



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** December 8, 2020

**Common Council Meeting Date:** December 16, 2020

**Item:** Final Plat – Sixth and Seventh Additions to Emerald Valley

**Case Manager:** Don Harp

### GENERAL INFORMATION

**Owner/Applicant:** Robert DeBruin, Emerald Valley Estates, LLC – owner/applicant

**Parcel #:** Part of #31-1-7600-00

**Petitioner's Request:** The owner/applicant is proposing to subdivide property under a multi-phased approach.

### BACKGROUND

Rezoning #8-20 and #9-20 (AG Agricultural District to R-1B Single-family District) for the Sixth and Seventh Addition to Emerald Valley was approved by the Common Council on November 4, 2020.

The Preliminary Plat for the Sixth and Seventh Addition to Emerald Valley consisting of 50 residential lots were approved by the Common Council on November 4, 2020.

The Final Plat for the Fifth Addition to Emerald Valley consisting of 23 residential lots was approved by the Common Council on April 4, 2018.

The Final Plat for the Fourth Addition to Emerald Valley consisting of 15 residential lots was approved by the Common Council on March 21, 2018.

The Final Plat for the Third Addition to Emerald Valley consisting of 11 residential lots was approved by the Common Council on May 3, 2017.

The Final Plat for the Second Addition to Emerald Valley consisting of 28 residential lots was approved by the Common Council on September 17, 2014.

The Final Plat for the First Addition to Emerald Valley consisting of 3 residential lots was approved by the Common Council on June 2, 2010.

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**December 8, 2020**  
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The Final Plat for Emerald Valley consisting of 50 residential lots was approved by the Common Council on June 6, 2007.

The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. On September 29, 2020, a concept plan for future phases of Emerald Valley subdivision showing future roads, lots and parkland was presented to the City, which called for the creation of an additional 57 residential lots and 4 outlots.

**STAFF ANALYSIS**

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**Existing/Proposed Conditions:** The subject area to be subdivided is currently undeveloped. Emerald Valley Sixth Addition consists of 6.905 acres and will be divided into fifteen (15) single-family lots. Emerald Valley Seventh Addition consists of 12.680 acres and will be divided into thirty-five (35) single-family lots.

**Zoning Ordinance Review Criteria:** R-1B Single-Family Residential District lot development standards (Section 23-93) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
  - *The proposed average lots size ranges from 12,670 square feet to 13,750 square feet. All lots exceed this minimum requirement.*
- Minimum lot width: Fifty (50) feet.
  - *The proposed lots average lot width is 100 feet. All lots exceed this minimum requirement.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
  - *Required front yard setback had been shown on the Final Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
  - *This will be reviewed through the building permit review process.*
- Maximum lot coverage: Fifty percent (50%).
  - *This will be reviewed through the building permit review process.*

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

- The lot and road layout are consistent with the Preliminary Plat.
- On November 4, 2020, the Common Council granted relief at the Preliminary Plat approval stage pursuant to Section 17-3(f) of the Municipal Code to allow Lot 154 of Emerald Valley Sixth Addition to exceed the 2 depth to 1 width ratio (proposed 2.5 to 1).

**Access and Traffic:** The primary vehicular access to the Emerald Valley Sixth and Seventh Addition is via Providence Avenue and Aquamarine Avenue. Turquoise Lane, Jasper Lane and Sunstone Place form a U-shaped road which will intersect with Providence Avenue. Jasper Lane will be extended into a future phase. The full 60 and 66 foot road right-of-way widths for the proposed streets will be dedicated to the City with the Final Plat.

**Surrounding Zoning and Land Uses:**

North: AG Agricultural District – undeveloped land  
South: R-1B Single-Family District – residential uses  
East: R-1B Single-Family District – residential uses  
West: P-I Public Institutional District – City drainage corridor

**2010-2030 Comprehensive Plan:** Community Development staff has reviewed this proposed subdivision and determined it is compatible with the One and Two-Family Residential uses shown on the City's 2010-2030 Comprehensive Plan Future Land Use Map.

*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:** The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. The parkland fees pursuant to Chapter 17 of the Appleton Municipal Code have been waived in exchange for parkland as illustrated in the current Emerald Valley Development Agreement and on the concept plan submitted to City staff on September 29, 2020.

**Technical Review Group Report (TRG):** This item appeared on the November 3, 2020 TRG Agenda. No negative comments were received from participating departments.

**RECOMMENDATION**

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The Final Plat for the Sixth and Seventh Addition to Emerald Valley, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. 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.
2. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
3. The following streets within the Final Plat are to be classified as follows:
  - a. Aquamarine Avenue: Local Street
  - b. Providence Avenue: Collector Street
  - c. Sunstone Place: Local Street
  - d. Turquoise Lane: Local Street
  - e. Jasper Lane: Local Street
4. 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.



