

**86-19**

**AN ORDINANCE REPEALING SECTION 10-42 OF CHAPTER 10 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO TRUANCY AND HABITUAL TRUANCY.**

(Safety and Licensing Committee – 8/21/2019)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 10-42 of Chapter 10 of the Municipal Code of the City of Appleton, relating to truancy and habitual truancy, is hereby repealed.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

**87-19**

**AN ORDINANCE AMENDING SECTION 23-22 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO WORDS AND TERMS DEFINED.**

(City Plan Commission – 9/4/2019)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 23-22 of Chapter 23 of the Municipal Code of the City of Appleton, relating to words and terms defined, is hereby amended to read as follows:

**Sec. 23-22. Words and terms defined.**

For the purposes of this article, certain terms shall have the meanings ascribed to them in this section, unless the context clearly indicates otherwise.

***Historic Preservation***

(20) ***Historic preservation repair*** means the act or process of applying measures, except for painting, necessary to prolong or replace deteriorated, decayed or damaged existing exterior features of a local historic structure, local historic site or contributing structure or any part thereof by using materials that are identical in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. to original materials. The term “historic preservation repair”

includes the installation of roof singles, windows, doors or other architectural features where the original opening will not be enlarged, reduced or altered.

(24) **Identical (materials)** means for the purpose of Section 23-651, means exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc.

(25) **Important person or persons** means an individual or a group of individuals who has made significant contributions to Appleton, the state or the nation, including but not limited to medicine, politics, commerce, history, engineering and/or architecture.

(26) **Improvement** means any building, structure, or object constituting a physical betterment of real property, or any part of such betterment.

(27) **Improvement parcel** means a lot or parcel of land together with the buildings and structures thereon, which has been assigned a tax parcel number by the City Assessor's Office. The term "improvement parcel" shall also include any unimproved area of land which has been assigned a tax parcel number by the City Assessor's Office.

(35) **Similar (materials)** means for the purpose of Section 23-651, means nearly but not exactly the same in design, color, scale, architectural appearance, and other visual qualities including, but not limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. or alike; having a general resemblance, although allowing for some degree of difference. This term is to be interpreted to mean that one thing has a resemblance in many respects, nearly corresponds, in somewhat like, or has a general likeness to some other thing but not identical in form and substance.

(36) **Work** means demolition or historic preservation alteration or repair.

*Please note: Only subsections with changes are included.*

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

## **88-19**

### **AN ORDINANCE AMENDING SECTION 23-651 OF CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON, RELATING TO HISTORIC PRESERVATION.**

(City Plan Commission – 9/4/2019)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Section 23-651 of Chapter 23 of the Municipal Code of the City of Appleton, relating to historic preservation, is hereby amended to read as follows:

**Sec. 23-651. Historic preservation.**

(a) ***Purpose.*** It is hereby declared a matter of public policy that the protection, enhancement, preservation and use of improvements or sites of special character or special architectural, archeological or historic interest or value is a public necessity and is required in the interest of the health, prosperity, safety and welfare of the people. The purpose of this section is to:

- (1) Effect and accomplish the protection, enhancement and preservation of such improvements, sites and districts which represent or reflect elements of Appleton's cultural, social, economic, political, artistic and architectural history;
- (2) Safeguard Appleton's historic, prehistoric and cultural heritage, as embodied and reflected in such historic structures, sites and districts;
- (3) Foster civic pride in the notable accomplishments of the past;
- (4) Stabilize and improve property values and enhance the visual and aesthetic character of Appleton;
- (5) Protect and enhance Appleton's attractions to residents, tourists and visitors, and serve as a support and stimulus to business and industry.

(b) ***General.*** This section shall in no way be construed to undermine or supersede and shall be consistent with the existing adopted City of Appleton Municipal Code which protects the public health, safety and welfare of Appleton residents. Ordinary maintenance and repairs shall be made to ensure compliance with Article 4 of Chapter 4 of the Municipal Code.

