



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: October 12, 2022

Common Council Meeting Date: October 19, 2022

Item: Final Plat – Trail View Estates South 3

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Emerald Valley Estates, LLC c/o Robert De Bruin

Address/Parcel #: Generally located between French Road and Cherryvale Avenue, south of the creek/trail corridor (Tax Id #31-1-6410-00, #31-1-6411-00, and #31-1-7513-00).

Petitioner's Request: The applicant is proposing to subdivide the property into 76 lots and one outlot for single-family residential development.

BACKGROUND

Parcel #31-1-7513-00 was annexed to the City in 1997 with the Northeast Annexation, parcel #31-1-6410-00 was annexed to the City in 2011 with the North French Road Annexation, and parcel #31-1-6411-00 was annexed in 2020 with the Trail View Estates South Annexation.

On September 2, 2020, Common Council approved Comprehensive Plan Amendment #1-20 and Rezoning #6-20. Comprehensive Plan Amendment #1-20 amended the City's Future Land Use Map from the Multi-Family Residential designation to the One and Two-Family Residential designation for parcels #31-1-6410-00 and #31-1-6411-00. Rezoning #6-20 rezoned parcels #31-1-6410-00, #31-1-7513-00, and #31-1-6411-00 from R-3 Multi-Family District, R-2 Two-Family District, and temporary AG Agricultural District to R-1B Single-Family District.

The Trail View Estates South Preliminary Plat, to subdivide all of parcels #31-1-6410-00, #31-1-7513-00, and #31-1-6411-00, was approved by Common Council on September 2, 2020.

On September 2, 2020, Common Council approved the Trail View South Development Agreement to set forth the City of Appleton, Village of Little Chute, and developer duties and responsibilities with respect to development of the subject land.

The Final Plat for Trail View Estates South, consisting of 25 lots, was approved by Common Council on November 4, 2020 for land located immediately east of the subject area (first phase of subdivision).

The Final Plat for Trail View Estates South 2, consisting of 26 lots, was approved by Common Council on September 1, 2021 for land located immediately east and south of the subject area (second phase of subdivision).

STAFF ANALYSIS

Existing Conditions: The subject property consists of vacant, undeveloped land. The area to be platted for single-family residential development totals approximately 18.5096 acres, which will be divided into 76 lots and one outlot.

Comparison between Final Plat and Preliminary Plat: The Preliminary Plat covered a larger area (32.0110 acres), whereas the Final Plat is for the remaining parts of Tax Id #31-1-6410-00, #31-1-6411-00, and #31-1-7513-00 (18.5096 acres). One noteworthy change is that Outlot 1 has been added since the Preliminary Plat, based upon language included in the Trail View South Development Agreement. However, the Final Plat is generally consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots. This is the third phase of lots for the broader subdivision development area.

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: 6,000 square feet.
 - *The proposed lots range in size from 2,160 square feet to 14,199 square feet. Outlot 1 (2,160 square feet) does not meet the lot area requirement. All other lots exceed this requirement.*
- Minimum lot width: 50 feet.
 - *The proposed lots range in width from 16 feet to approximately 177.37 feet. Outlot 1 (16 feet) does not meet the lot width requirement. All other lots exceed this requirement.*
- Minimum front, side, and rear yard setbacks: 20 feet front yard (25 feet on arterial street), 6 feet side yard, and 25 feet rear yard.
 - *Required front yard setback is shown on the Final Plat. Setbacks will be reviewed through the building permit review process.*
- Maximum building height: 35 feet.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage: 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, except as described below. The Trail View Estates South Preliminary Plat was approved by Common Council with conditions granting relief from certain requirements. The previously approved modification of regulations continues to apply to this Final Plat.

- Grant relief from the double frontage lot requirements for proposed Lots 62-64 (now identified as Lots 63-65).
- Grant relief from the minimum lot depth requirement for residential lots backing on arterials for proposed Lot 63 (now identified as Lot 64).
- Grant relief from the minimum right-of-way width requirement for a segment of proposed Gladiolus Place/Court.

Final Plat – Trail View Estates South 3

Page 3

October 12, 2022

One additional modification of regulations is needed for this Final Plat. As stated previously in the staff report, proposed Outlot 1 does not comply with the minimum lot area and minimum lot width requirements. Zoning and subdivision regulations are typically written to deal with buildable sites, not sites for incidental features like a trail. The lot area and lot width deviation request for Outlot 1 represents an effort to establish buildable lots while also accommodating trail access. Pursuant to Section 17-3(f) of the Municipal Code, when the Common Council finds that extraordinary hardship or injustice will result from strict compliance with this ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three standards:

- (1) The modification is due to physical features of the site or its location.
- (2) The modification is the least deviation from this ordinance which will mitigate the hardship.
- (3) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance.