**SUBDIVISION MONUMENT PLACEMENT  
WAIVER REQUEST**

1. This is a request for a waiver of the requirements of §236.15 of the Wisconsin Statutes and Chapter 17 of the Appleton Municipal Code relating to the placement of survey monuments.
2. This request is for a waiver of the monument placement requirements. It is requesting a waiver of said requirements for Lots 130 through 144 in Sixth Addition to Emerald Valley, City of Appleton, Outagamie County, Wisconsin.
3. The lots previously mentioned will not be monumented for the following reason(s):  
    Extensive grading to prepare the site for construction
4. The City Engineer may require a stand-by letter of credit at the rate of \$500 per lot for each lot not being monumented.
5. Temporary monuments shall be placed at all points of curvature (PCs), points of tangency (PTs), block corners, at 100-foot intervals along curved right-of-way lines and at any rear yard lot corners that will have City utilities installed nearby. The minimum acceptable temporary monument at all block corners shall be a metal spike of at least 8" in length and a metal fence post or carsonite marker placed nearby to protect the block corner. Spikes, nails, wood stakes, lath, are examples of acceptable temporary monuments. Temporary monuments will not be required for the time period that the lots and streets of the development remain in an undeveloped condition, but must be in place at least 10 days prior to the start date of the installation of any underground utilities or street grading. The City of Appleton reserves the right to request additional temporary monuments at any time that it deems necessary to facilitate the inspection and installation of City utilities and the accurate record keeping thereof.
6. Abutting newly built streets will not be officially opened by the City and no building permits will be issued for the above-mentioned lots, not being monumented, prior to the City of Appleton receiving a current monumentation certification indicating these lots have been monumented.
7. Monument waiver language for the affected lots shall be shown on the face of the proposed Final Plat.
8. Pursuant to §17-3(e), Appleton Municipal Code, all monuments shall be in place within one (1) year of the granting of the waiver by the City Engineer. Failure of the Applicant to complete the monumenting of the entire plat within the previously mentioned one (1) year period of time, shall permit the City of Appleton to contract for the work being performed and to charge the stand-by letter of credit for the cost of said work, or, if no stand-by letter of credit has been required, the costs may be assessed against the property as a special charge.

**APPLICANT:**

By: Robert DeBruin

Printed Name: Robert DeBruin

Company Name: Emerald Valley Estates LLC

Address: 2100 Freedom Road  
Little Chute, WI 54140

Telephone: 920-687-7070

Date: 10/24/2020

**APPROVED BY (City of Appleton):**

By: Ross Buetow

Printed Name: Ross Buetow

Title: Deputy Director / City Engineer

Department: Public Works

Date: 10/27/20

J:\ENGINEERING\FORMS\Subdivision Monument Placement Waiver (7-09-07).doc

cc: Community Development, Applicant, City Surveyor, City Inspections Dept. and DPW project Engineer

**SUBDIVISION MONUMENT PLACEMENT  
WAIVER REQUEST**

1. This is a request for a waiver of the requirements of §236.15 of the Wisconsin Statutes and Chapter 17 of the Appleton Municipal Code relating to the placement of survey monuments.
2. This request is for a waiver of the monument placement requirements. It is requesting a waiver of said requirements for Lots 145 through 179 in Seventh Addition to Emerald Valley, City of Appleton, Outagamie County, Wisconsin.
3. The lots previously mentioned will not be monumented for the following reason(s):  
    Extensive grading to prepare the site for construction
4. The City Engineer may require a stand-by letter of credit at the rate of \$500 per lot for each lot not being monumented.
5. Temporary monuments shall be placed at all points of curvature (PCs), points of tangency (PTs), block corners, at 100-foot intervals along curved right-of-way lines and at any rear yard lot corners that will have City utilities installed nearby. The minimum acceptable temporary monument at all block corners shall be a metal spike of at least 8" in length and a metal fence post or carsonite marker placed nearby to protect the block corner. Spikes, nails, wood stakes, lath, are examples of acceptable temporary monuments. Temporary monuments will not be required for the time period that the lots and streets of the development remain in an undeveloped condition, but must be in place at least 10 days prior to the start date of the installation of any underground utilities or street grading. The City of Appleton reserves the right to request additional temporary monuments at any time that it deems necessary to facilitate the inspection and installation of City utilities and the accurate record keeping thereof.
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**APPLICANT:**

By: Robert DeBruin

Printed Name: Robert DeBruin

Company Name: Emerald Valley Estates LLC

Address: 2100 Freedom Road

Little Chute, WI 54140

Telephone: 920-687-7070

Date: 10/24/2020

**APPROVED BY (City of Appleton):**

By: Ross Buetow

Printed Name: Ross Buetow

Title: Deputy Director / City Engineer

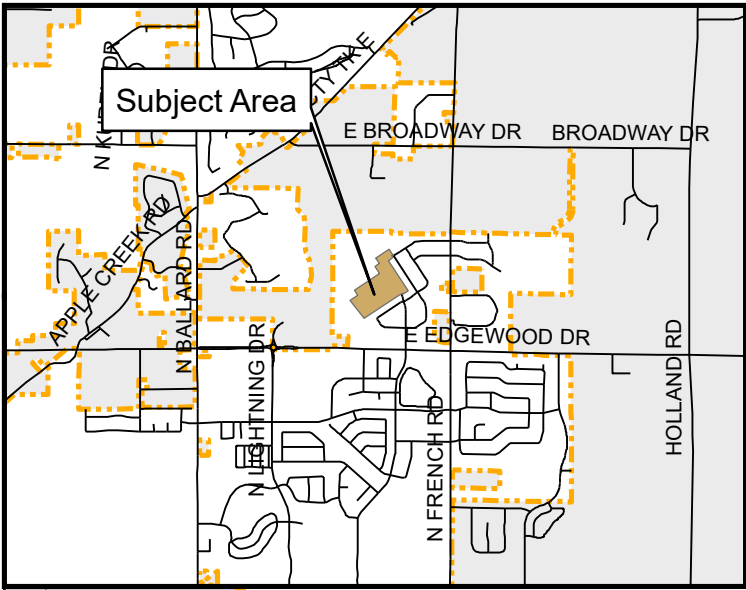
Department: Public Works

Date: 10/27/20

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cc: Community Development, Applicant, City Surveyor, City Inspections Dept. and DPW project Engineer