(c) ***Definitions.*** See Section 23-22 Words and terms defined, under the reference "HISTORIC PRESERVATION".

(d) ***Organization.*** The Historic Preservation Commission is hereby created and shall consist of five (5) regular members and two (2) alternates appointed by the Mayor and subject to approval by the Common Council as vacancies occur or terms expire.

(e) ***Members and qualifications.*** If possible, one (1) regular member shall be an architect; one (1) shall be an alderperson; two (2) regular members shall have historian, restoration craftsman, or architectural history credentials or expertise, or other historic preservation related disciplines such as urban planning, American Studies, American

Civilization, cultural geography or cultural anthropology; one (1) regular member shall be a licensed real estate broker with two (2) alternates appointed from any of the above qualifications. All members shall be selected for their knowledge of and interest in matters pertaining to this section. Alternate members shall have full voting power in the event one (1) or more regular members have declared a conflict of interest or in the event one (1) or more regular members are absent.

(f) **Terms.** The term for each member shall be three (3) years on staggered terms except, the alderperson will be appointed annually at the Common Council annual reorganizational meeting. The term for each member shall expire May 1 of each year.

(g) **Reorganizational meeting.** The Historic Preservation Commission shall reorganize in May of each year by electing a chair, vice-chair, contact person and secretary. All meetings of the Commission shall be held at the call of the chairman or at such times as the Commission determines.

(h) **Designation of local historic structures, local historic sites and local historic districts.** The Historic Preservation Commission shall have the power to recommend local designation of historic structures, historic sites and historic districts within the City of Appleton limits. Such designation shall be made based on the review of the local historic structure, local historic site and local historic district designation criteria identified in subsection (i) of this section. Local designation of historic sites, historic structures and historic districts shall be recommended to the Common Council for a final approval. Once designated, such local historic structures, local historic site and local historic district shall be subject to all the provisions of this chapter.

(i) **Local historic structure, local historic site and local historic district designation criteria.** For purposes of this chapter, a local historic structure, local historic site or local historic district designation may be placed on any improvement parcel, natural area, improvement, or any area of particular historic, architectural, archeological or cultural significance to the City of Appleton, the state or the nation, which is determined to have historical significance by meeting at least one (1) of the following criteria:

- a. Criterion 1: Are identified with important events that exemplify or reflect the broad cultural, political, economic or social history of the nation, state or community; or
- b. Criterion 2: Are identified with an important person or persons that have made specific contributions to national, state or local history; or
- c. Criterion 3: Embody the distinguishing characteristics of an architectural type or specimen inherently valuable for a study of a period, style, method of construction, or of indigenous materials or craftsmanship, or that represents a significant and distinguishable entity whose components lack individual distinction; or

- d. Criterion 4: Are representative of the notable work of a master builder, designer or architect who influenced his age; or
- e. Criterion 5: Have yielded, or may be likely to yield, information important to prehistory or history.

(j) ***Operating guidelines.*** The Historic Preservation Commission may adopt specific operating guidelines subject to Common Council approval for local historic structure, local historic site and local historic district designation, providing such operating guidelines are in conformance with the provisions of this chapter. It is important to ensure that these operating guidelines are reviewed on a regular basis to ensure they are appropriate to the architectural and site characteristics of the full range of the City of Appleton's designated local historic structures, local historic sites and local historic districts and that they adequately reflect current understandings of appropriate restoration and rehabilitation techniques.

