



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: September 14, 2022

Common Council Meeting Date: September 21, 2022

Item: Final Plat – Stone Ridge Estates West

Case Manager: Jessica Titel, Principal Planner

GENERAL INFORMATION

Applicant: Michael J. Frank, Schuler & Associates, Inc.

Owner: Cypress Homes, Inc.

Address/Parcel #: N. Haymeadow Avenue (Tax Id #31-6-5802-02). The subject property is located south of East Clearfield Lane and west of North Haymeadow Avenue.

Petitioner's Request: The owner/applicant is proposing to subdivide property for single-family residential development.

BACKGROUND

On June 19, 2019, Common Council adopted Ordinance 68-19, to annex the subject area from the Town of Grand Chute to the City of Appleton. The subject property was officially annexed to the City on June 25, 2019 at 12:01 a.m.

On July 24, 2019, the Common Council approved the request to rezone the subject property from Temporary AG Agricultural District to R-1B Single-Family District.

CSM #20-19 created the subject parcel and was approved by staff on January 2, 2020. The dedication of public right-of-way for North Haymeadow Avenue (adjacent to the subject property) was approved by the Common Council on December 18, 2019.

The Stone Ridge Estates West Preliminary Plat was approved by Common Council on January 19, 2022.

STAFF ANALYSIS

Existing Conditions: The subject area to be subdivided is currently undeveloped. Stone Ridge Estates West consists of 3.88 acres and will be divided into ten (10) single-family lots.

Comparison between Final Plat and Preliminary Plat: The Final Plat is consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots.

Zoning Ordinance Review Criteria: The current lot development standards for the R-1B Single-Family District (Section 23-93 of the Municipal Code) are as follows.

- Minimum lot area: Six thousand (6,000) square feet.

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- *The proposed average lot size is 15,904 square feet. All lots exceed this minimum requirement.*
- Minimum lot width: Fifty (50) feet.
 - *All lots exceed this minimum requirement, with exception of Lot 8. Please see the “Compliance with Appleton Subdivision Regulations” section below. The Common Council granted a Modification of Regulations per Section 17-3(f) of the Subdivision Code. Lot 8 meets the minimum lot width standard at the building setback line.*
- 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 has 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: On January 19, 2022, the Common Council granted relief at the Preliminary Plat approval stage for the following modifications of regulations, pursuant to Section 17-3(f) of the Municipal Code:

- 1) Section 17-3(c)(6) and Section 23-93(g)(3) of the Municipal Code to allow reduction of lot width at the right-of-way line from 50 feet to 40 feet for Lot 8. Lot 8 meets the minimum lot width standard at the building setback line.

Access and Traffic: The primary vehicular access to Stone Ridge Estates West is via North Haymeadow Avenue and East Stratford Lane. The road right-of-way for proposed East Stratford Lane will be dedicated to the City with the Final Plat.

Surrounding Zoning Classification and Land Uses:

North: R-1B Single Family Residential. The adjacent land use to the north is currently residential.

South: Town of Grand Chute. The adjacent land use to the south is currently agriculture.

East: R-1A Single Family Residential. The adjacent land use to the east is currently single-family residential.

West: Town of Grand Chute. The adjacent land use to the west is currently single-family residential.

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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 designation 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 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 the City signing the Final Plat. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

Technical Review Group (TRG) Report: This item appeared on the March 1, 2022 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

RECOMMENDATION

The Stone Ridge Estates West 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. Prior to City signatures being affixed to the Final Plat, park fees shall be paid to the City of Appleton Finance Department pursuant to Section 17-29 of the Municipal Code. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