# Final Plat 6th and 7th Addition to Emerald Valley Zoning Map



**AG**

City Limit

OFFICIALLY MAPPED PROVIDENCE AVE

**R-1B**

Subject Area

**R-2**

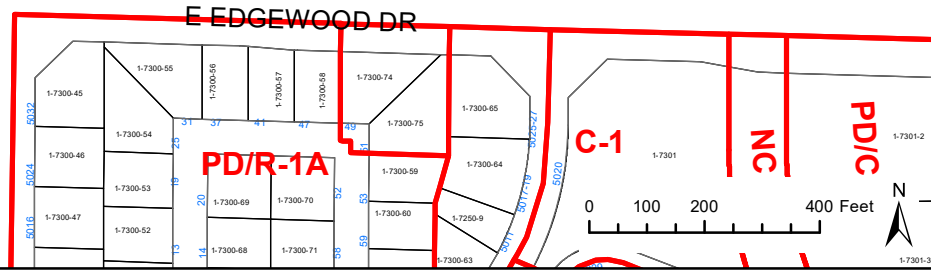
**P-1**

**P-1**

City Limit



City Plan Commission  
12-8-2020



1-7301-3



Final Plat  
6th and 7th Addition to Emerald Valley  
Aerial Map



Subject Area

OFFICIALLY MAPPED PROVIDENCE AVE

E AQUAMARINE

N AMETHYST DR

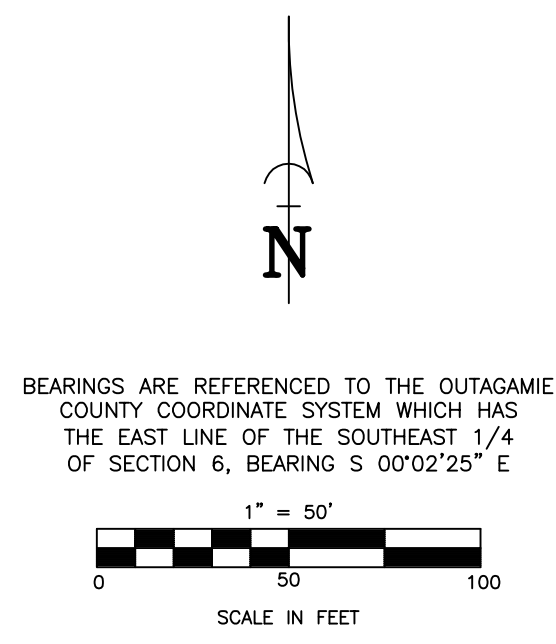
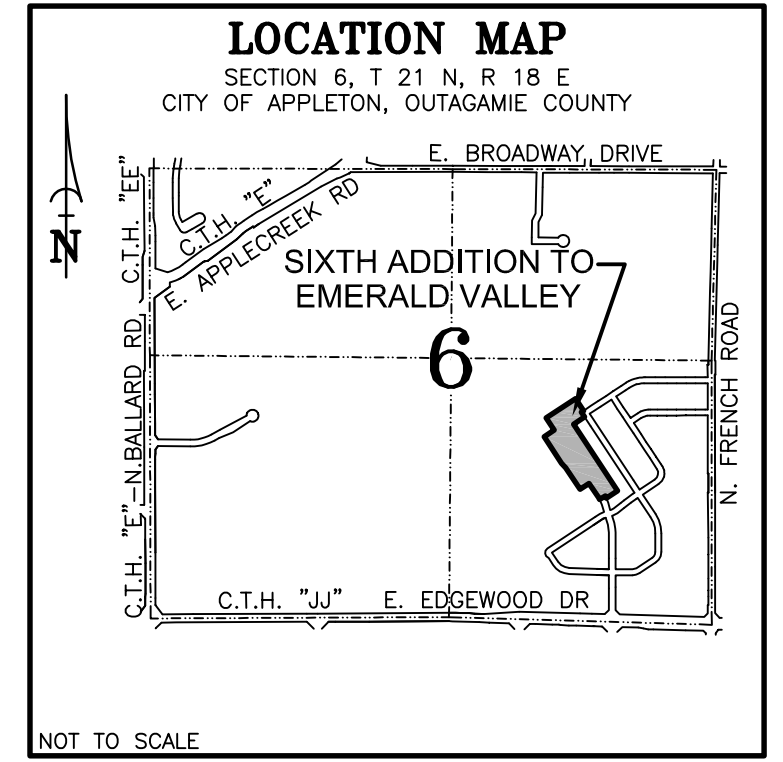
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PROVIDENCE AV