(k) ***Procedure for designation of local historic structures and sites.***

- (1) ***Application process.*** Application forms for designation of local historic structures and local historic sites shall be submitted to the Community and Economic Development Department. After submittal and acceptance of a complete application through initial review by the Director, the complete application, which includes the written application and supporting materials are then filed with the City Clerk.
- (2) ***Informal Public hearing at Historic Preservation Commission.*** At least fourteen (14) days prior to such informal public hearing, the Community and Economic Development Department shall mail the informal public hearing notice, by 1<sup>st</sup> Class mail, to the alderperson of the aldermanic district, owners of record of the proposed local historic structure designation or local historic site designation and owners situated within one hundred (100) foot radius of the nominated local historic structure or site, as listed in the Office of the City Assessor. The informal public hearing notice shall identify the purpose, date, time and place of the informal public hearing.
  - a. The Historic Preservation Commission shall then conduct such informal public hearing and, in addition to the notified persons, may hear expert witnesses and review records as it deems necessary.
- (3) ***Action by the Historic Preservation Commission.*** After the close of the informal public hearing, the Historic Preservation Commission shall review the criteria in subsection (i) a., b., c., d. and e. of this section and either recommend approval or denial of the proposed local historic structure designation or local historic site designation to the Common Council, unless time is extended by agreement between the Historic

Preservation Commission and the owner or owner's agent in charge of the property.

(4) ***Action by the Common Council.***

- a. Notice of public hearing for proposed local historic structure designation or local historic site designation shall be given by a Class 2 newspaper notice. The notice of public hearing shall identify the purpose, date, time and place of the public hearing.
- b. At least fourteen (14) days prior to such public hearing, the City Clerk shall mail the public hearing notice by 1<sup>st</sup> Class mail, to the alderperson of the aldermanic district, owners of record of the proposed local historic structure designation or local historic site designation and owners situated within one hundred (100) foot radius of the nominated local historic structure or site, as listed in the Office of the City Assessor. The public hearing notice shall identify the purpose, date, time and place of the public hearing.
- c. After the close of the public hearing, the Common Council shall review the report and recommendation of the Historic Preservation Commission. The Common Council shall either approve or deny the proposed local historic structure designation or local historic site designation, or refer the matter back to the Historic Preservation Commission.
- d. City Clerk shall send written notice of the action taken by the Common Council to the property owner(s) or owner's agent, Community and Economic Development Department, Inspections Supervisor and the City Assessor.

(1) ***Procedure for designation of local historic districts.***

- (1) ***Historic district designation criteria.*** For preservation purposes, the Historic Preservation Commission shall select geographically defined areas within the city of Appleton to be designated as a local historic district and shall, in cooperation with the property owner(s) or owner's agent prepare a Historic Preservation Plan for each area. A local historic district may be designated for any geographic area of particular historic, architectural or cultural significance to the city of Appleton, after review of the criteria in subsection (i) a., b., c., d. and e. of this section.
  - a. ***Local Historic Preservation Plan.*** Each local historic preservation plan shall include the following:

1. a brief description of the district,
2. identification of the current property owners of record, of the contributing structures,
3. identification of the uses/functions of each property in the district,
4. a legal description of the district boundaries,
5. a map showing the legal boundaries of the district,
6. current photographs of the contributing structures,
7. a historical/cultural and architectural analysis supporting the historic/cultural significance of the district, and
8. a statement of preservation objectives and specific guidelines for future historic preservation alterations, historic preservation repairs or demolition activities within the district.

- (2) ***Application process.*** Application forms for local historic district designations shall be submitted to the Community and Economic Development Department. After submittal and acceptance of a complete application through initial review by the Director, the complete application, which includes the written application, the Local Historic Preservation Plan and supporting materials are then filed with the City Clerk.
- (3) ***Informal public hearing at Historic Preservation Commission.*** At least fourteen (14) days prior to such hearing, the Community and Economic Development Department shall mail the informal public hearing notice, by 1<sup>st</sup> Class mail, to the alderperson of the aldermanic district or districts, owners of record within the proposed local historic district and owners of property in whole or in part situated within a one hundred (100) foot radius of the nominated local historic district, as listed in the Office of the City Assessor. The notice of informal public hearing shall identify the purpose, date, time and place of the informal public hearing.
- (4) ***Action by the Historic Preservation Commission.*** After the close of the informal public hearing, the Historic Preservation Commission shall review the criteria in subsection (i) a., b., c., d. and e. of this section and either recommend approval or denial of the proposed local historic district designation and adoption of the proposed Local Historic Preservation Plan to the Common Council, unless time is extended by agreement between

the Historic Preservation Commission and the owner(s) or owner's agent in charge of the property.