Based upon the above analysis, it would appear the standards established by Section 17-3(f) Modification of Regulations have been met.

Access and Traffic: Vehicular access to the subject lots is provided by extensions of existing Gladiolus Place, Tulip Trail, Golden Gate Drive, and Callalilly Lane. The street right-of-way for Gladiolus Place, Gladiolus Court, Tulip Trail, Golden Gate Drive, and Callalilly Lane will be dedicated to the public with the Final Plat. All streets are shown as 60-foot-wide right-of-way, except for the segments of Gladiolus Place and Gladiolus Court, which are shown as 50-foot-wide right-of-way. No new street names are introduced with this phase of the subdivision.

Surrounding Zoning Classification and Land Uses:

North: NC Nature Conservancy District and Town of Grand Chute. The adjacent land uses to the north are currently single-family residential and the Apple Creek corridor and recreational trail.

South: R-1B Single-Family District and Village of Little Chute. The adjacent land uses to the south are currently single-family residential.

East: R-1B Single-Family District. Previous phases of the subdivision, Trail View Estates South and Trail View Estates South 2, are located to the east and being developed with single-family residential.

West: P-I Public Institutional District and Town of Grand Chute. The adjacent land uses to the west are currently single-family residential and public open space uses, including the USA Youth Sports Complex.

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.

Final Plat – Trail View Estates South 3

Page 4

October 12, 2022

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: Section 17-29 of the Municipal Code requires parkland dedication or fee in lieu of dedication for residential subdivisions. As specified in the Trail View South Development Agreement, the developer shall provide a 16-foot wide outlot between lots 91 and 110 connecting Golden Gate Drive and the existing Apple Creek Trail to accommodate pedestrian access to the public trail. The City will be responsible for all costs to construct and maintain this trail access corridor. The Development Agreement also indicates that the developer shall pay required park fees. 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 August 23, 2022 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

RECOMMENDATION

The Trail View Estates South 3 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. For lots zoned R-1B Single-Family District, park fees are \$300 per lot. Park fees of \$22,800 shall be paid to the City of Appleton Finance Department prior to City signatures being affixed to the Final Plat.
3. Show or note an access control restriction along French Road.

Final Plat – Trail View Estates South 3

Page 5

October 12, 2022

4. Show the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood. Per Section 17-26(i)(1) of the Municipal Code, subdivided lots shall have at least 50% of the minimum required lot area, based upon the respective zoning district, at least two feet above the elevation of the 100-year recurrence interval flood.
5. Grant relief from the minimum lot width and minimum lot area requirements for Outlot 1, per Section 17-3(f) of the Municipal Code and as stated previously in the staff report.
6. There are several errors in the Surveyor's Certificate:
 - a. "... along the South line of Outlot 1 of said Certified Survey Map 7878, S88°59'37"E, 65.44 feet ..." should refer to the north line.
 - b. "... to the Northwest corner of Lot 19 of said Trail View Estates ..." should refer to Trail View Estates South.
 - c. "... along a East line of said Lot 39; S00°52'57"W, 110.00 feet ..." should refer to the west line.
7. Near Lots 97 and 98, the label for the 12' utility easement appears to be in the wrong location. Revise as necessary.
8. Provide a 15-foot-wide sanitary sewer easement centered on the Lot 56/57 property line to accommodate future sanitary sewer extension from Gladiolus Place to lands north of the plat.
9. On Sheet 2 of the plat, modify the callout for Outlot 1 to read as follows: Dedicated to the public for trail and water main purposes.
10. For all "Storm Sewer" Easements shown on the plat, revise the description to read "Storm Sewer and Drainage" Easement.
11. Provide a Storm Sewer and Drainage Easement between Lots 62 and 63.
12. On the south side of Lots 69 and 70, revise the description of the "20' Drainage Easement" to read "20' Storm Sewer and Drainage Easement," to accommodate the proposed storm sewers.
13. On the south side of Lot 117, revise the description of the "15' Drainage Easement" to read "15' Storm Sewer and Drainage Easement," to accommodate the proposed storm sewers.
14. On the South side of Lot 127, revise the 15' drainage easement to read 15' Storm Sewer and Drainage Easement, to accommodate the proposed storm sewer.
15. On the North side of Lot 103 and 104, revise the 15' drainage easement to read 15' Storm Sewer and Drainage Easement, to accommodate the proposed storm sewer.