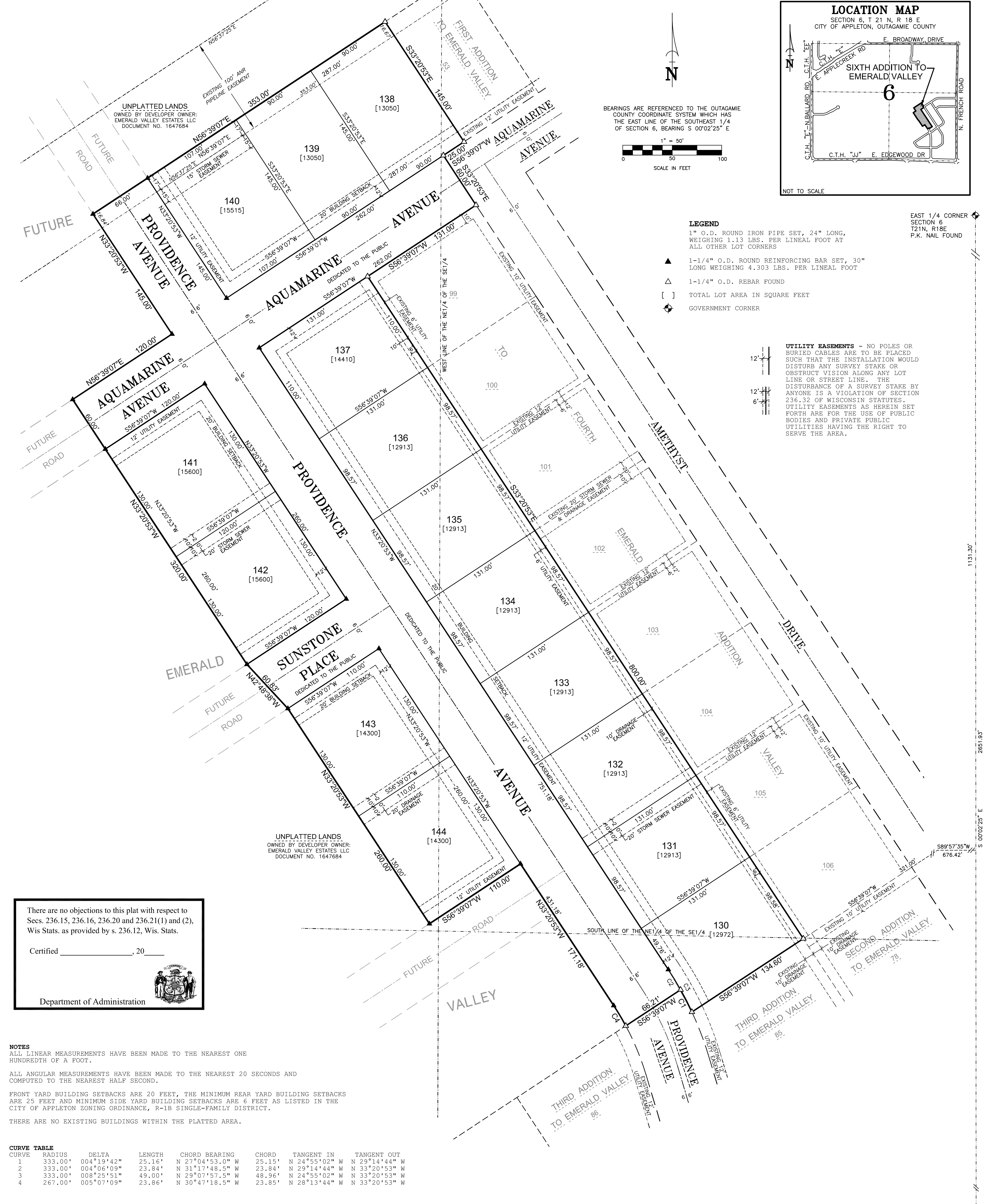
# SIXTH ADDITION TO EMERALD VALLEY

PART OF THE NORTHWEST 1/4, NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4,  
SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



- LEGEND**
- ▲ 1" O.D. ROUND IRON PIPE SET, 24" LONG, WEIGHING 1.13 LBS. PER LINEAL FOOT AT ALL OTHER LOT CORNERS
  - △ 1-1/4" O.D. ROUND REINFORCING BAR SET, 30" LONG WEIGHING 4.303 LBS. PER LINEAL FOOT
  - [ ] TOTAL LOT AREA IN SQUARE FEET
  - ◆ GOVERNMENT CORNER

**UTILITY EASEMENTS** - NO POLES OR BURIED CABLES ARE TO BE PLACED SUCH THAT THE INSTALLATION WOULD DISTURB ANY SURVEY STAKE OR OBSTRUCT VISION ALONG ANY LOT LINE OR STREET LINE. THE DISTURBANCE OF A SURVEY STAKE BY ANYONE IS A VIOLATION OF SECTION 236.32 OF WISCONSIN STATUTES. UTILITY EASEMENTS AS HEREIN SET FORTH ARE FOR THE USE OF PUBLIC BODIES AND PRIVATE PUBLIC UTILITIES HAVING THE RIGHT TO SERVE THE AREA.



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

**NOTES**

ALL LINEAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE HUNDREDTH OF A FOOT.

ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST 20 SECONDS AND COMPUTED TO THE NEAREST HALF SECOND.

FRONT YARD BUILDING SETBACKS ARE 20 FEET, THE MINIMUM REAR YARD BUILDING SETBACKS ARE 25 FEET AND MINIMUM SIDE YARD BUILDING SETBACKS ARE 6 FEET AS LISTED IN THE CITY OF APPLETON ZONING ORDINANCE, R-1B SINGLE-FAMILY DISTRICT.

THERE ARE NO EXISTING BUILDINGS WITHIN THE PLATTED AREA.

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	333.00'	004°13'42"	25.16'	N 27°04'53.0" W	25.15'	N 24°55'02" W	N 29°14'44" W
2	333.00'	004°06'09"	23.84'	N 31°17'48.5" W	23.84'	N 29°14'44" W	N 33°20'53" W
3	333.00'	008°25'51"	49.00'	N 29°07'57.5" W	48.96'	N 24°55'02" W	N 33°20'53" W
4	267.00'	005°07'09"	23.86'	N 30°47'18.5" W	23.85'	N 28°13'44" W	N 33°20'53" W

**Martenson & Eisele, Inc.**  
1377 Midway Road  
Menasha, WI 54952  
www.martenson-eisele.com  
info@martenson-eisele.com  
920.731.0381 1.800.236.0381

Planning  
Environmental  
Surveying  
Engineering  
Architecture

SOUTHWEST CORNER  
SECTION 6  
T21N, R18E  
P.K. NAIL FOUND

Drawing No. 1-0534-010 6th Add.  
Sheet 1 of 2  
This Instrument drawn by: Amy Sedlar

# SIXTH ADDITION TO EMERALD VALLEY

PART OF THE NORTHWEST 1/4, NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4,  
SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