(5) ***Action by the Common Council.***

- a. Notice of public hearing for designation of local historic districts and adoption of the Local Historic Preservation Plan shall be given by a Class 2 newspaper notice. The notice of public hearing shall identify the purpose, date, time and place of the public hearing.
- b. At least fourteen (14) days prior to such hearing, the City Clerk shall mail the public hearing notice by 1<sup>st</sup> Class mail, to the alderperson of the aldermanic district or districts, owners of record within the proposed local historic district, and owners of property in whole or in part situated within a one hundred (100) foot radius of the nominated local historic district, as listed in the Office of the City Assessor.
- c. After the close of the public hearing, the Common Council shall review the report and recommendation of the Historic Preservation Commission. The Common Council shall either approve or deny the proposed local historic district designation and the proposed Local Historic Preservation Plan, or refer the matter back to the Historic Preservation Commission. Designation of the local historic district shall constitute adoption of the proposed Local Historic Preservation Plan prepared for that local historic district and denotes the implementation of said plan.
- d. The City Clerk shall send written notice of the action taken by the Common Council to the property owners or owner's agent, Community and Economic Development Department, Inspections Supervisor and the City Assessor.

(m) ***Recognition of locally designated historic structures, historic sites and historic districts.*** At such time as a locally designated historic structure, historic site or historic district has been properly designated, the Historic Preservation Commission, in cooperation with the property owner(s) or owner's agent, may allow a suitable plaque, marker or other appropriate identifier declaring that such property is a local historic structure, local historic site, local historic district, or a contributing structure.

(n) ***Certificate of Appropriateness provision: Regulation for exterior construction, reconstruction, historic preservation alteration and demolition.***

- (1) No owner or owner's agent in charge of a local historic structure, local historic site or contributing structure shall be issued a permit by the Division of Inspections for any work identified in subsection (n)(2) a. and



b. of this section, unless a Certificate of Appropriateness has been granted by the Historic Preservation Commission.

(2) An owner or owner's agent in charge of a local historic structure, local historic site or contributing structure shall apply for and receive approval of a Certificate of Appropriateness from the Historic Preservation Commission prior to performing any of the following work:

- a. Historic preservation alterations or demolition of all or any part of a local historic structure, local historic site or contributing structure;
- b. Historic preservation alterations or demolition of any improvement upon a local historic structure, local historic site or contributing structure.

(3) ***Application process.*** Application forms for a Certificate of Appropriateness shall be submitted to the Community and Economic Development Department. After submittal and acceptance of a complete application through initial review by the Director, the complete application, which includes the written application and supporting materials are then forwarded to the Historic Preservation Commission.

a. ***Standards for granting Certificate of Appropriateness for exterior construction, reconstruction and historic preservation alterations.*** In determining whether to approve or deny a Certificate of Appropriateness for a historic preservation alteration, the Historic Preservation Commission shall approve the application if one (1) or more of the following can be demonstrated:

1. In the case of a local historic structure, local historic site or a contributing structure, the proposed work utilizes materials that are similar in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. to the original exterior materials used in the construction of such local historic structure, local historic site, or contributing structure;
2. In the case of the construction of a new improvement upon a local historic structure, local historic site, or a contributing structure, the exterior materials of such improvement are similar in design, color, scale, architectural appearance, and other visual qualities

including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. to the original exterior materials used in the construction of such local historic structure, local historic site, or contributing structure;

3. In the case of any improvement made to a contributing structure, the proposed exterior historic preservation alteration shall conform to the purpose of this section and to the objectives and design criteria of the local historic preservation plan for the applicable local historic district.

b. ***Standards for granting Certificate of Appropriateness for demolition.*** In determining whether to approve or deny a Certificate of Appropriateness for any demolition of all or part of a local historic structure, a local historic site or a contributing structure, the Historic Preservation Commission shall approve the application if one (1) or more of the following can be demonstrated:

1. The local historic structure or local historic site or contributing structure is in such deteriorated condition that it is not economically feasible to renovate or restore it, provided that any economic hardship or difficulty claimed by the owner or owner's agent has not been self-created or is not the result of any failure to maintain the local historic structure, local historic site or contributing structure in good repair.
2. The local historic structure, local historic site or contributing structure is of such local architectural or historical significance that its demolition would not be detrimental to the public interest and would not be contrary to the general welfare of the people of the city of Appleton and the state;
3. The denial of the demolition permit would result in the loss of reasonable and beneficial use of or economic return from the property.

(4) ***Review and decision by the Historic Preservation Commission.*** The Historic Preservation Commission, within twenty-five (25) business days from the date the Certificate of Appropriateness application was accepted by the Director, shall either approve or deny the application, unless the time is extended by agreement between the Historic Preservation

Commission and the owner or owner's agent in charge of the property. The Historic Preservation Commission shall clearly state the reasons why the exterior materials are similar or are not similar in design, color, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. to the original exterior materials used in the construction of such local historic structure, local historic site, or contributing structure.

(5) ***Appeals.***

- a. If the Historic Preservation Commission denies the Certificate of Appropriateness, the Historic Preservation Commission shall, at the request of the owner or person in charge of such property, work with the owner or owner's agent in charge of such property in an attempt to obtain a Certificate of Appropriateness within the standards of this section.
- b. In addition, if the Historic Preservation Commission denies the application for a Certificate of Appropriateness due to the proposal failing to conform to the standards for granting a Certificate of Appropriateness as identified in this section, the owner or owner's agent may appeal such decision to the Common Council.
  1. The owner or owner's agent in charge of such property shall file a written appeal specifying the grounds for such an appeal with the Director no later than thirty (30) days from the date of the decision of the Historic Preservation Commission. Failure by the owner or owner's agent in charge of such property to file a written appeal in accordance with the abovementioned provisions shall be deemed to constitute a withdrawal of the application for a Certificate of Appropriateness.
  2. After consideration of the appeal, the Common Council by majority vote may either affirm the decision of the Historic Preservation Commission or approve the issuance of the Certificate of Appropriateness, in which case the Director shall issue the Certificate of Appropriateness.

(6) ***Other permits and approvals.*** The approval of a Certificate of Appropriateness shall not relieve the property owner or owner's agent from applying for and obtaining all necessary permits and approvals pursuant to the Municipal Code prior to the commencement of such proposed work.

- (7) ***Violation; penalty.*** Failure to comply with the approved Certificate of Appropriateness or failure to obtain a Certificate of Appropriateness prior to the issuance of a building permit shall be a violation of this section. Administration and enforcement shall be as prescribed in the enforcement section of this chapter.

(o) ***Exempt work from Certificate of Appropriateness provisions.*** Historic preservation repairs made to a local historic structure or local historic site or contributing structure may be undertaken without a Certificate of Appropriateness, provided the work involves repairs to existing exterior features of a local historic structure or local historic site, or the replacement of existing exterior features of a local historic structure, local historic site or contributing structure with materials that are identical in design, scale, architectural appearance, and other visual qualities including, but limited to, alignment, character, context, directional expression, height, location, materials, massing, proportion, relationship of solids to voids, rhythm, setting, size, volume, etc. to the original exterior materials used in the construction of such local historic structure, local historic site, or contributing structure and does not require the issuance of a building permit. Painting is exempt from the Certificate of Appropriateness provisions.