Final Plat – Trail View Estates South 3

Page 6

October 12, 2022

16. The open circle symbol shown on the map portions of sheets 1 and 2 are missing from the corresponding legends, add a description for the open circle symbols to the legends.
17. The scale of some of the map symbols do not match the scale of the corresponding symbols shown in the legend, revise as necessary.
18. The exterior boundary map bearing/distance of N50°02'12"E 414.42' does not match the corresponding bearing/distance of N50°02'12"E 414.41' shown in the surveyor's certificate.
19. Any planned delay to set the plat monumentation should include an application for a monumentation waiver request.
20. A Stormwater Permit with Stormwater Management Plan (SWMP) was issued on 10/26/2020 based on the master SWMP developed per the overall Trail View South Preliminary Plat. The design engineer shall confirm whether any changes were made in relation to the Trail View Estates South 3 Final Plat that could impact the approved SWMP, and submit any required revisions to the SWMP to DPW for review and approval.
21. The Stormwater Permit and approved Stormwater Management Plan (SWMP) were issued based on DPW approval of the Engineering Plans, including the subdivision Drainage Plan, by Davel and Associates dated 11/30/2020. Please work with DPW Engineering to provide the following changes to the engineering drawings, and confirm whether any other changes were made in relation to the Trail View Estates South 3 Final Plat that could impact the approved Engineering Plans, and submit any required revisions to the SWMP to DPW for review and approval:
 - a. Provide an 8" water main stub within Outlot 1 from Golden Gate Drive to the north plat limits.
 - b. Provide an 8" sanitary sewer stub within the 15' sanitary sewer easement along lots 56/57 from Gladiolus Place to the north plat limits.
22. The following streets within the Final Plat are to be classified as follows:
 - a. Gladiolus Place: Local Street
 - b. Gladiolus Court: Local Street
 - c. Tulip Trail: Local Street
 - d. Golden Gate Drive: Local Street
 - e. Callalilly Lane: Local Street
23. Development is subject to conditions of the Intergovernmental Cooperation Agreement between the Village of Little Chute and City of Appleton that was approved in 2013 and amended in 2020.