## SURVEYOR'S CERTIFICATE

I, GARY A. ZAHNINGER, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED, AND MAPPED SIXTH ADDITION TO EMERALD VALLEY, AT THE DIRECTION OF EMERALD VALLEY ESTATES LLC, PART OF THE NORTHWEST 1/4, NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 1131.30 FEET; THENCE SOUTH 99 DEGREES 57 MINUTES 35 SECONDS WEST, A DISTANCE OF 674.42 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE SECOND ADDITION TO EMERALD VALLEY, A DISTANCE OF 321.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE THIRD ADDITION TO EMERALD VALLEY, A DISTANCE OF 134.60 FEET; THENCE 25.16 FEET ALONG AN ARC OF A CURVE TO THE LEFT, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, SAID CURVE HAVING A RADIUS OF 333.00 FEET AND A CHORD THAT BEARS NORTH 27 DEGREES 04 MINUTES 53.0 SECONDS WEST, 25.15 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, A DISTANCE OF 66.21 FEET; THENCE 23.86 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 267.00 FEET AND A CHORD THAT BEARS NORTH 30 DEGREES 47 MINUTES 18.5 SECONDS WEST, 23.85 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 171.18 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, 110.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 260.00 FEET; THENCE NORTH 42 DEGREES 48 MINUTES 38 SECONDS WEST, 60.83 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 320.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 120.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 145.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 353.00 FEET TO THE NORTHWEST CORNER OF LOT 53 OF THE FIRST ADDITION TO EMERALD VALLEY; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WESTERLY LINE OF SAID LOT 53, A DISTANCE OF 145.00 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF AQUAMARINE AVENUE, A DISTANCE OF 25.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF AQUAMARINE AVENUE, A DISTANCE OF 60.00 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHWESTERLY LINE OF LOT 99 OF THE FOURTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 131.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY LINE OF THE FOURTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 300,775 SQUARE FEET [6.905 ACRES].

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION THEREOF MADE.

THAT I HAVE MADE SUCH LAND DIVISION AND PLAT BY THE DIRECTION OF THE OWNERS SHOWN HEREIN.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES, AND THE SUBDIVISION REGULATIONS OF THE CITY OF APPLETON IN SURVEYING, DIVIDING AND MAPPING THE SAME.

GIVEN UNDER MY HAND THIS 26TH DAY OF OCTOBER, 2020.

GARY A. ZAHNINGER, PROFESSIONAL LAND SURVEYOR S-2098

## CORPORATE OWNER'S CERTIFICATE OF DEDICATION

EMERALD VALLEY ESTATES LLC, DULY ESTABLISHED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID EMERALD VALLEY ESTATES LLC, CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

EMERALD VALLEY ESTATES LLC, FURTHER CERTIFIES THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

DEPARTMENT OF ADMINISTRATION  
CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER(S) THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

ROBERT DEBRUIN - MEMBER

PAT HIETPAS - MEMBER

STATE OF WISCONSIN )  
                                  ) SS  
OUTAGAMIE COUNTY  )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_,  
THE ABOVE OWNER(S) TO ME KNOWN TO BE THE PERSON(S) , WHO EXECUTED THE FOREGOING  
INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC

MY COMMISSION EXPIRES \_\_\_\_\_

## DRAINAGE EASEMENT PROVISIONS

AN EASEMENT FOR DRAINAGE IS HEREBY GRANTED BY EMERALD VALLEY ESTATES LLC, GRANTOR, TO

CITY OF APPLETON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. BUILDINGS OR ANY OTHER TYPE OF STRUCTURE OR IMPEDIMENT TO DRAINAGE SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "DRAINAGE EASEMENT". GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK. GRANTOR SHALL MAINTAIN GROUND SURFACE AND VEGETATION SO AS NOT TO IMPEDE DRAINAGE.

## STORM SEWER EASEMENTS PROVISION

AN EASEMENT FOR STORM SEWER IS HEREBY GRANTED BY EMERALD VALLEY ESTATES LLC, GRANTOR, TO

CITY OF APPLETON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SAID STORM SEWER AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. 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 "STORM SEWER EASEMENT" GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK.

THE GRANT OF EASEMENTS SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

ROBERT DEBRUIN - MEMBER

PAT HIETPAS - MEMBER

## UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY EMERALD VALLEY ESTATES LLC, GRANTORS, TO

WISCONSIN ELECTRIC POWER COMPANY, A WISCONSIN CORPORATION DOING BUSINESS AS WE ENERGIES, GRANTEE,  
WISCONSIN BELL, INC. D/B/A AT&T WISCONSIN, A WISCONSIN CORPORATION, GRANTEE, AND  
TIME WARNER ENTERTAINMENT COMPANY, L.P., 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.

ROBERT DEBRUIN - MEMBER

PAT HIETPAS - MEMBER

## COMMON COUNCIL RESOLUTION:

RESOLVED, THAT SIXTH ADDITION TO EMERALD VALLEY, IN THE CITY OF APPLETON, IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_\_\_.

JACOB A. WOODFORD, CITY MAYOR

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

KAMI LYNCH, CITY CLERK

DATE

## CITY TREASURER'S CERTIFICATE:

I, ANTHONY D. SAUCERMAN, BEING THE DULY QUALIFIED AND ACTING FINANCE DIRECTOR 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 SIXTH ADDITION TO EMERALD VALLEY.

ANTHONY D. SAUCERMAN, CITY FINANCE DIRECTOR

DATE

## COUNTY TREASURER'S CERTIFICATE:

I, \_\_\_\_\_, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE COUNTY OF OUTAGAMIE, 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 SIXTH ADDITION TO EMERALD VALLEY.