(p) ***Procedure to rescind a local historic structure designation, local historic site designation and local historic district designation.***

- (1) ***Application process.***

- a. ***Rescind a local historic structure designation or local historic site designation.*** The property owner or owner's agent in charge of a local historic structure or local historic site shall submit an application form to rescind a local historic structure designation or local historic site designation to the Community and Economic Development Department. After submittal and acceptance of a complete application through initial review by the Director, the complete application, which includes the written application and supporting materials are then filed with the City Clerk.
- b. ***Rescind a local historic district designation.*** The majority (greater than fifty percent (50%)) of the property owners and/or owner's agents in charge of a contributing structure shall submit an application form to rescind a local historic district designation and the applicable local historic preservation plan to the Community and Economic Development Department. After submittal and acceptance of a complete application through initial review by the Director, the complete application, which includes the written application and supporting materials are then filed with the City Clerk.

(2) ***Public Hearing at Historic Preservation Commission.***

- a. Notice of public hearing to rescind a local historic structure designation, local historic site designation, or local historic district designation and the applicable local historic preservation plan shall be given by a Class 2 newspaper notice. The notice of public hearing shall identify the purpose, date, time and place of the public hearing.
- b. At least fourteen (14) days prior to such hearing, the Community and Economic Development Department shall mail the public hearing notice, by 1<sup>st</sup> Class mail, to the alderperson of the aldermanic district, owners of record, and owners of property in whole or in part situated within a one hundred (100) foot radius of the local historic structure, local historic site or local historic district, as listed in the Office of the City Assessor.
- c. The Historic Preservation Commission shall then conduct such public hearing, and in addition to the notified persons, may hear expert witnesses and review records as it deems necessary.

(3) ***Action by the Historic Preservation Commission.*** After the close of the public hearing, the Historic Preservation Commission shall review the rescission criteria in subsection (p)(3)a.1., 2., 3., and 4. of this section and either recommend approval or denial of the proposed rescission to the Common Council.

- a. ***Rescission Criteria.*** Rescission can occur for any one (1) or more of the following:
  1. The property owner has requested the designation to be rescinded for economic hardship or health reasons;
  2. For the failure to adhere to the specific standards of the historic district in which the property is located;
  3. For the failure to adhere to the specific standards of the zoning district the property is located; or
  4. The designated historic structure, site or district no longer meets the criteria of designation or retains the integrity necessary for designation.

(4) ***Action by the Common Council.***

- a. After receiving and reviewing the report and recommendation of the Historic Preservation Commission the Common Council shall either approve, deny, or postpone the proposed application to rescind a local historic site designation, a local historic structure designation or a local historic district designation and the applicable local historic preservation plan, or refer the matter back to the Historic Preservation Commission.
- b. The City Clerk shall send written notice of the action taken by the Common Council to the property owner(s) or owner's agent, Community and Economic Development Department, Inspections Supervisor and the City Assessor.

(q) ***Building permit.***

- (1) No building permit shall be issued by the Division of Inspections for historic preservation alteration, demolition or removal of a nominated local historic structure, local historic site, or a structure identified as contributing to a nominated local historic district, from the initial meeting date when the Historic Preservation Commission has been presented with a nomination through the date of final disposition of the nomination by the Common Council. No building permit shall all be issued for the following reasons: historic preservation alteration, removal or demolition. An exception shall be permitted when historic preservation alteration, repair, removal or demolition is authorized by formal resolution of the Common Council as necessary for public health, welfare or safety. In no event shall the delay be for more than sixty (60) days.

**Section 2:** This ordinance shall be in full force and effect from and after its passage and publication.

**89-19**

**AN ORDINANCE AMENDING CHAPTER 23 OF THE MUNICIPAL CODE OF THE CITY OF APPLETON AND THE OFFICIAL ZONING MAP WHICH IS A PART THEREOF, BY MAKING THE FOLLOWING CHANGES IN THE DISTRICT AS NOW PROVIDED.**

(City Plan Commission 9/4/2019)

The Common Council of the City of Appleton does ordain as follows:

**Section 1:** That Zoning Ordinance, Chapter 23 of the Municipal Code of the City of

Appleton and the Official Zoning Map, which is a part thereof, is amended by making the following changes:

To rezone lands included in the “Perez” Annexation, located at 219 West Edgewood Drive from Temporary AG Agricultural District to R-1B Single-Family District. (Rezoning #7-19 – Perez – 219 W. Edgewood Drive)

**LEGAL DESCRIPTION:**

Lot 1 of Certified Survey Map No. 7013 filed in Volume 42 of Certified Survey Maps on Page 7013 as Document No.2047169, located in and being a part of the Northeast ¼ of the Northwest ¼ of Section 11, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, including all of the adjacent one-half (1/2) right-of-way of West Edgewood Drive.

**COMMON DESCRIPTION:**

Former Town of Grand Chute Parcel #101039314 (now City of Appleton Tax Key No. 31-6-5803-00) included in the “Perez” Annexation, located at 219 West Edgewood Drive

**Section 2:** This Ordinance shall be in full force and effect from and after its passage and publication, and upon its passage and publication the Director of Community and Economic Development is authorized and directed to make the necessary changes to the Official Zoning Map in accordance with this Ordinance.

**90-19**

**AN ORDINANCE ANNEXING TERRITORY  
TO THE CITY OF APPLETON, WISCONSIN.**

Spartan Drive-Sommers Drive-Edgewood Drive Annexation  
MBR: 14239

The Common Council of the City of Appleton does ordain as follows:

**Section 1. Territory Annexed.** In accordance with §66.0217 of the Wisconsin Statutes for 2017 – 2018 and the *Unanimous Petition for Direct Annexation* filed with the City Clerk on August 1, 2019, the following described territory in the Town of Grand Chute, Outagamie

County, Wisconsin, lying contiguous to the City of Appleton, is hereby annexed to the City of Appleton, Wisconsin:

**Part of Tax Key #101008901**

**AREA "A"**

*A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northwest ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.0505 Acres (2,200 sq. ft.) of land and being all those lands of the owner within the following described traverse:*

*Commencing at the W ¼ corner of said Section 2;  
Thence South 89°57'54" East 1029.19 feet along the North line of the SW ¼ of said Section 2;  
Thence South 00°02'06" West 750.31 feet to the Point of Beginning;  
Thence South 89°29'31" East 40.00 feet;  
Thence South 00°30'29" West 55.00 feet to the North line of Spartan Drive;  
Thence North 89°29'31" West 40.00 feet coincident with the North line of Spartan Drive;  
Thence North 00°30'29" East 55.00 feet to the point of beginning.*

**Part of Tax Key #101008901**

**AREA "B"**

*A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 2.5298 Acres (110,198 sq. ft.) of land and being all those lands of the owner within the following described traverse:*

*Commencing at the W ¼ corner of said Section 2;  
Thence South 89°57'54" East 1542.63 feet along the North line of the SW ¼ of said Section 2;  
Thence South 00°02'06" West 450.14 feet to the Point of Beginning;  
Thence South 89°33'07" East 334.60 feet;  
Thence South 55°08'53" East 233.42 feet to the Northwesterly line of Spartan Drive;  
Thence South 34°51'07" West 86.19 feet coincident with the Northwesterly line of Spartan Drive;  
Thence Southwesterly 200.43 feet along the arc of curve to the right having a radius of 360.00 feet and the chord of which bears South 50°48'04" West 197.85 feet coincident with the Northwesterly line of Spartan Drive;  
Thence North 23°16'01" West 114.00 feet;  
Thence North 89°33'07" West 254.52 feet;  
Thence North 04°17'58" West 131.22 feet;  
Thence North 08°33'37" West 95.27 feet to the point of beginning.*

**Part of Tax Key #101008901**



**AREA "C"**

*A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 1.5300 Acres (66,647 sq. ft.) of land and being all those lands of the owner within the following described traverse:*

