



CITY OF APPLETON

MEMORANDUM

Date: July 10, 2024
To: Plan Commission
From: Don Harp, Principal Planner
Subject: Final Plat – Lumbini Estates

GENERAL INFORMATION

Owner/Applicant: Saket, LLC, 3206 South Tahoe Lane, Owner / Martenson & Eisele, Inc., c/o Jack Richeson, Applicant

Parcel Number: 31-9-4161-00

Petitioner's Request: The owner/applicant is proposing to subdivide the property into 27 single-family lots.

Plan Commission Meeting Date: July 10, 2024

Common Council Meeting Date: July 17, 2024

BACKGROUND

The subject property was annexed to the City of Appleton through the Jonen Family Trust Annexation in 1985. The R-1A zoning classification has remained on this property since the time of annexation.

The proposed street design for Lumbini Estates subdivision was approved by the Municipal Services Committee on March 25, 2024 and by the Common Council on April 3, 2024.

The Preliminary Plat was approved by the Plan Commission on April 10, 2024 and by the Common Council on April 17, 2024.

STAFF ANALYSIS

Existing/Proposed Conditions: The subject area is currently undeveloped. Lumbini Estates consists of 12.859 acres and will be divided into 27 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 and streets. As a result, the Final Plat is entitled to approval with respect to layout per §236.11(1)(b) of the Wisconsin State Statutes.

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

- Minimum lot area: Eight thousand (8,000) square feet.
 - *The proposed typical single-family lot size within this development is approximately 16,000 square feet.*
- Minimum lot width: Seventy (70) feet. Lot width is measured between the side lot lines measured along front lot line.
 - *All proposed single-family lots comply with this minimum requirement.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard when abutting a local and collector street, Twenty (25) foot front yard when abutting on an arterial street, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *Required building/structure 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. Forty percent (40%).
 - *This will be reviewed through the building permit review process.*

Compliance with the Appleton Municipal Code Regulations:

On April 17, 2024, the Common Council granted relief at the Preliminary Plat approval stage to allow *Lots 6, 7, 10, 11, 12 and 15 be designed as double frontage lots.*

This subdivision complies with all other applicable Appleton Subdivision Regulations.

Review and Decision by Plan Commission: The Plan Commission shall, within 30 days of the date of the filing of Final Plat with the City Clerk, recommend approval, conditional approval or denial of the plat to the Common Council, unless time is extended by agreement in writing between the City and Owner.

Review and Decision by Common Council: The Common Council shall, after receipt of the Plan Commission recommendation and within 60 days of the date of the filing of Final Plat with the City Clerk, approve, approve with conditions or deny the plat, unless time is extended by agreement in writing between the City and Owner.

Access, Traffic & Street Design:

The new proposed streets within the subdivision are dedicated to the City with this Final Plat.

A permit from the Calumet County Highway Department for the access connection from proposed Saket Street to Midway Road (C.T.H. AP) has been approved by the Calumet County Highway Department. The City has no plans to require sidewalks or trails along this section of Midway Road (C.T.H. AP). Design changes to urbanize Midway Road (C.T.H. AP), would be initiated by the Calumet County Highway Department.

Street Names and Prefixes: The proposed street names and prefixes appear to satisfy Section 16-36 of the Municipal Code and Street Name Policy.

Surrounding Zoning and Land Uses:

North: City of Appleton, R-3 Multi-family – Multi-family residential uses
South: City of Appleton, R-1A Single-family – Single-family residential uses and undeveloped land. Village of Harrison Zoning, Multi-family residential uses and 15-acre neighborhood park “Rennwood Park”
East: City of Appleton Zoning, R-1A Single-family – Single-family residential uses
West: City of Appleton Zoning, R-3 Multi-family – Undeveloped land

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

Overall Community Goals

Goal 1 – Community Growth (Chapter 10)

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 (Chapter 5)

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.

5.1 OBJECTIVE: Continue efforts to ensure an adequate supply of housing affordable to all income levels in the community.