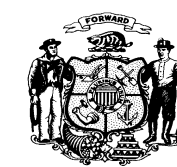
DATE \_\_\_\_\_

SIGNED \_\_\_\_\_

COUNTY TREASURER

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

Martenson & Eisele, Inc.

1377 Midway Road  
Menasha, WI 54952  
www.martenson-eisele.com  
Info@martenson-eisele.com  
920.731.0381 1.800.236.0381

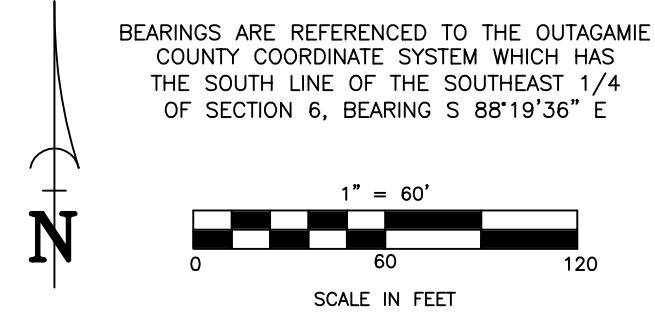
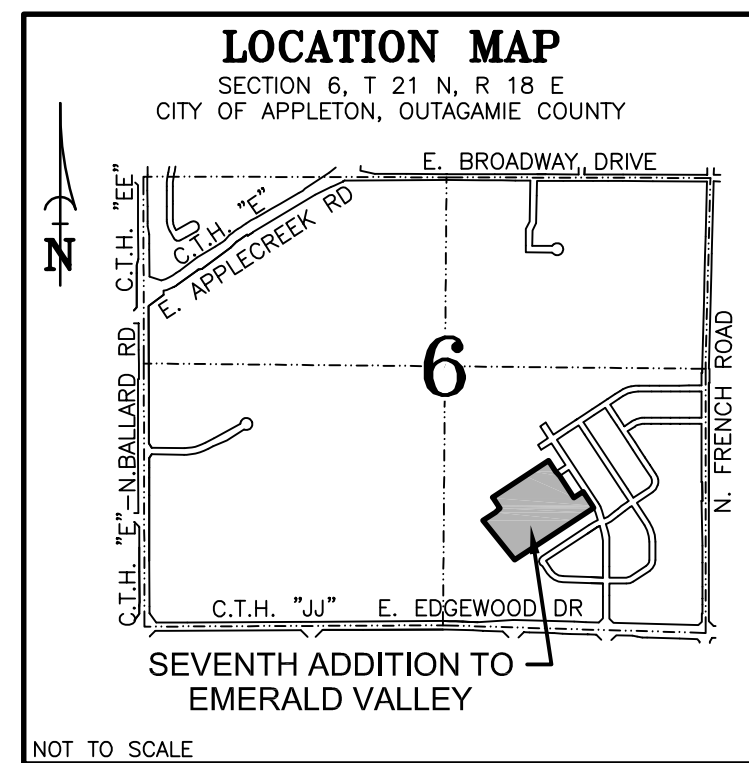
Planning  
Environmental  
Surveying  
Engineering  
Architecture

Drawing No. 1-0534-010 6th Add.  
Sheet 2 of 2  
This instrument drawn by: Amy Sedlar



# SEVENTH ADDITION TO EMERALD VALLEY

PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



- LEGEND**
- 1" O.D. ROUND IRON PIPE SET, 24" LONG, WEIGHING 1.13 LBS. PER LINEAL FOOT AT ALL OTHER LOT CORNERS
  - ▲ 1-1/4" O.D. ROUND REINFORCING BAR SET, 30" LONG WEIGHING 4.303 LBS. PER LINEAL FOOT
  - 1" O.D. ROUND IRON PIPE FOUND
  - △ 1-1/4" O.D. REBAR FOUND
  - [ ] TOTAL LOT AREA IN SQUARE FEET
  - ◆ GOVERNMENT CORNER

**UTILITY EASEMENTS** - NO POLES OR BURIED CABLES ARE TO BE PLACED SUCH THAT THE INSTALLATION WOULD OBSTRUCT VISION ALONG ANY LOT LINE OR STREET LINE. THE DISTURBANCE OF A SURVEY STAKE BY ANYONE IS A VIOLATION OF SECTION 236.32 OF WISCONSIN STATUTES. UTILITY EASEMENTS AS HEREIN SET FORTH ARE FOR THE USE OF PUBLIC BODIES AND PRIVATE PUBLIC UTILITIES HAVING THE RIGHT TO SERVE THE AREA.

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

**NOTES**

ALL LINEAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE HUNDREDTH OF A FOOT.

ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST 20 SECONDS AND COMPUTED TO THE NEAREST HALF SECOND.

FRONT YARD BUILDING SETBACKS ARE 20 FEET, THE MINIMUM REAR YARD BUILDING SETBACKS ARE 25 FEET AND MINIMUM SIDE YARD BUILDING SETBACKS ARE 6 FEET AS LISTED IN THE CITY OF APPLETON ZONING ORDINANCE, R-1B SINGLE-FAMILY DISTRICT.

THERE ARE NO EXISTING BUILDINGS WITHIN THE PLATTED AREA.