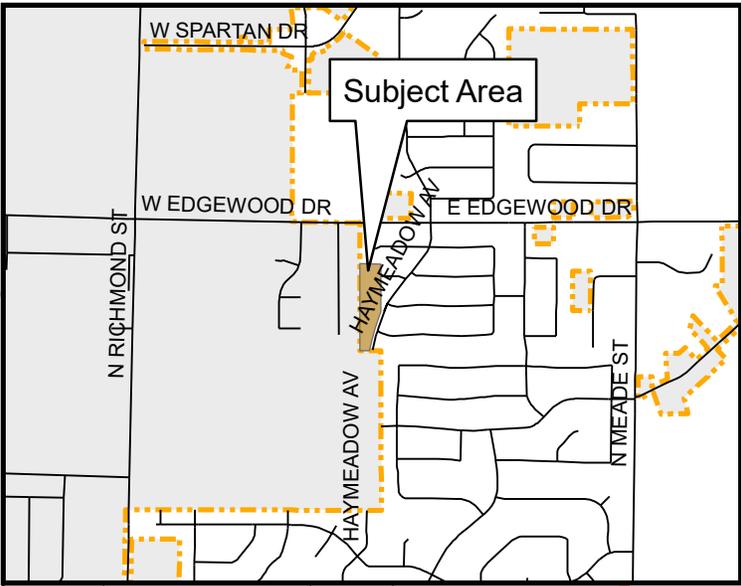
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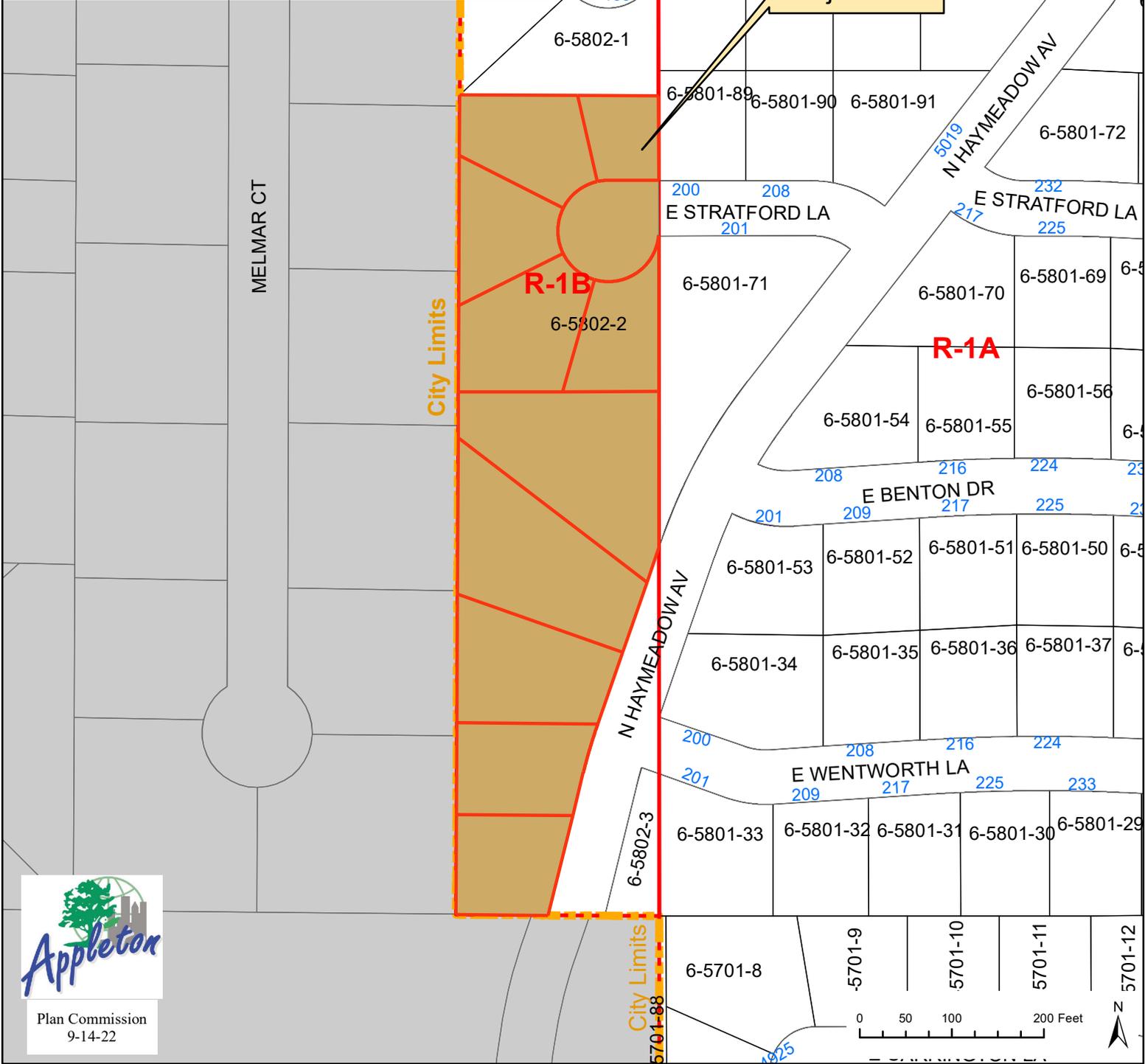
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3. Extend the centerline of Wentworth Lane to intersect the centerline of Haymeadow Avenue.
4. The 1” diameter set iron pipes listed in the legend should also list whether the dimension is the outside or the inside diameter.
5. Add additional language to the Drainage/Storm Sewer detail shown in the legend. Something similar to: “The widths shown here are typical widths only. Actual easements widths may vary and are noted in the map area.
6. Sanitary, Storm and watermain easement, City #1047 (Document No. 1527596) affects a small portion of Lot 11 and should be shown on the Plat.
7. On page 1, regarding the note addressing the stormwater pond on Lots 11 and 12. Modify the second sentence to read, “Issuance of any future building permits for Lots 11 and 12 will not occur unless and until such time...”
8. On page 2, modify the drainage and stormwater easement provision language per the standard language provided by the City via email on 8/26/2022.
9. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
10. 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.