Final Plat – Trail View Estates South 3

Page 7

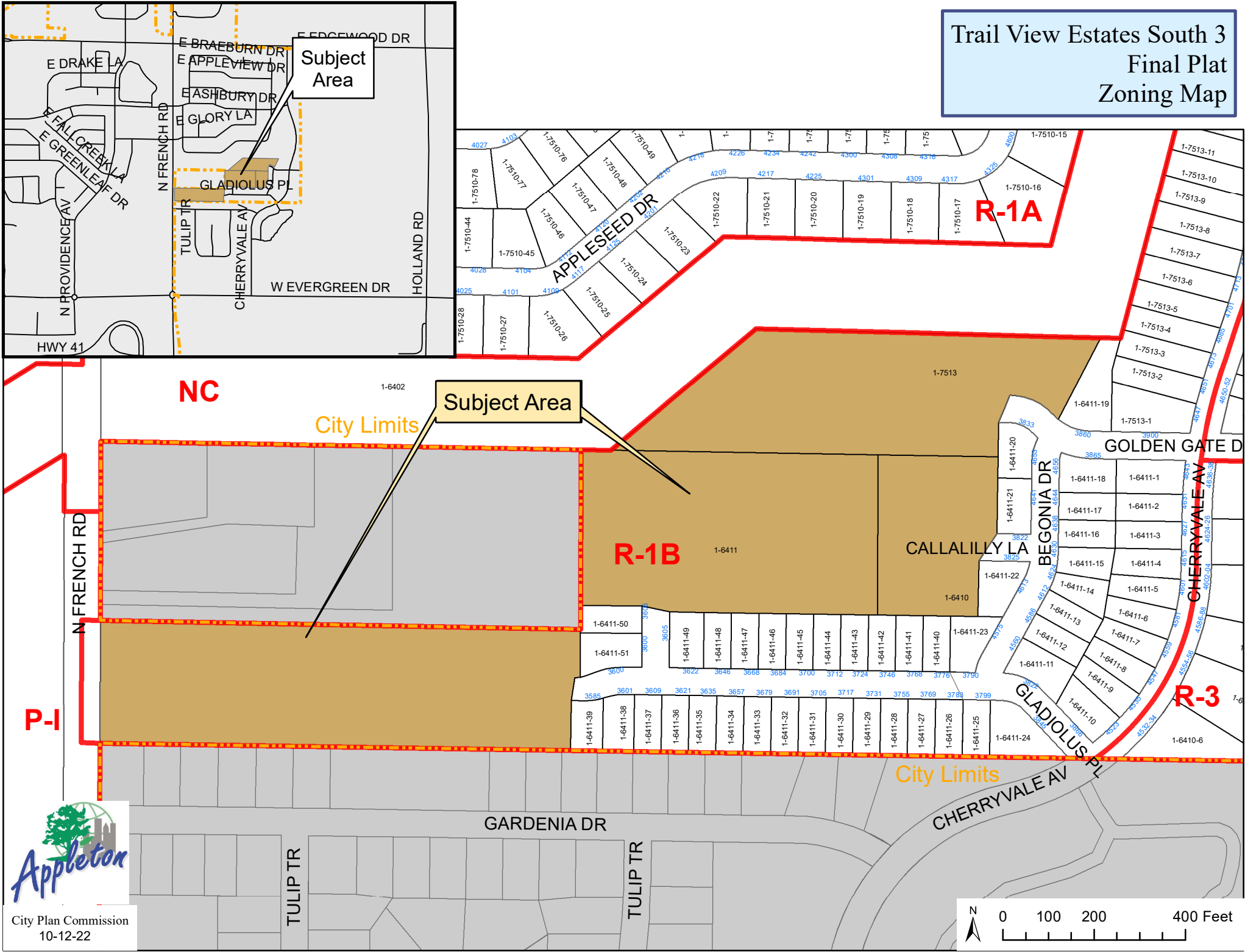
October 12, 2022

24. Development is subject to conditions of the Land Dedication Agreement between B&H Properties, Inc. and the City of Appleton that was approved by Common Council on June 5, 2013.

25. Development is subject to conditions of the Development Agreement between the City of Appleton, Village of Little Chute, and Emerald Valley Estates, LLC that was approved by Common Council on September 2, 2020.

26. 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.