**CURVE TABLE**

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	270.00'	001°39'06"	7.78'	S 32°31'20.0" E	7.78'	S 31°41'47" E	S 33°20'53" E
2	267.00'	005°09'09"	23.86'	N 30°47'18.5" W	23.85'	N 28°13'44" W	N 33°20'53" W
3	30.00'	090°00'00"	47.12'	S 78°20'53.0" E	42.43'	S 33°20'53" E	N 56°39'07" E
4	90.00'	090°00'00"	141.37'	S 78°20'53.0" E	127.28'	S 33°20'53" E	N 56°39'07" E
5	90.00'	022°38'26"	35.56'	N 67°58'20.0" E	35.33'	N 79°17'33" E	N 56°39'07" E
6	90.00'	035°51'39"	55.81'	S 82°56'37.5" E	54.92'	S 65°10'48" E	N 79°17'33" E
7	90.00'	031°49'55"	50.00'	S 49°15'50.5" E	49.36'	S 33°20'53" E	E 65°10'48" E

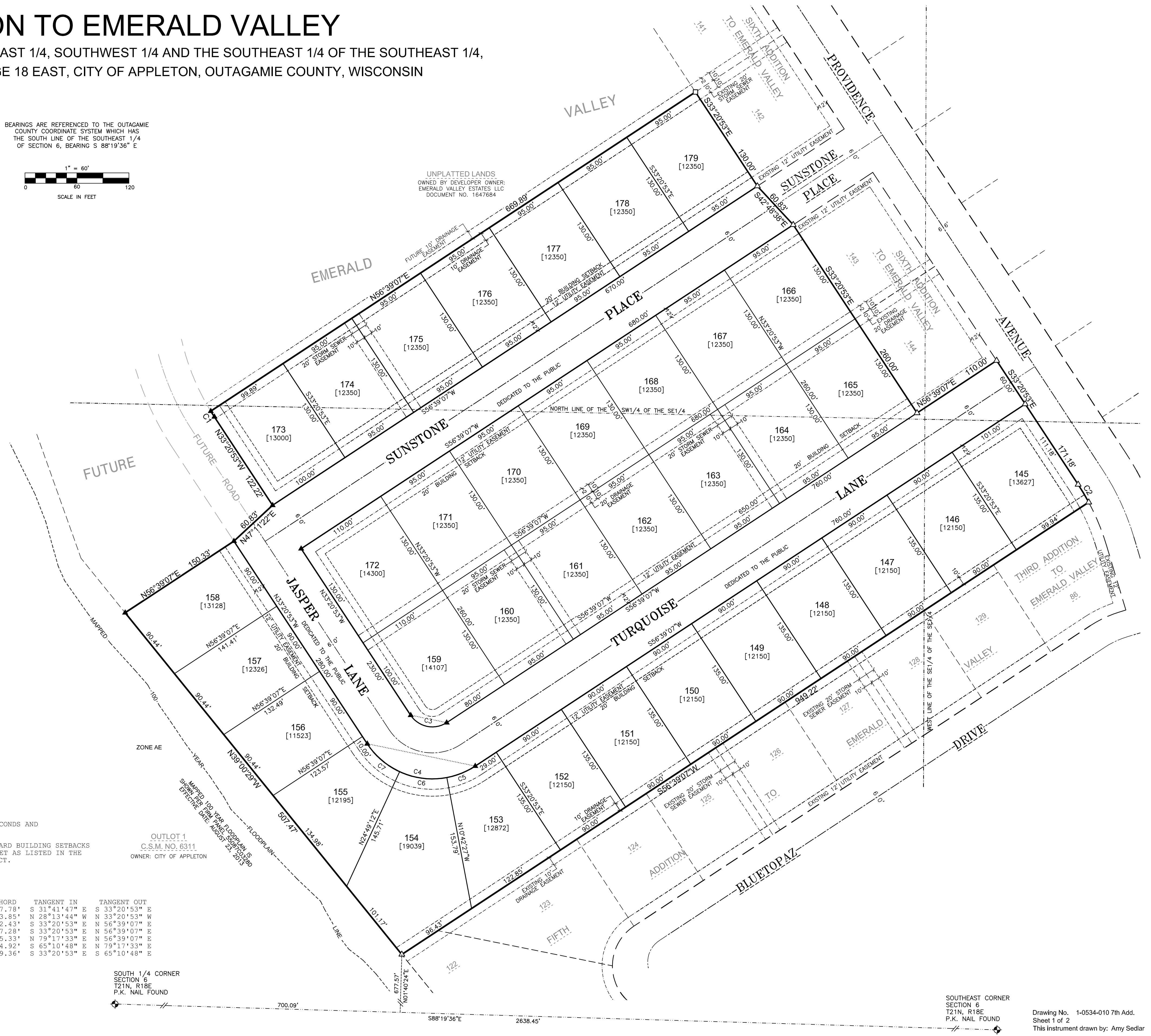
**Martenson & Eisele, Inc.**  
 1377 Midway Road  
 Menasha, WI 54952  
 www.martenson-eisele.com  
 info@martenson-eisele.com  
 920.731.0381 1.800.236.0381

Planning  
 Environmental  
 Surveying  
 Engineering  
 Architecture

SOUTH 1/4 CORNER SECTION 6  
 T21N, R18E  
 P.K. NAIL FOUND

SOUTHEAST CORNER SECTION 6  
 T21N, R18E  
 P.K. NAIL FOUND

Drawing No. 1-0534-010 7th Add.  
 Sheet 1 of 2  
 This instrument drawn by: Amy Sedlar