*Commencing at the W ¼ corner of said Section 2;  
Thence South 89°57'54" East 1458.72 feet along the North line of the SW ¼ of said Section 2;  
Thence South 00°02'06" West 888.86 feet to the South line of Spartan Drive and being the Point of Beginning;  
Thence South 89°29'31" East 261.74 feet coincident with the South line of Spartan Drive;  
Thence Easterly 177.73 feet coincident with the South line of Spartan Drive, along the arc of curve to the left having a radius of 440.00 feet and the chord of which bears North 78°56'09" East 176.53 feet;  
Thence South 22°45'43" East 34.24 feet; Thence South 73°05'06" West 75.48 feet;  
Thence North 78°19'08" West 43.22 feet; Thence South 46°07'08" West 48.53 feet;  
Thence South 00°26'53" West 44.85 feet; Thence North 89°33'07" West 32.68 feet;  
Thence South 00°26'53" West 348.32 feet to the South line of Lot 1 of Certified Survey Map No. 4225;  
Thence North 89°29'24" West 70.00 feet coincident with the South line of Lot 1 of Certified Survey Map No. 4225;  
Thence North 00°26'53" East 232.78 feet; Thence North 89°33'07" West 129.63 feet;  
Thence North 49°08'54" West 28.78 feet; Thence North 36°59'56" East 49.04 feet;  
Thence North 18°19'57" East 31.14 feet; Thence North 07°51'34" East 50.31 feet;  
Thence North 70°31'10" West 95.35 feet; Thence North 00°30'29" East 36.18 feet to the point of beginning.*

**All of Tax Key #101009803, #101009802 and #101009801**

**AREA "D"**

*A part of the Southeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 27.7395 Acres (1,208,333 sq. ft.) of land and being all those lands of the owner within the following described traverse:*

*Commencing at the S ¼ corner of said Section 2;  
Thence North 89°01'08" West 214.20 feet coincident with the South line of the SW ¼ of said Section 2 to the Point of Beginning;  
Thence continue North 89°01'08" West 701.87 feet coincident with the South line of the SW ¼ of said Section 2;  
Thence North 00°15'16" East 1327.18 feet to the South line of Lot 1 of Certified Survey Map No. 4225;  
Thence South 89°29'24" East 916.01 feet coincident with the South line of Lot 1 of said Certified Survey Map No. 4225 to the East line of the SW ¼ of said Section 2;*

*Thence South 00°15'16" West 1283.40 feet coincident with the East line of the SW ¼ of said Section 2 to the North line of Edgewood Drive (C.T.H. "JJ");  
Thence Westerly 214.19 feet along the arc of a curve to the right having a radius of 22,868.31 feet and the chord of which bears North 89°21'54" West 214.19 feet and being coincident with the North line of Edgewood Drive (C.T.H. "JJ");  
Thence South 00°15'19" West 50.02 feet to the South line of the SW ¼ of said Section 2 and being the point of beginning.*

*The current population of such territory is 2 people.*

**Section 2. Effect of Annexation.** From and after the date of this ordinance, the territory described in Section 1 shall be a part of the City of Appleton for any and all purposes provided by law and all persons coming or residing within such territory shall be subject to all ordinances, rules and regulations governing the City of Appleton.

**Section 3. Ward Designation.** The territory described in Section 1 of this ordinance is hereby made a part of the Twentieth (20<sup>th</sup>) Ward, attached to the Seventh (7<sup>th</sup>) Aldermanic District of the City of Appleton, Outagamie County, subject to the ordinances, rules and regulations of the City governing wards.

**Section 4. Zoning Classification.** The territory described in Section 1 is hereby zoned as follows, pursuant to §66.0217(7)(a), Stats., and §23-65(e), Appleton Municipal Code:

Temporary AG (Temporary Agricultural District)

**Section 5. Severability.** If any provision of this ordinance is invalid or unconstitutional, or if the application of this ordinance to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or

applications of this ordinance, which can be given without the invalid or unconstitutional provision or application.

**Section 6. Effective Date.** This ordinance shall take effect upon passage and publication.