Trail View Estates South 3 Final Plat Zoning Map



Trail View Estates South 3
Final Plat
Aerial Map

Subject Area

City Limits

City Limits

FRENCH RD

N APPLE RD

E APPLESEED DR

APPLESEED DR

N FRENCH RD

CALLALILLY LA

BEGONIA DR

GLADIOLUS PL

BEGONIA DR

GLADIOLUS PL

GARDENIA DR

CHERRYVALE AV



City Plan Commission
10-12-22

TULIP TR

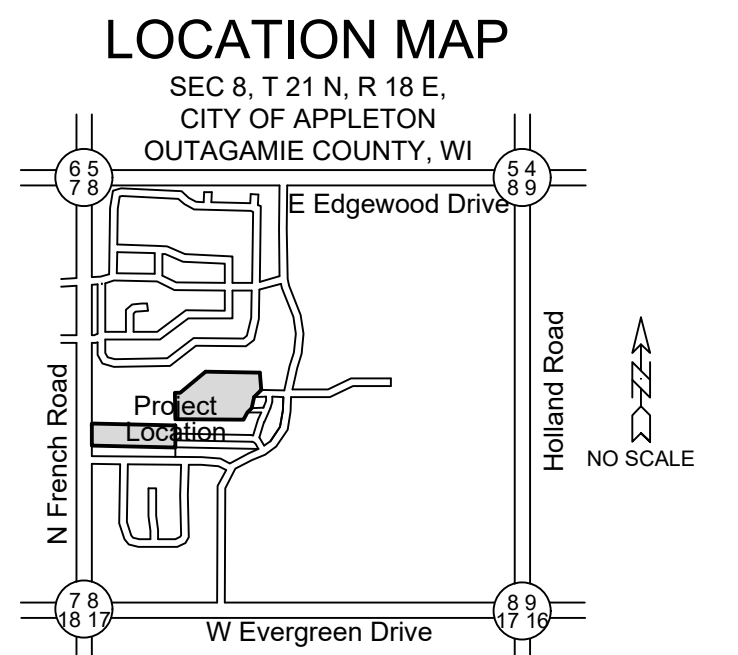
TULIP TR



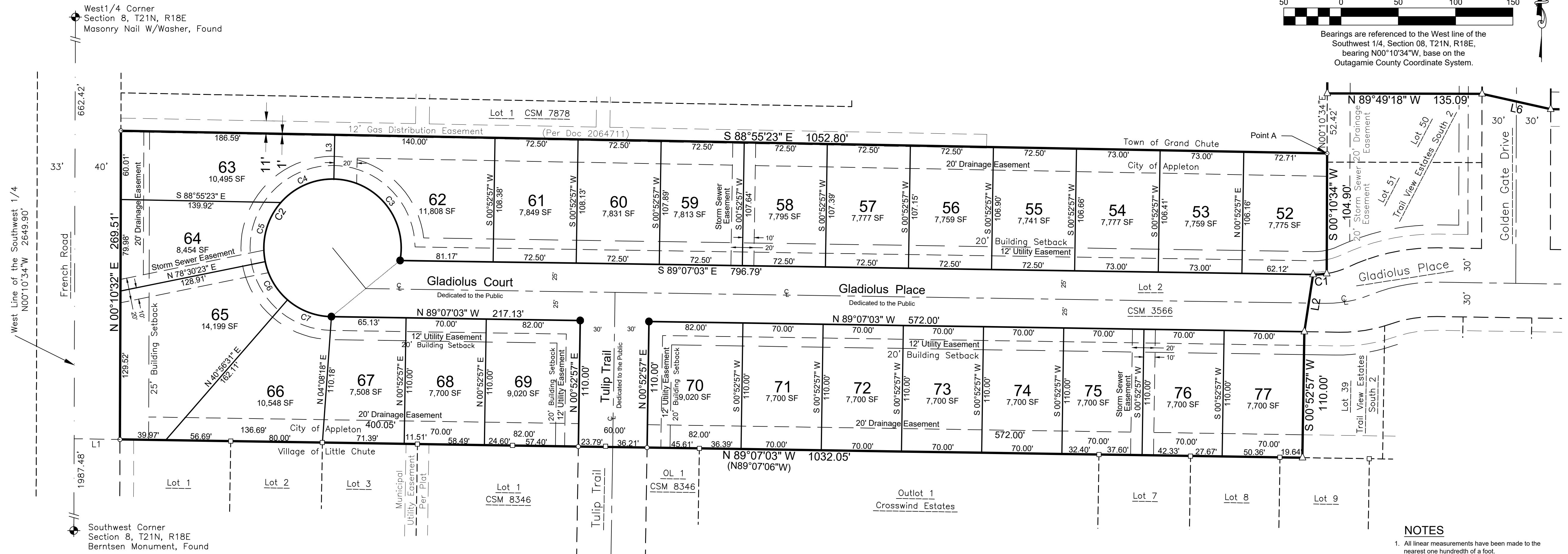
0 100 200 400 Feet

Trail View Estates South 3

Part of Outlot 1, Trail View Estates, being part of the Southwest 1/4 of the Northwest 1/4 and part of the Southeast 1/4 of the Northwest 1/4; and part of Lot 2, Certified Survey Map 3566 & part of Outlot 1, Certified Survey Map 7878 both being located in part Northwest 1/4 of the Southwest 1/4 and part Northeast 1/4 of the Southwest 1/4, all located in Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin



Bearings are referenced to the West line of the Southwest 1/4, Section 08, T21N, R18E, bearing N00°10'34"W, base on the Outagamie County Coordinate System.



West 1/4 Corner
Section 8, T21N, R18E
Masonry Nail W/Washer, Found

Southwest Corner
Section 8, T21N, R18E
Bernsten Monument, Found

Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	70.00'	S 85°59'38" W	11.93'	11.95'	9°46'38"	N 81°06'19" E	S 89°07'03" E
C2	60.00'	S 00°58'50" W	120.00'	188.70'	180°11'45"	S 88°55'18" E	N 89°07'03" W
C3	60.00'	N 39°13'21" W	91.52'	104.09'	99°23'54"	N 88°55'18" W	N 10°28'38" E
C4	60.00'	S 66°16'10" W	50.35'	51.96'	49°37'04"	S 41°27'38" W	N 88°55'18" W
C5	60.00'	S 14°59'01" W	53.50'	55.45'	52°57'15"	S 11°29'37" E	S 41°27'38" W
C6	60.00'	S 30°16'33" E	38.64'	39.34'	37°33'52"	S 49°03'29" E	S 11°29'37" W
C7	60.00'	S 69°05'16" E	41.10'	41.95'	40°03'34"	S 89°07'03" E	S 49°03'29" E
C8	120.00'	N 47°16'23" W	17.53'	17.54'	8°22'34"	S 51°27'40" E	S 43°05'06" E
C9	130.00'	N 66°06'05" W	101.66'	104.44'	46°01'57"	S 43°05'06" E	S 89°07'03" E
C10	130.00'	N 52°45'44" W	43.71'	43.91'	19°21'16"	N 62°26'22" W	N 43°05'06" W
C11	130.00'	N 73°30'32" W	49.92'	50.23'	22°08'20"	N 84°34'42" W	N 62°26'22" W
C12	130.00'	N 86°50'52" W	10.30'	10.30'	4°32'21"	N 89°07'03" W	N 84°34'42" W
C13	180.00'	N 70°27'34" E	125.62'	128.32'	40°50'45"	N 50°02'12" E	S 89°07'03" E
C14	180.00'	S 87°19'03" W	22.39'	22.40'	7°07'48"	S 83°45'09" W	N 89°07'03" W
C15	180.00'	S 75°19'25" W	52.77'	52.96'	16°51'29"	S 66°53'40" W	S 83°45'09" W
C16	180.00'	S 58°27'56" W	52.77'	52.96'	16°51'29"	S 50°02'12" W	S 66°53'40" W

Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C17	230.00'	N 25°06'27" E	193.89'	200.14'	49°51'30"	N 00°10'42" E	N 50°02'12" E
C18	230.00'	S 45°38'23" W	35.27'	35.30'	8°47'37"	S 41°14'35" W	S 50°02'12" W
C19	230.00'	S 34°32'08" W	53.73'	53.85'	13°24'53"	S 27°49'41" W	S 41°14'35" W
C20	230.00'	S 21°07'15" W	53.73'	53.85'	13°24'53"	S 14°24'48" W	S 27°49'41" W
C21	230.00'	S 07°44'49" W	53.40'	53.52'	13°19'57"	S 01°04'51" W	S 14°24'48" W
C22	230.00'	S 00°37'46" W	3.62'	3.62'	0°54'09"	S 00°10'42" W	S 01°04'51" W
C23	170.00'	N 42°32'57" E	44.31'	44.43'	14°58'31"	N 35°03'41" E	N 50°02'12" E
C24	120.00'	N 70°27'34" E	83.75'	85.55'	40°50'45"	N 50°02'12" E	S 89°07'03" E
C25	120.00'	N 67°15'25" E	71.05'	72.13'	34°26'26"	N 50°02'12" E	N 84°28'38" E
C26	120.00'	N 87°40'47" E	13.41'	13.42'	6°24'19"	N 84°28'38" E	S 89°07'03" E
C27	70.00'	N 77°06'37" W	29.13'	29.34'	24°00'53"	N 89°07'03" W	N 65°06'10" W
C28	170.00'	N 07°27'20" E	43.07'	43.18'	14°33'17"	N 00°10'42" E	N 14°43'59" E
C29	130.00'	S 77°06'37" W	54.09'	54.49'	24°00'53"	S 65°06'10" E	S 89°07'03" E
C30	130.00'	S 75°52'14" E	48.58'	48.86'	21°32'08"	S 65°06'10" E	S 86°38'18" E
C31	130.00'	S 87°52'40" E	5.62'	5.63'	2°28'45"	S 86°38'18" E	S 89°07'03" E

Line	Bearing	Length
L1	N 89°07'03" W	40.00'
L2	S 08°39'16" W	50.46'
L3	S 01°04'42" W	38.85'
L4	S 22°41'34" W	64.63'
L5	N 33°41'16" E	71.38'
L6	S 77°23'19" E	61.44'
L7	S 39°57'48" E	31.66'

NOTES
1. All linear measurements have been made to the nearest one hundredth of a foot.
2. All bearings are computed and measured to the nearest second.

LEGEND
 Δ 1 1/2" Rebar Found
 □ 1.3" OD Iron Pipe Found
 ● 1 1/2" x 30" Steel Rebar @ 4.30lbs/LF SET
 All Other Corners
 3/4" x 24" Steel Rebar @ 1.50lbs/LF SET
 SF Lot Areas in Square Feet
 () Recorded As
 --- Existing Lot Line

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

James R. Sehlhoff PLS 2692 Date _____

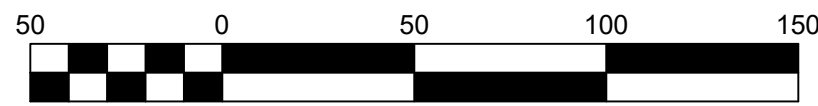
Revision Date: Jun 28, 2022
 File: 6025Final3.dwg
 Date: 06/28/2022
 Drafted By: Jim
 Sheet: 1 of 3

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
 Civil Engineers and Land Surveyors
 1164 Province Terrace, Menasha, WI 54952
 Ph: 920-991-1866 Fax: 920-441-0804
 www.davel.pro

Jun 28, 2022 - 9:30am - J:\Projects\6025\6025.dwg Civil 3D (6025)Final3.dwg Printed by: Jim

Trail View Estates South 3

Part of Outlot 1, Trail View Estates, being part of the Southwest 1/4 of the Northwest 1/4 and part of the Southeast 1/4 of the Northwest 1/4; and part of Lot 2, Certified Survey Map 3566 & part of Outlot 1, Certified Survey Map 7878 both being located in part Northwest 1/4 of the Southwest 1/4 and part Northeast 1/4 of the Southwest 1/4, all located in Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin



Bearings are referenced to the West line of the Southwest 1/4, Section 08, T21N, R18E, bearing N00°10'34"W, base on the Outagamie County Coordinate System.