# SEVENTH ADDITION TO EMERALD VALLEY

PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

**SURVEYOR'S CERTIFICATE**  
I, GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED, AND MAPPED SEVENTH ADDITION TO EMERALD VALLEY, AT THE DIRECTION OF EMERALD VALLEY ESTATES LLC, PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 88 DEGREES 19 MINUTES 36 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 700.09 FEET; THENCE NORTH 01 DEGREES 40 MINUTES 24 SECONDS EAST, A DISTANCE OF 677.57 FEET TO THE POINT OF BEGINNING; THENCE NORTH 39 DEGREES 00 MINUTES 29 SECONDS WEST, ALONG THE NORTHERLY LINE OF CERTIFIED SURVEY MAP NO. 6311, A DISTANCE OF 507.47 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 150.33 FEET; THENCE NORTH 47 DEGREES 11 MINUTES 22 SECONDS EAST, 60.83 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 122.22 FEET; THENCE 7.78 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 270.00 FEET AND A CHORD THAT BEARS NORTH 32 DEGREES 31 MINUTES 20.0 SECONDS WEST, 7.78 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 669.89 FEET; THENCE THE FOLLOWING SIX(6) CALLS ARE ALONG THE WESTERLY LINE OF THE SIXTH ADDITION TO EMERALD VALLEY:  
THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 130.00 FEET;  
THENCE SOUTH 42 DEGREES 48 MINUTES 38 SECONDS EAST, 60.83 FEET;  
THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 260.00 FEET;  
THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 110.00 FEET;  
THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 171.18 FEET;  
THENCE 23.86 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 267.00 FEET AND A CHORD THAT BEARS SOUTH 30 DEGREES 47 MINUTES 18.5 SECONDS EAST, 23.85 FEET;  
THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHERLY LINES OF THE THIRD ADDITION TO EMERALD VALLEY AND FIFTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 949.22 FEET THE POINT OF BEGINNING. CONTAINING 552,321 SQUARE FEET [12.680 ACRES].

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION THEREOF MADE.

THAT I HAVE MADE SUCH LAND DIVISION AND PLAT BY THE DIRECTION OF THE OWNERS SHOWN HEREIN.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES, AND THE SUBDIVISION REGULATIONS OF THE CITY OF APPLETON IN SURVEYING, DIVIDING AND MAPPING THE SAME.

GIVEN UNDER MY HAND THIS 26TH DAY OF OCTOBER, 2020.

GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR S-2098

**CORPORATE OWNER'S CERTIFICATE OF DEDICATION**  
EMERALD VALLEY ESTATES LLC, DULY ESTABLISHED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID EMERALD VALLEY ESTATES LLC, CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

EMERALD VALLEY ESTATES LLC, FURTHER CERTIFIES THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

DEPARTMENT OF ADMINISTRATION  
CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER(S) THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

ROBERT DEBRUIN - MEMBER PAT HIETPAS - MEMBER

STATE OF WISCONSIN )  
) SS  
OUTAGAMIE COUNTY )

PERSONALLY CAME BEFORE ME THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_,  
THE ABOVE OWNER(S) TO ME KNOWN TO BE THE PERSON(S), WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC  
MY COMMISSION EXPIRES \_\_\_\_\_

**UTILITY EASEMENT PROVISIONS**  
AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY EMERALD VALLEY ESTATES LLC, GRANTORS, TO

WISCONSIN ELECTRIC POWER COMPANY, A WISCONSIN CORPORATION DOING BUSINESS AS WE ENERGIES, GRANTEE,  
WISCONSIN BELL, INC. D/B/A AT&T WISCONSIN, A WISCONSIN CORPORATION, GRANTEE, AND  
TIME WARNER ENTERTAINMENT COMPANY, L.P., 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 GRANTEE AGREES 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 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 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 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.

ROBERT DEBRUIN - MEMBER PAT HIETPAS - MEMBER

**DRAINAGE EASEMENT PROVISIONS**  
AN EASEMENT FOR DRAINAGE IS HEREBY GRANTED BY EMERALD VALLEY ESTATES LLC, GRANTOR, TO

CITY OF APPLETON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. BUILDINGS OR ANY OTHER TYPE OF STRUCTURE OR IMPEDIMENT TO DRAINAGE SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "DRAINAGE EASEMENT". GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK. GRANTOR SHALL MAINTAIN GROUND SURFACE AND VEGETATION SO AS NOT TO IMPEDE DRAINAGE.

**STORM SEWER EASEMENTS PROVISION**  
AN EASEMENT FOR STORM SEWER IS HEREBY GRANTED BY EMERALD VALLEY ESTATES LLC, GRANTOR, TO

CITY OF APPLETON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SAID STORM SEWER AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. 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 "STORM SEWER EASEMENT" GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK.

THE GRANT OF EASEMENTS SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

ROBERT DEBRUIN - MEMBER PAT HIETPAS - MEMBER

**COMMON COUNCIL RESOLUTION:**

RESOLVED, THAT SEVENTH ADDITION TO EMERALD VALLEY, IN THE CITY OF APPLETON, IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

ON THIS \_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_.

JACOB A. WOODFORD, CITY MAYOR

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

KAMI LYNCH, CITY CLERK DATE

**CITY TREASURER'S CERTIFICATE:**

I, ANTHONY D. SAUCERMAN, BEING THE DULY QUALIFIED AND ACTING FINANCE DIRECTOR 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 SEVENTH ADDITION TO EMERALD VALLEY.

ANTHONY D. SAUCERMAN, CITY FINANCE DIRECTOR DATE

**COUNTY TREASURER'S CERTIFICATE:**

I, \_\_\_\_\_, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE COUNTY OF OUTAGAMIE, 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 SEVENTH ADDITION TO EMERALD VALLEY.

DATE \_\_\_\_\_ SIGNED \_\_\_\_\_ COUNTY TREASURER

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

Martenson & Eisele, Inc.

1377 Midway Road Planning  
Menasha, WI 54952 Environmental  
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920.731.0381 1.800.236.0381 Architecture

Drawing No. 1-0534-010 7th Add.  
Sheet 2 of 2  
This instrument drawn by: Amy Sedlar