5.3 OBJECTIVE: 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.

College North Neighborhood Plan – Chapter 4: Market Study 2020-2030: The average annual housing need is about 301 units per the market study this proposed single-family development will help to meet the demand for housing in Appleton as specified in the market study.

6.3 OBJECTIVE: Create an environment that is safe and conducive to walking and bicycling throughout the entire City.

6.3.2 Maintain existing sidewalks and implement plans to install new sidewalks in targeted areas where they do not exist. Continue the City’s policies to require sidewalks in new neighborhoods.

7.1 OBJECTIVE: Provide a pattern of development that minimizes impacts to municipal services and utilities.

7.1.1 Prioritize development and redevelopment that minimizes the need for additional public and private infrastructure such as water storage facilities and sewage lift stations.

10.1 OBJECTIVE: Provide an adequate supply of suitable land meeting the demand for development of various land uses.

10.4 OBJECTIVE: 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.

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.

18.1.1 Continue park land and trail dedication, or fee-in-lieu-of land dedication requirements for all new residential development.

Dedication of Public Parks and/or Trails or Payment Fee in Lieu Thereof: The Appleton Subdivision Regulations require parkland dedication or fee in lieu thereof for residential subdivisions. Parkland dedication is not required for this development per the Deputy Director of Parks and Recreation. As a result, the City will collect a park fee in the amount of \$1,100.00 per lot from the landowner upon the issuance of a building permit pursuant to Section 17-29(f) of the Municipal Code.

- Park Fee Amount: 27 Lots X \$1,100.00 = \$29,700

Plat Review Team (PRT) & Technical Review Group (TRG) Report: This item appeared on the following internal staff meeting agendas:

June 4, 2024 – PRT Agenda

June 18, 2024 – PRT Agenda

Comments pertaining to stormwater management, drainage, erosion control, utilities, street design, parkland dedication, plat layout and other technical requirements have been received from participating departments and captured in the stipulations found below. Technical Engineering Plan Review and Final Plat comments have been submitted to the applicant by a separate email by staff. Note: The Stormwater Plans continue to be reviewed.

FUTURE ACTIONS

The existing street sign for existing short segment of East Vail Lane will be replaced with South Vail Lane by City staff.

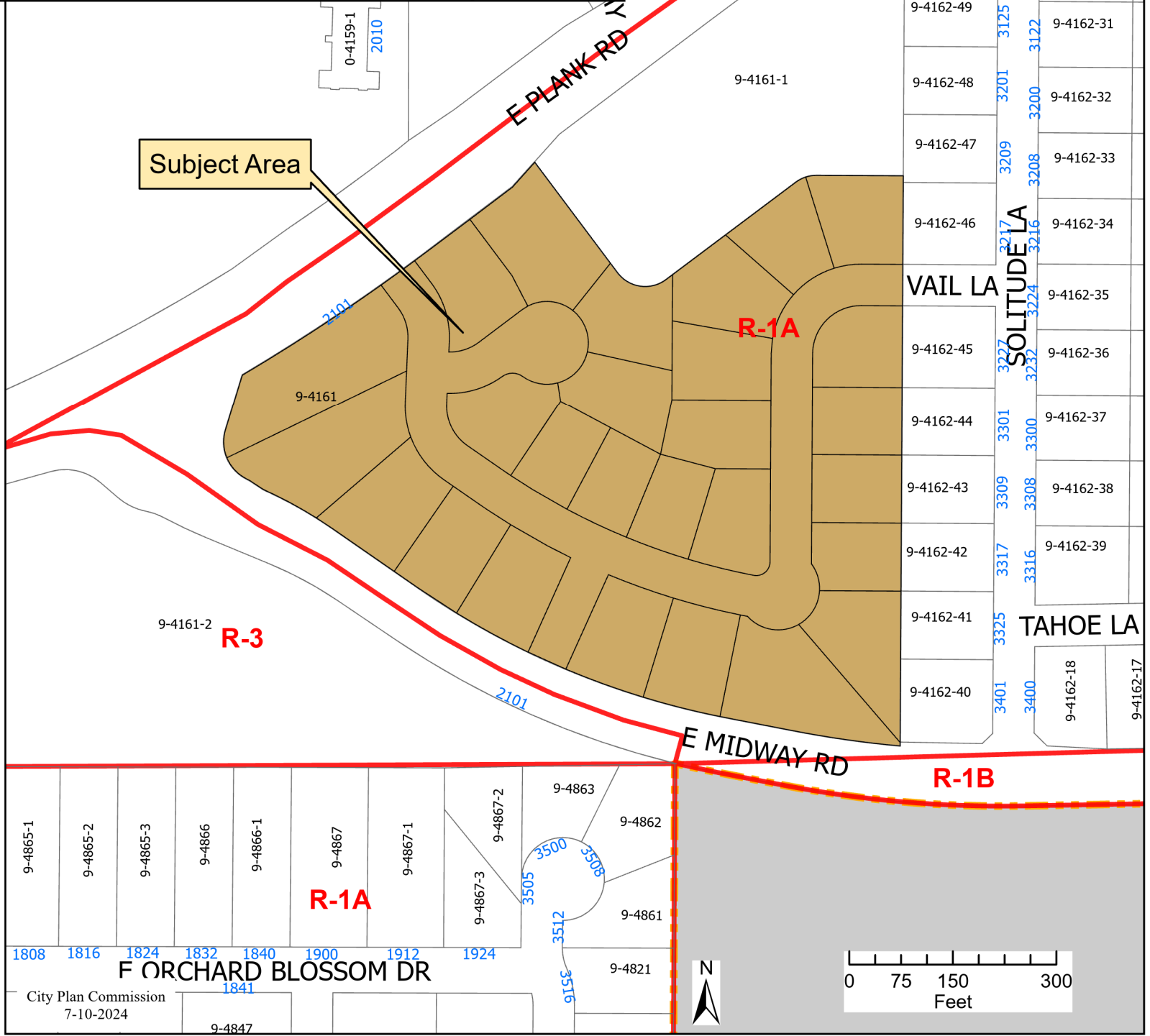
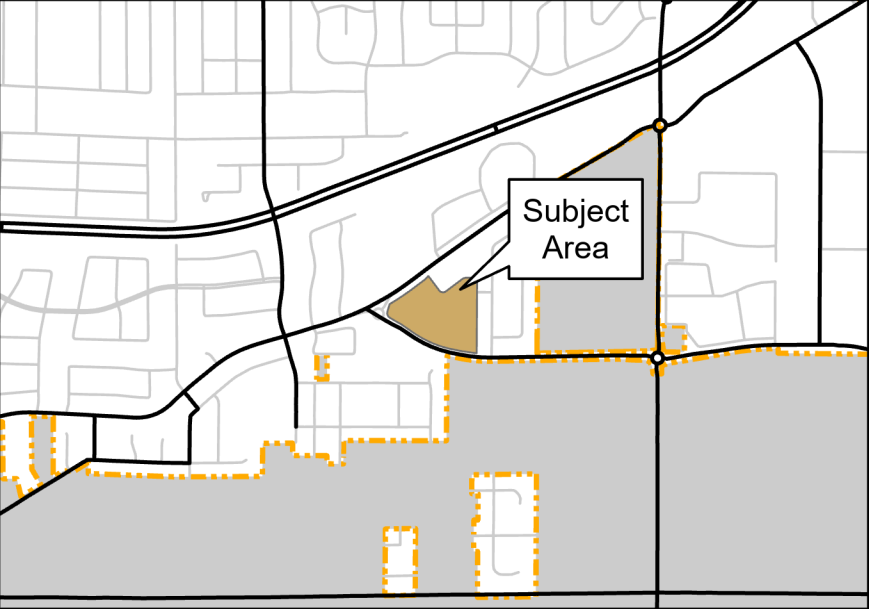
RECOMMENDATION

The Final Plat for Lumbini Estates, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. The Final Plat technical comments provided by the Plat Review Team sent by email on June 25, 2024 shall be addressed on the Final Plat prior to City signatures being affixed to the Final Plat.

2. City signatures shall not be affixed to the Final Plat until objecting authorities (Department of Administration and Calumet County Planning and Zoning Committee) review and notify the City that they do not object to the Final Plat.
3. The applicant shall submit a revised Drainage Plan, Engineering Plans for sanitary sewer, water main, storm sewer, street and laterals satisfying the comments made by the Department of Public Works, Engineering Division pursuant to the email on June 21, 2024 prior to City signatures being affixed to the Final Plat.
4. 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.
5. 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.
6. A Development Agreement is required between the City and owner/developer that identifies the duties and responsibilities with respect to development of the subject land. The applicant and owner, Community Development Director, and City Engineer shall discuss the preparation and process of this agreement. City signatures will not be affixed to the Final Plat until the Development Agreement is executed by the owner/developer.

Final Plat
Lumbini Estates



Final Plat
Lumbini Estates



0-4159-1
2010

E PLANK RD

9-4161-1

VAIL
LA

9-4161

E MIDWAY RD

2101

9-4866-1

9-4867

9-4867-1

9-4867-2

9-4867-3

9-4863

9-4862

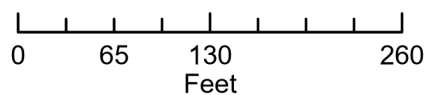
9-4861

3500

3505

3512

3508



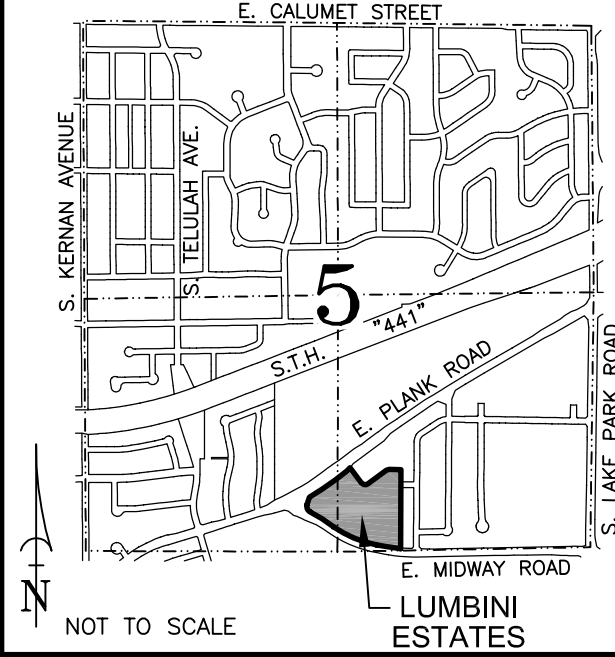
LUMBINI ESTATES

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND
PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, ALL
IN SECTION 5, TOWNSHIP 20 NORTH, RANGE 18 EAST,
CITY OF APPLETON, CALUMET COUNTY, WISCONSIN.

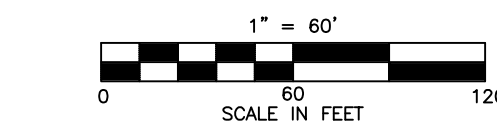


LOCATION MAP

SECTION 5, T 20 N, R 18 E
CITY OF APPLETON, CALUMET COUNTY
E. CALUMET STREET



BEARINGS ARE REFERENCED TO THE CALUMET
COUNTY COORDINATE SYSTEM (NAD83) WHICH HAS
THE SOUTH LINE OF THE SOUTHEAST 1/4 OF
SECTION 5, RECORDED TO BEAR N88°57'36\"



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

1-1/4\" O.D. ROUND REINFORCING BAR FOUND, 30\"
LONG WEIGHING 4.303 LBS. PER LINEAL FOOT

3/4\" ROD FOUND

GOVERNMENT CORNER

DELINEATED WETLANDS

NO ACCESS TO RIGHT-OF-WAY
(SEE ACCESS RESTRICTION CLAUSE)

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



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

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-1A SINGLE-FAMILY DISTRICT.

THERE ARE NO EXISTING BUILDINGS WITHIN THE PLATTED AREA.

TOTAL ROAD AREA DEDICATED TO THE PUBLIC: 112,227 SQUARE FEET [2.576 ACRES]

Drawing No. 1-1720-001

Sheet 1 of 2

This instrument drawn by: C. Cleary

LUMBINI ESTATES

PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4,ALL IN SECTION 5, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER R. CLEARY, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED, AND MAPPED LUMBINI ESTATES, AT THE DIRECTION OF SAKET, LLC, PART OF THE SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4,ALL IN SECTION 5, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF APPLETON, CALUMET COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 5; THENCE NORTH 88 DEGREES 57 MINUTES 36 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 5, A DISTANCE OF 659.75 FEET; THENCE NORTH 00 DEGREES 18 MINUTES 52 SECONDS EAST, 19.88 FEET TO THE POINT OF BEGINNING; THENCE 156.72 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, ALONG THE NORTH RIGHT-OF-WAY LINE OF MIDWAY ROAD/C.T.H. "A", SAID CURVE HAVING A RADIUS OF 1591.38 FEET AND A CHORD THAT BEARS NORTH 81 DEGREES 51 MINUTES 19 SECONDS WEST, 156.65 FEET; THENCE NORTH 79 DEGREES 02 MINUTES 03 SECONDS WEST, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 100.00 FEET; THENCE 485.18 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID CURVE HAVING A RADIUS OF 1170.00 FEET AND A CHORD THAT BEARS NORTH 67 DEGREES 09 MINUTES 15 SECONDS WEST, 481.71 FEET; THENCE NORTH 55 DEGREES 16 MINUTES 36 SECONDS WEST, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 152.34 FEET; THENCE 114.95 FEET ALONG THE ARC OF A CURVE TO THE LEFT, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID CURVE HAVING A RADIUS OF 625.00 FEET AND A CHORD THAT BEARS NORTH 60 DEGREES 32 MINUTES 37 SECONDS WEST, 114.79 FEET; THENCE NORTH 56 DEGREES 36 MINUTES 08 SECONDS WEST, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 23.46 FEET; THENCE NORTH 62 DEGREES 18 MINUTES 47 SECONDS WEST, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 6.58 FEET; THENCE 83.01 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, SAID CURVE HAVING A RADIUS OF 60.00 FEET AND A CHORD THAT BEARS NORTH 22 DEGREES 40 MINUTES 38 SECONDS WEST, 76.55 FEET; THENCE NORTH 16 DEGREES 57 MINUTES 32 SECONDS EAST, CONTINUING ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 83.41 FEET TO THE SOUTH RIGHT-OF-WAY LINE OF PLANK ROAD; THENCE 326.01 FEET ALONG THE ARC OF A CURVE TO THE LEFT, ALONG THE SOUTH RIGHT-OF-WAY LINE OF PLANK ROAD, SAID CURVE HAVING A RADIUS OF 2944.79 FEET AND A CHORD THAT BEARS NORTH 56 DEGREES 10 MINUTES 44 SECONDS EAST, 325.84 FEET; THENCE NORTH 53 DEGREES 00 MINUTES 30 SECONDS EAST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 150.98 FEET; THENCE NORTH 41 DEGREES 55 MINUTES 23 SECONDS EAST, CONTINUING ALONG SAID SOUTH RIGHT-OF-WAY LINE, A DISTANCE OF 48.52 FEET, TO THE NORTHWEST CORNER OF OUTLOT 1 OF C.S.M. NO. 2626; THENCE SOUTH 36 DEGREES 52 MINUTES 49 SECONDS EAST, ALONG THE WESTERLY LINE OF SAID OUTLOT 1, A DISTANCE OF 199.88 FEET; THENCE 78.54 FEET ALONG THE ARC OF A CURVE TO THE LEFT, ALONG THE SOUTHERLY LINE OF SAID OUTLOT 1, SAID CURVE HAVING A RADIUS OF 50.00 FEET AND CHORD THAT BEARS SOUTH 81 DEGREES 50 MINUTES 59 SECONDS EAST, 70.71 FEET; THENCE, NORTH 53 DEGREES 08 MINUTES 57 SECONDS EAST, CONTINUING ALONG THE SOUTHERLY LINE OF SAID OUTLOT 1, A DISTANCE OF 234.98 FEET; THENCE 32.43 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, CONTINUING ALONG THE SOUTHERLY LINE OF SAID OUTLOT 1, SAID CURVE HAVING A RADIUS OF 50.00 FEET AND A CHORD THAT BEARS NORTH 71 DEGREES 43 MINUTES 51 SECONDS EAST, 31.85 FEET; THENCE SOUTH 89 DEGREES 41 MINUTES 16 SECONDS EAST, CONTINUING ALONG THE SOUTHERLY LINE OF SAID OUTLOT 1, A DISTANCE OF 125.52 FEET; THENCE SOUTH 00 DEGREES 18 MINUTES 52 SECONDS WEST, ALONG THE WEST LINE OF ASPEN RIDGE, A DISTANCE OF 826.49 FEET TO THE POINT OF BEGINNING. CONTAINING 560,153 SQ.FT. (12.859 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 OUTAGAMIE COUNTY AND THE CITY OF APPLETON IN SURVEYING, DIVIDING AND MAPPING THE SAME.