Final Plat Stone Ridge Estates West Zoning Map

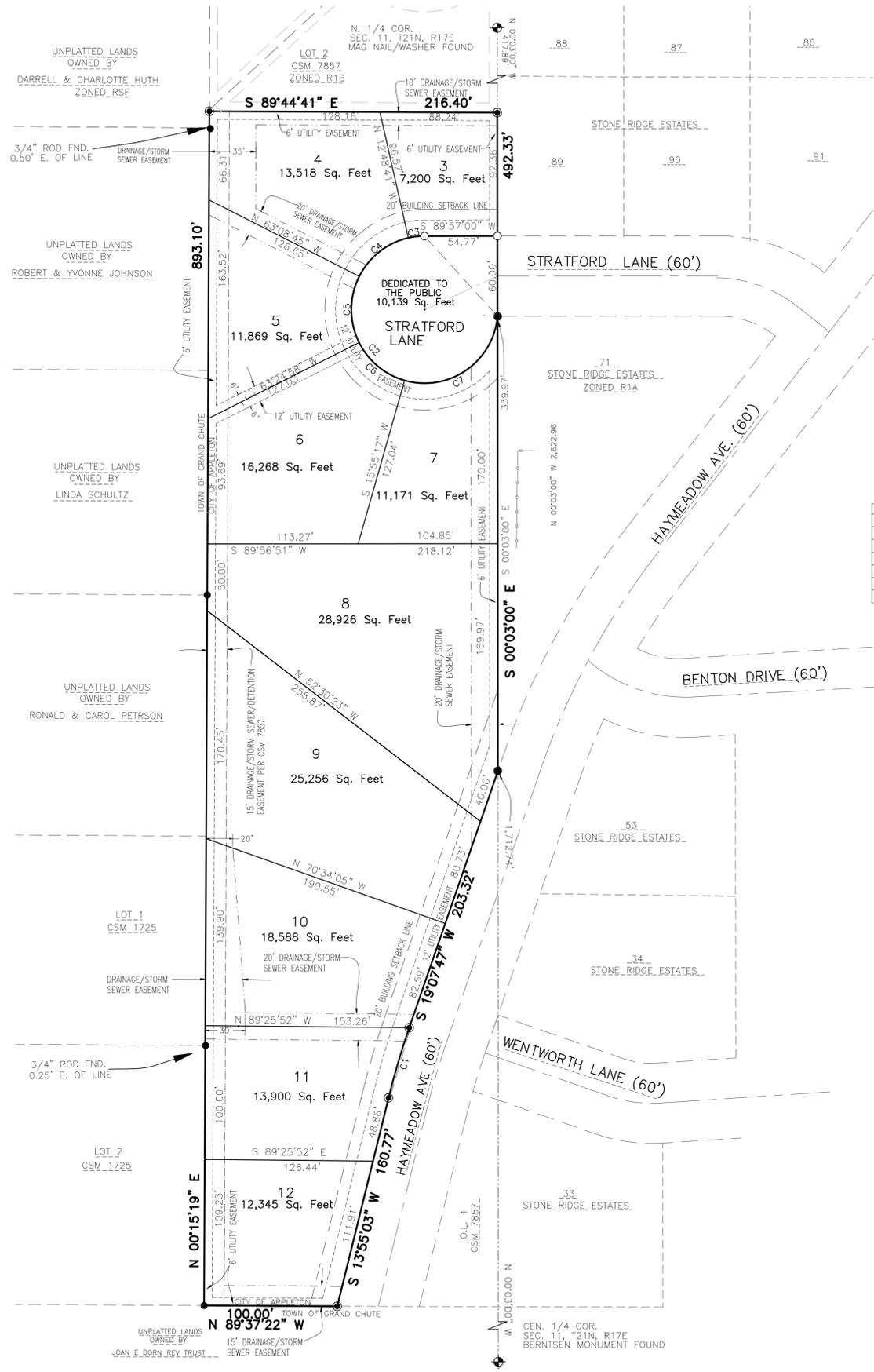


R-1B



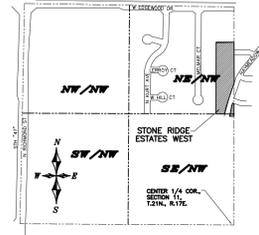
Plan Commission
9-14-22



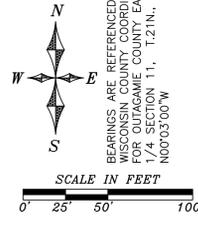


STONE RIDGE ESTATES WEST

ALL OF LOT 3 OF CERTIFIED SURVEY MAP NUMBER 7857 AS RECORDED IN DOCUMENT NUMBER 2182744 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



LOCATION MAP NOT TO SCALE



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM FOR OUTAGAMIE COUNTY EAST LINE OF NW 1/4 SECTION 11, T21N., R.17E. BEARS N00°03'00" W

CURVE DATA TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT BEARING-IN	TANGENT BEARING-OUT
C1	600.00'	54.58'	54.56'	S 16°31'25" W	5°12'44"	S 19°07'47" W	S 13°55'03" W
C2	55.00'	254.17'	81.24'	S 42°26'31.5" E	264°47'03"	S 89°57'00" W	N 05°09'57" E
C3	55.00'	12.25'	12.22'	S 83°34'09.5" W	12°45'41"	S 89°57'00" W	S 77°11'19" W
C4	55.00'	48.32'	46.78'	S 52°01'17" W	50°20'04"	S 77°11'19" W	S 26°51'15" W
C5	55.00'	51.30'	49.46'	S 00°08'06.5" W	53°26'17"	S 26°51'15" W	S 26°35'02" E
C6	55.00'	45.59'	44.30'	S 50°19'47.5" E	47°29'31"	S 26°35'02" E	S 74°04'33" E
C7	55.00'	96.71'	84.72'	N 55°32'42" E	100°45'30"	S 74°04'33" E	N 05°09'57" E

LEGEND

- = 3/4" DIA. ROUND STEEL REBAR FOUND
 - = 1-5/16" O.D. IRON PIPE FOUND
 - = 1 1/4" DIA. ROUND STEEL REBAR FOUND
 - = 1 1/4" DIA. ROUND x 30" LONG STEEL REBAR WEIGHING 4.30 LBS./LIN. FOOT SET
 - = 1" DIA. ROUND x 24" LONG IRON PIPE WEIGHING 1.13 LBS./ LIN. FOOT
 - () = RECORDED AS
- = DRAINAGE/ STORM SEWER EASEMENT GRANTED TO THE CITY OF APPLETON
 = PRIVATE UTILITY EASEMENT GRANTED TO ENERGY, GAS, AND COMMUNICATION PROVIDERS

NOTE:
 LOTS 11 AND 12 CONTAIN A PRIVATE STORM WATER POND. NO BUILDING PERMITS WILL BE ISSUED FOR THESE LOTS DURING THE TIME PERIOD THAT THE POND OCCUPIES THE LOTS. ISSUANCE OF ANY FUTURE BUILDING PERMITS FOR LOT 11 AND 12 WILL NOT OCCUR UNTIL SUCH TIME AS THE PRIVATE POND IS REMOVED, AND ALTERNATE FACILITIES CONSTRUCTED AS PART OF A CITY-APPROVED REVISION TO THE STORMWATER MANAGEMENT PLAN FOR THIS PLAT.

SCHULER & ASSOCIATES, INC.
 LAND SURVEYORS & ENGINEERS
 2711 N. MASON STREET, SUITE F, APPLETON, WI 54914-2126 (920) 734-9107

STONE RIDGE ESTATES WEST

ALL OF LOT 3 OF CERTIFIED SURVEY MAP 7857 AS RECORDED IN DOCUMENT NUMBER 2182744, BEING PART OF THE
NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

SURVEYORS CERTIFICATE:

I, MICHAEL J. FRANK, PROFESSIONAL LAND SURVEYOR S-2123, HEREBY CERTIFY:
THAT I HAVE SURVEYED, DIVIDED AND MAPPED STONE RIDGE ESTATES WEST,

ALL OF LOT 3 OF CERTIFIED SURVEY MAP NUMBER 7857 AS RECORDED IN DOCUMENT NUMBER 2182744, BEING
PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 17 EAST,
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, CONTAINING 169,182 SQUARE FEET (3.884 ACRES) OF LAND,
MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND PLAT BY THE ORDER AND UNDER THE DIRECTION
OF THE OWNERS OF SAID LAND.

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

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

DATED THIS _____ DAY OF _____, 2022

MICHAEL J. FRANK S-2123
WISCONSIN PROFESSIONAL LAND SURVEYOR

CORPORATE OWNERS CERTIFICATE OF DEDICATION

CYPRESS HOMES, INC., A WISCONSIN CORPORATION, A CORPORATION DULY ORGANIZED AND
EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES
HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE
SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THIS PLAT.

CYPRESS HOMES, INC., DOES FURTHER CERTIFY THAT THIS PLAT IS REQUIRED BY s.236.10 OR
s.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

AGENCIES HAVING THE AUTHORITY TO OBJECT
STATE OF WISCONSIN, DEPARTMENT OF ADMINISTRATION

APPROVING AUTHORITIES
CITY OF APPLETON

IN WITNESS WHEREOF, THE SAID CYPRESS HOMES, INC., INC., HAS CAUSED
THESE PRESENTS TO BE SIGNED BY SHANNON MEYER, ITS PRESIDENT,
AT APPLETON, WISCONSIN, ON THIS _____ DAY OF _____, 2022.

SHANNON MEYER, PRESIDENT
STATE OF WISCONSIN)
ss.
_____ COUNTY)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2022, SHANNON MEYER,
PRESIDENT OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSON WHO EXECUTED
THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH PRESIDENT OF SAID CORPORATION,
AND ACKNOWLEDGED THAT SHE EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICER
AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

NOTARY PUBLIC, _____CTY., WISCONSIN
MY COMMISSION EXPIRES _____

DRAINAGE/ STORM SEWER EASEMENT PROVISIONS

AN EASEMENT FOR DRAINAGE AND STORM SEWER IS HEREBY GRANTED BY:
CYPRESS HOMES, INC. GRANTOR, TO

THE CITY OF APPLETON, GRANTEE,

- PURPOSE: GRANTOR AND GRANTEE AGREE THAT THE DRAINAGE DITCH, AND STORM SEWER WITHIN THE
EASEMENT SHALL BE A PRIVATE DRAINAGE DITCH AND STORM SEWER INSTALLED, OPERATED, AND MAINTAINED
BY GRANTOR IN ACCORDANCE WITH THE APPROVED CONSTRUCTION PLANS ON FILE WITH THE CITY OF
APPLETON. THE PURPOSE OF THIS EASEMENT IS FOR THE GRANTEE TO ACCESS, INSTALL, REGRADE,
REPLACE, RELOCATE, OPERATE, MAINTAIN, RESIZE AND REPAIR SAID IMPROVEMENTS IN THE DRAINAGE AND
STORM SEWER EASEMENT, IN THE EVENT THAT GRANTOR FAILS TO DO SO. 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 THAT OCCURS OUTSIDE THE
EASEMENT AREA. TREES, BUSHES, BRANCHES AND ROOTS MAY BE TRIMMED OR REMOVED SO AS NOT TO
INTERFERE WITH THE INTENDED 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/STORM SEWER EASEMENT".
- ELEVATION: THE GRANTOR AGREES THAT THE ELEVATION OF THE EXISTING GROUND SURFACE WITHIN THE
EASEMENT AREA WILL NOT BE ALTERED BY MORE THAN 4 INCHES WITHOUT THE WRITTEN CONSENT OF
GRANTEE.
- 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.

SHANNON MEYER, PRESIDENT

COMMON COUNCIL APPROVAL

WE HEREBY CERTIFY THAT THIS PLAT OF STONE RIDGE ESTATES WEST, LOCATED IN THE CITY OF APPLETON,
OUTAGAMIE COUNTY WAS APPROVED AND ACCEPTED BY THE COMMON COUNCIL OF THE
CITY OF APPLETON ON THIS _____ DAY OF _____, 2022.

MAYOR DATE _____ CLERK DATE _____

TREASURER'S CERTIFICATE

WE HEREBY CERTIFY THAT THERE ARE NO UNPAID TAX SALES, UNPAID SPECIAL ASSESSMENTS OR
UNPAID TAXES ON ANY OF THE LANDS INCLUDED IN THIS PLAT.

COUNTY TREASURER DATE _____ CITY TREASURER DATE _____

UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICES IS
HEREBY GRANTED BY CYPRESS HOMES, INC., GRANTOR, TO

TO WISCONSIN ELECTRIC POWER COMPANY, AND WISCONSIN GAS, LLC, WISCONSIN
CORPORATIONS DOING BUSINESS AS WE ENERGIES, GRANTEE,
WISCONSIN BELL, INC. D/B/A AT&T, A WISCONSIN WISCONSIN CORPORATION, GRANTEE,
AND SPECTRUM MID-AMERICA, LLC., 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 LINE MARKED "UTILITY EASEMENT AREAS" WITHOUT THE PRIOR WRITTEN CONSENT
OF GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE
SUBDIVIDED PROPERTY SHALL NOT BE ALTERED BY MORE THAN FOUR INCHES
WITHOUT THE WRITTEN CONSENT OF GRANTEES.

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

SHANNON MEYER, PRESIDENT