NOTES

- All linear measurements have been made to the nearest one hundredth of a foot.
- All bearings are computed and measured to the nearest second.

LEGEND

- ▲ 1 1/2" Rebar Found
- 1.3" OD Iron Pipe Found
- 1 1/2" x 30" Steel Rebar @ 4.30lbs/LF SET
- All Other Corners
- 3" x 24" Steel Rebar @ 1.50lbs/LF SET
- SF Lot Areas In Square Feet
- () Recorded As
- - - Existing Lot Line



James R. Sehloff PLS 2692 Date

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

Revision Date: Jun 28, 2022
 File: 6025Final3.dwg
 Date: 06/28/2022
 Drafted By: Jim
 Sheet: 2 of 3

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
 Civil Engineers and Land Surveyors
 1164 Province Terrace, Menasha, WI 54952
 Ph: 920-991-1866 Fax: 920-441-0804
 www.davel.pro

Jun 28, 2022 - 9:30am - J:\Projects\6025\6025\6025\Final3.dwg Printed by: Jim

Trail View Estates South 3

Part of Outlot 1, Trail View Estates, being part of the Southwest 1/4 of the Northwest 1/4 and part of the Southeast 1/4 of the Northwest 1/4; and part of Lot 2, Certified Survey Map 3566 & part of Outlot 1, Certified Survey Map 7878 both being located in part Northwest 1/4 of the Southwest 1/4 and part Northeast 1/4 of the Southwest 1/4, all located in Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

Surveyor's Certificate

I, James R. Sehloff, Professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Appleton, and under the direction of Emerald Valley Estates, LLC, owner of said land, I have surveyed divided and mapped Trail View Estates South 3; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is part of Outlot 1, Trail View Estates, recorded as Document No 2133204, being part of the Southwest 1/4 of the Northwest 1/4 and part of the Southeast 1/4 of the Northwest 1/4; and part of Lot 2, Certified Survey Map 3566 recorded as Document No 1338412 and part of Outlot 1, Certified Survey Map 7878, recorded as Document No 2187534, both being located in part Northwest 1/4 of the Southwest 1/4 and part Northeast 1/4 of the Southwest 1/4, all located in Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 806,278 Square Feet (18.5096 Acres) of land more or less, described as follows:

Commencing at the Southwest 1/4 Corner of Section 8; thence, along the West line of the Southwest 1/4, N00°10'34"W, 1987.48 feet to the extension of the North line of Crosswinds Estates; thence, along said extension, S89°07'03"E, 40.00 feet to the Easterly right of way line of French Road said point also being the point of beginning; thence, along said East right of way line, N00°10'32"E 269.51 feet to the South line of Lot 1 Certified Survey Map 7878; thence, along said South line, S88°55'23"E 1052.80 feet to the Southeast corner said Lot 1; thence along the East line of said Lot 1, N00°10'34"E, 52.42 feet to the Northwest Corner of Trail View Estates South 2; thence, continuing along said East line of Certified Survey Map 7878, N00°10'34"E, 341.71 feet to the Northeast corner of said Lot 1; thence, along the South line of Outlot 1 of said Certified Survey Map 7878, S89°59'37"E, 65.44 feet to the Southwest corner of Outlot 1 Trail View Estates; thence, along the West line of said Outlot 1, N50°02'12"E, 414.41 feet to the Northwest Corner of said Outlot 1; thence, along the North line of said Outlot 1, S88°29'02"E, 756.81 feet to the Northwest corner of Lot 19 of said Trail View Estates; thence, along the West line of said Lot 19, S27°33'38"W, 201.43 feet to the Northerly right of way line of Golden Gate Drive; thence, along said Northerly right of way line, 17.54 feet, along the arc of a curve to the right with a radius of 120.00 feet and a chord of 17.53 feet which bears N47°16'23"W; thence, continuing along said Northerly right of way line, 104.44 feet, along the arc of a curve to the left with a radius of 130.00 feet and a chord of 101.66 feet which bears N66°06'05"W; thence, along a Westerly line of said Trail View Estates South, S22°41'34"W, 64.63 feet to the Northwest corner of Lot 20 Trail View Estates South; thence, along a Westerly line of said Trail View Estates South, S00°52'57"W, 244.00 feet to the Southwest corner of Lot 21 of said Trail View Estates South; thence, along a Westerly line of said Trail View Estates South, S33°41'16"W, 71.38 feet to the Northwest corner of Lot 22 of said Trail View Estates South; thence, along said North line of said Lot 22, S00°52'57"W, 122.50 feet to a point on the North line of Lot 23 of said Trail View Estates South; thence, along said North line of said Lot 23 and a North line of Trail View Estates South 2, N89°07'03"W, 676.51 feet to the Northwest corner of Lot 49 of said Trail View Estates South 2; thence, continuing along a North line of Trail View Estates South 2; N77°23'19"W, 61.44 feet to the Northeast corner of Lot 50 of said Trail View Estates South 2; thence, along the North line of said Lot 50, N89°49'18"W, 135.09 feet to said East line of Lot 1 of Certified Survey Map 7878; thence, along said East line, S00°10'34"W, 52.42 feet to said Southeast corner of said Lot 1; thence, along a West line of Trail View Estates South 2; S00°10'34"W, 104.90 feet to a point on the North right of way line of Gladiolus Place; thence, along said Northerly right of way line, 11.95 feet, along the arc of a curve to the right with a radius of 70.00 feet and a chord of 11.93 feet which bears S85°59'38"W; thence, along a West line of said Trail View Estates South 2; S08°39'16"W, 50.46 feet to the Northwest corner of Lot 39 of said Trail View Estates South 2; thence, along a East line of said Lot 39; S00°52'57"W, 110.00 feet; to the North line of Crosswind Estates as evidenced; thence, along said North line, N89°07'03"W, 1032.05 feet to the point of beginning, subject to all easements, and restrictions of record.