GIVEN UNDER MY HAND THIS ____ DAY OF _____, 2024.

GARY A. ZAHRLINGER, PROFESSIONAL LAND SURVEYOR S-2098

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

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

SAKET, 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, CALUMET COUNTY, AND CITY OF APPLETON.

WITNESS THE HAND AND SEAL OF SAID OWNER(S) THIS ____ DAY OF _____, 2024.

RAMJI MARASINI - MEMBER

STATE OF WISCONSIN)
) SS
OUTAGAMIE COUNTY)

PERSONALLY CAME BEFORE ME THIS ____ DAY OF _____, 2024,
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

ACCESS RESTRICTION CLAUSE

AS OWNERS, WE HEREBY RESTRICT ALL LOTS AND BLOCKS IN THAT NO OWNER, POSSESSOR, NOR LICENSEE, NOR OTHER PERSON SHALL HAVE ANY RIGHT OF VEHICULAR INGRESS OR EGRESS WITH MIDWAY ROAD "C.T.H. A" AND PLANK ROAD, AS SHOWN ON THE PLAT, IT BEING EXPRESSLY INTENDED THAT THIS RESTRICTION SHALL CONSTITUTE A RESTRICTION FOR THE BENEFIT OF THE PUBLIC ACCORDING TO S.236.293, STATS.. AND SHALL BE ENFORCEABLE BY CALUMET COUNTY, AND THE CITY OF APPLETON.

UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY SAKET, 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.

RAMJI MARASINI - MEMBER

DRAINAGE EASEMENT PROVISIONS

AN EASEMENT FOR DRAINAGE IS HEREBY GRANTED BY SAKET, 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 GRANTEES' 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.

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

RAMJI MARASINI - MEMBER

STORM SEWER EASEMENTS PROVISION

AN EASEMENT FOR STORM SEWER IS HEREBY GRANTED BY SAKET, 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 GRANTEES' 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.

RAMJI MARASINI - MEMBER

LANDSCAPE EASEMENT PROVISIONS

AN EASEMENT FOR LANDSCAPE IS HEREBY GRANTED BY SAKET, 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 LANDSCAPE AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID LANDSCAPE 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 LANDSCAPE 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 GRANTEES' 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.

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

RAMJI MARASINI - MEMBER

COMMON COUNCIL RESOLUTION:

RESOLVED, THAT LUMBINI ESTATES, IN THE CITY OF APPLETON, IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

ON THIS ____ DAY OF _____, 2024.

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, JERI A. OHMAN, 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 LUMBINI ESTATES.

JERI A. OHMAN, CITY FINANCE DIRECTOR DATE

COUNTY TREASURER'S CERTIFICATE:

I, _____, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE COUNTY OF CALUMET, 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 LUMBINI ESTATES.

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. 1-1720-001
Sheet 1 of 2
This Instrument drawn by: C. Cleary