used, all in, over, under, across, along and upon the property shown within these lines 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, therein, on an adjacent lot, also the right to lay or call down lines, trunks 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 Grantee agrees to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to each entry by the Grantee 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 telephones and cable TV facilities or to any trees, shrubs or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantee's facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantee. 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 Grantee.

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

Doctors Properties, LLC
Huang-Liang Chou
Sign
Date 12/15/21
Print Name
Huang-Liang Chou
Member, Doctors Properties, LLC
Title

City of Appleton Approval
Resolved, that the plat of Apple Fields, in the City of Appleton, Outagamie County, Wisconsin, Doctors Properties, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

Jacob A. Woodford, Mayor
Date 12/16/21
I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Appleton.
Karin Lynch, Clerk
Date 12/15/2021

Treasurer's Certificate

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

John J. Hannon
City Treasurer
Date 12/12/21
Date 11/12/21

This Final Plat is contained wholly within the property described in the following recorded instruments:
The property owner of record: Doctors Properties, LLC
Recording Information: Doc No. 21-09383
Parcel Number(s): 311-6501-03, 311-6501-04

Water Main and Storm Sewer Easement Provisions

An easement for Water Main and Storm Sewer is hereby granted by Doctors Properties, 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, repair and replace watermain, 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 watermain, 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 Grantee's 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 grantor.
- 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. Grantor 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.

Huang-Liang Chou
Sign
Date 12/15/21
Print Name
Huang-Liang Chou
Member, Doctors Properties, LLC
Title

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

Certified November 24, 2021

Department of Administration

Revision Date: Sep 01, 2021
File: 5620Final.dwg
Date: 09/01/2021
Drafter: J. Jim
Sheet: 3 of 3

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
CIVIL ENGINEERING CONSULTANTS
1166 Providence Terrace, Menasha, WI 54952
PH: 920.961.1868 FAX: 920.441.0854
www.davel.com