Given under my hand this _____ day of _____, 20_____.

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

Owner's Certificate

Emerald Valley Estates, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Emerald Valley Estates, LLC, does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

City of Appleton
Outagamie County Planning & Zoning Committee
Department of Administration

Dated this _____ day of _____, 20_____.

In the presence of: Emerald Valley Estates, LLC

Robert A. DeBruin, Managing Member

State of Wisconsin)

_____ County) ss

Personally came before me this _____ day of _____, 20_____, the above the property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

My Commission Expires _____

Notary Public, Wisconsin

Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by

Emerald Valley Estates, LLC, Grantor, to:

Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee, SBC, Grantee, and Time Warner Cable, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, 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.

Emerald Valley Estates, LLC

Robert A. DeBruin, Managing Member

_____ Date

Drainage Maintenance and Storm Sewer Easement Provisions

An easement for Drainage and Storm Sewer is hereby granted by:

Emerald Valley Estates, LLC, Grantor, to:

THE CITY OF APPLETON, Grantee,

- Purpose:** The purpose of this easement is for the Grantee to access, install, regrade, replace, relocate, operate, maintain, resize storm sewer, drainage ditch/swale, and associated appurtenances. Grantee does hereby agree to compensate Grantor fully for any damage caused directly or indirectly from said maintenance, repair, replacement or relocation of said storm sewer, drainage ditch/swale and associated appurtenances that occur outside of the easement area. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with grantee's use of the easement area.
- Access:** Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area.
- Buildings or Other Structures:** Buildings or any other type of structure shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Drainage Easement" or "Storm Sewer & Drainage Easement".
- Elevation:** The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered without the written consent of 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 owners 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.

Emerald Valley Estates, LLC

Robert A. DeBruin, Managing Member

_____ Date

City of Appleton Approval

Resolved, that the plat of Trail View Estates South 3, in the City of Appleton, Outagamie County, Emerald Valley Estates, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

Jacob A. Woodford, Mayor

_____ Date

I hereby certify that the foregoing is a copy of a resolution adopted by the the Common Council of the City of Appleton.

Kami Lynch, City Clerk

_____ Date

Treasurer's Certificate

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

City Treasurer

_____ Date

County Treasurer

_____ Date

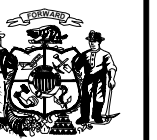
This Final Plat is contained wholly within the property described in the following recorded instruments:

The property owner of record:	Recording Information:	Parcel Number(s):
Emerald Valley Estates, LLC	Doc No. 2211550	311-6410-00
	Doc No. 2192218	311-6411-00
	Doc No. 2092715	311-7513-00

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



File: 6025Final3.dwg
Date: 06/28/2022
Drafted By: Jim
Sheet: 3 of 3
Revision Date: Jun 28, 2022



DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors
1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro