



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** December 14, 2022

**Common Council Meeting Date:** December 21, 2022

**Item:** Certified Survey Map #30-22

**Case Manager:** Jessica Titel, Principal Planner

### **GENERAL INFORMATION**

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**Owner:** Lawrence University c/o Joseph King

**Applicant:** Rettler Corporation c/o Andrew Cofran

**Address/Parcel:** 1201 Banta Court & 1100 E. South River Street (Tax Id #'s 31-4-0279-00, 31-4-0279-01, 31-4-0805-00, 31-4-0819-00, 31-4-0820-00, 31-4-0823-00 & 31-4-0823-01)

**Petitioner's Request:** The applicant is requesting approval of a 1-Lot Certified Survey Map (CSM) that crosses a plat boundary.

### **BACKGROUND**

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Typically, CSMs are administratively reviewed and approved by City staff. However, the subject properties were originally platted in different plats. Parcel #'s 31-4-0823-00 and 31-4-0823-01 were included in Certified Survey Map #7203, parcel #31-4-0805-00 was included in the Edward West plat, parcel #'s 31-4-0279-00 and 31-4-0279-01 are in the Westwood plat and parcel #'s 31-4-0819-00 and 31-4-0820-00 were included in the Fourth Ward Plat. In order to satisfy the requirements of Chapter 236 of the Wisconsin State Statutes, the proposed CSM must be approved in the same manner as a Final Plat, which includes Plan Commission and Common Council approval.

This CSM will combine the seven existing parcels to accommodate existing and future site improvements.

### **STAFF ANALYSIS**

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**Existing Conditions:** The parcels currently contain athletic facilities and associated accessory structures (Alexander Gym, Whiting Field and Banta Bowl) that are used by Lawrence University. All parcels have a zoning designation of P-I Public Institutional District. The total land area included in the CSM is approximately 34.286 acres.

**Subdivision Ordinance Requirements:** Per Section 17-26(b)(1) of the Municipal Code, widths and areas of lots shall not be less than that provided in the City's Zoning Ordinance. For the P-I Public Institutional District, there is no minimum required lot area or lot width, per Section 23-100(h) of the Municipal Code. Proposed lot satisfies the lot development standards.

**Surrounding Zoning and Land Uses:** The surrounding area is under the jurisdiction of the City of Appleton and includes a mix of uses.

## **Certified Survey Map #30-22**

**December 14, 2022**

**Page 2**

North: P-I Public Institutional District. The adjacent land uses to the north are currently railroad right-of-way and the Newberry recreation trail.

South: PD/R-3 Planned Development Multi-Family District, P-I Public Institutional District PD/C-O Planned Development Commercial Office District, R-1B Single Family District, R-2 Two-Family District and C-2 General Commercial District. The adjacent land uses to the south are currently multi-family, office, single family, two-family and commercial.

East: P-I Public Institutional District. The adjacent land use to the east is currently public right-of-way.

West: P-I Public Institutional District. The adjacent land to the west is currently undeveloped.

**Appleton Comprehensive Plan 2010-2030:** Community & Economic Development staff has reviewed this proposal and determined it is compatible with the Public-Institutional designation shown on the City's *Comprehensive Plan 2010-2030 Future Land Use Map*.

**Technical Review Group (TRG) Report:** This item appeared on the November 22, 2022 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

### **RECOMMENDATION**

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Based on the above, staff recommends that Certified Survey Map #30-22, as shown on the attached map, **BE APPROVED** subject to the following conditions:

1. The Banta Court right of way is shown incorrectly at the most Easterly point of the C.S.M., revise as necessary. C.S.M. #7203 also shows this right of way incorrectly. If you believe that the right of way is shown correctly please provide reference material that supports your belief.
2. Remove all the references to parcel #4-821-2 that are contained within the surveyor's certificate and within the abbreviated descriptions at the top of each sheet. A title document reference for this parcel may be added in place of the parcel number if so desired.
3. Add the words "per the Assessor's Map of the City of Appleton" after every instance of the legal descriptions that end with the words "FOURTH WARD PLAT (AKA EDWARD WEST'S FOURTH WARD PLAT)".
4. Add the words, Lot 1 and Outlot 2 of Certified Survey Map No.7203 to every area of the legal descriptions.
5. Remove the word dedicated from the owner's certificate or identify what is being dedicated.
6. The intent of City code 17-17(4) is to list the title documents used to delineate the exterior boundary of the proposed Certified Survey Map. On sheet 6 the paragraph that starts with "This Certified Survey Map is contained wholly within the property described in the following recorded instruments:" should contain only the title documents used to delineate the exterior boundary of the proposed Certified Survey Map. Remove all Plat document references in this paragraph. Relocate the documents to the paragraph below if so desired.
7. Per State Statute 236.34(1), This C.S.M. crosses the exterior boundary of a recorded subdivision and does not meet the minimum required monumentation, as detailed in Chapter 236.34.

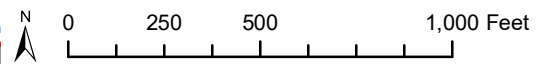
Lawrence University -  
Whiting Field & Banta Bowl  
Certified Survey Map #30-22  
Zoning Map

Subject  
Area

Subject  
Area



City Plan Commission  
12-14-22





Lawrence University -  
Whiting Field & Banta Bowl  
Certified Survey Map #30-22  
Aerial Map

Subject Area

N 0 250 500 1,000 Feet



City Plan Commission  
12-14-22



SHEET 1 OF 7 SHEETS



OUTAGAMIE COUNTY CERTIFIED SURVEY MAP#

LEGAL DESCRIPTION

CERTIFIED SURVEY MAP FOR LAWRENCE UNIVERSITY OF WISCONSIN, BEING PART OF VACATED WAGG AVENUE, ALL OF VACATED BANTA COURT, ALL OF LOT 1 OF BLOCK 51, UN-LOTTED PARTS OF BLOCK 42, 50, 51, AND 52 OF THE FOURTH WARD PLAT (AKA EDWARD WEST'S PLAT) EXCEPTING PARCEL #4-821-2, AND ALL OF WESTWOOD (A REPLAT OF PARTS OF BLOCKS 42 & 49 EDWARD WEST'S FOURTH WARD PLAT); LOCATED IN GOV. LOT 3 OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 25, ALSO IN GOV. LOT 1 & GOV. LOT 2 OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 36, AND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 17 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

BASE FOR BEARING

IS THE NORTH LINE OF THE NORTHEAST QUARTER OF SECTION 36, T21N R17E, RECORDED TO BEAR N 89°36'04" W USING OUTAGAMIE COUNTY COORDINATES.



SURVEY NOTE

OUT LOT 1 MUST BE CONVEYED WITH LOT 1 IN ANY TRANSFER OF PROPERTY AS SHOWN ON CSM #7203

AREA OF IMPERVIOUS SURFACE:  
309,700 SQUARE FEET  
21% OF LOT 1, OUT LOT 1, & LOT 2



SCALE 1" = 200'

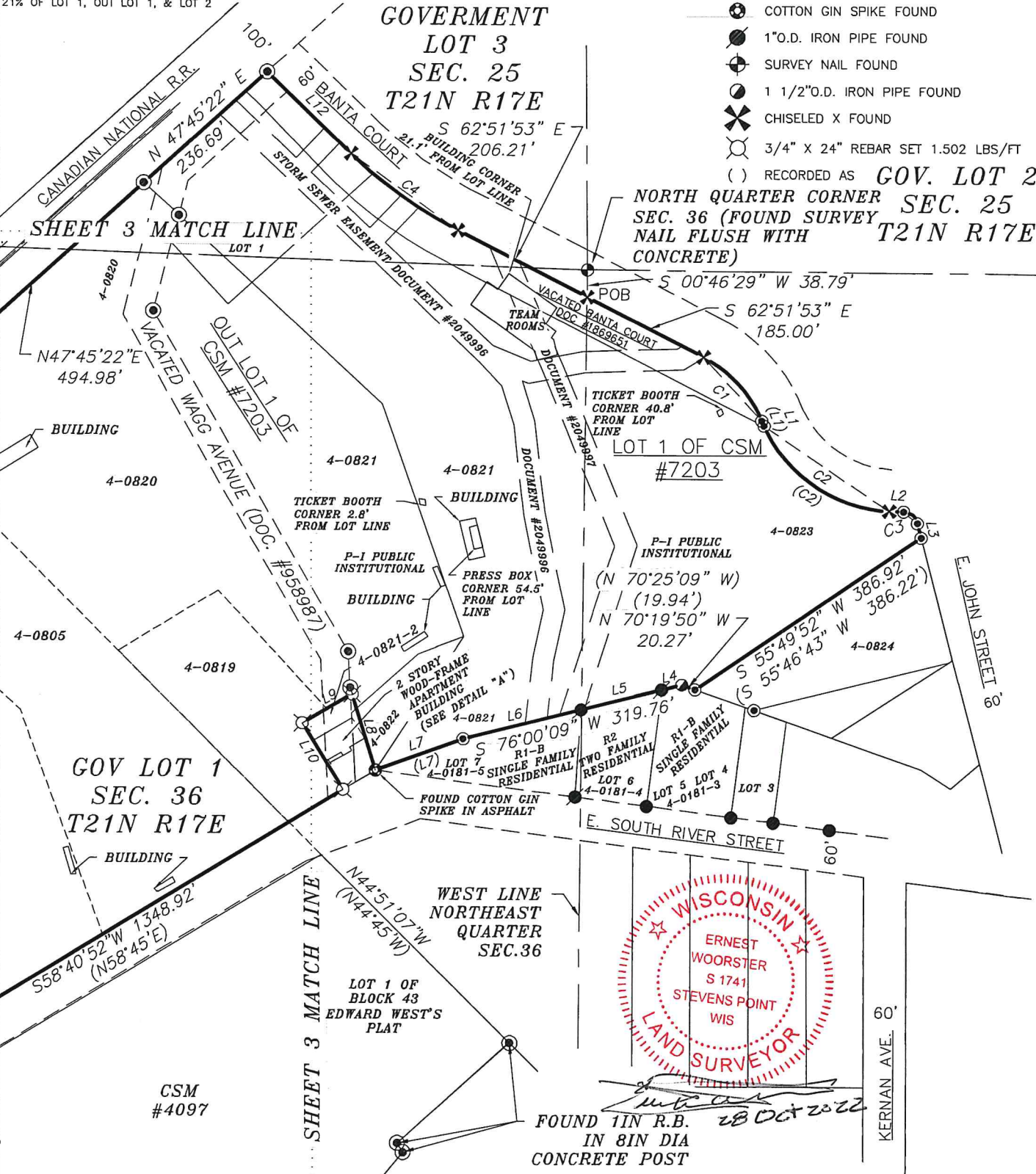
GOVERNMENT  
LOT 3  
SEC. 25  
T21N R17E

SPACE RESERVED FOR RECORDING INFORMATION  
LEGEND

- 5/8" REBAR FOUND
- 3/4" REBAR FOUND
- COTTON GIN SPIKE FOUND
- 1" O.D. IRON PIPE FOUND
- SURVEY NAIL FOUND
- 1 1/2" O.D. IRON PIPE FOUND
- CHISELED X FOUND
- 3/4" X 24" REBAR SET 1.502 LBS/FT

( ) RECORDED AS GOV. LOT 2

NORTH QUARTER CORNER SEC. 25  
SEC. 36 (FOUND SURVEY  
NAIL FLUSH WITH  
CONCRETE) T21N R17E



**RETTLER** LAND SURVEY DIVISION  
corporation PROFESSIONAL LAND SURVEYOR

3317 Business Park Drive, Stevens Point, WI 54482  
Telephone: 715-341-2633, Fax: 715-341-0431  
email: info@rettler.com, website: www.rettler.com

ERNEST WOORSTER PLS #1741  
715-341-2633

THIS INSTRUMENT WAS DRAFTED BY ANDREW COFRAN  
AND DRAWN BY ANDREW COFRAN

JOB # 21.067

SHEET 2 OF 7 SHEETS



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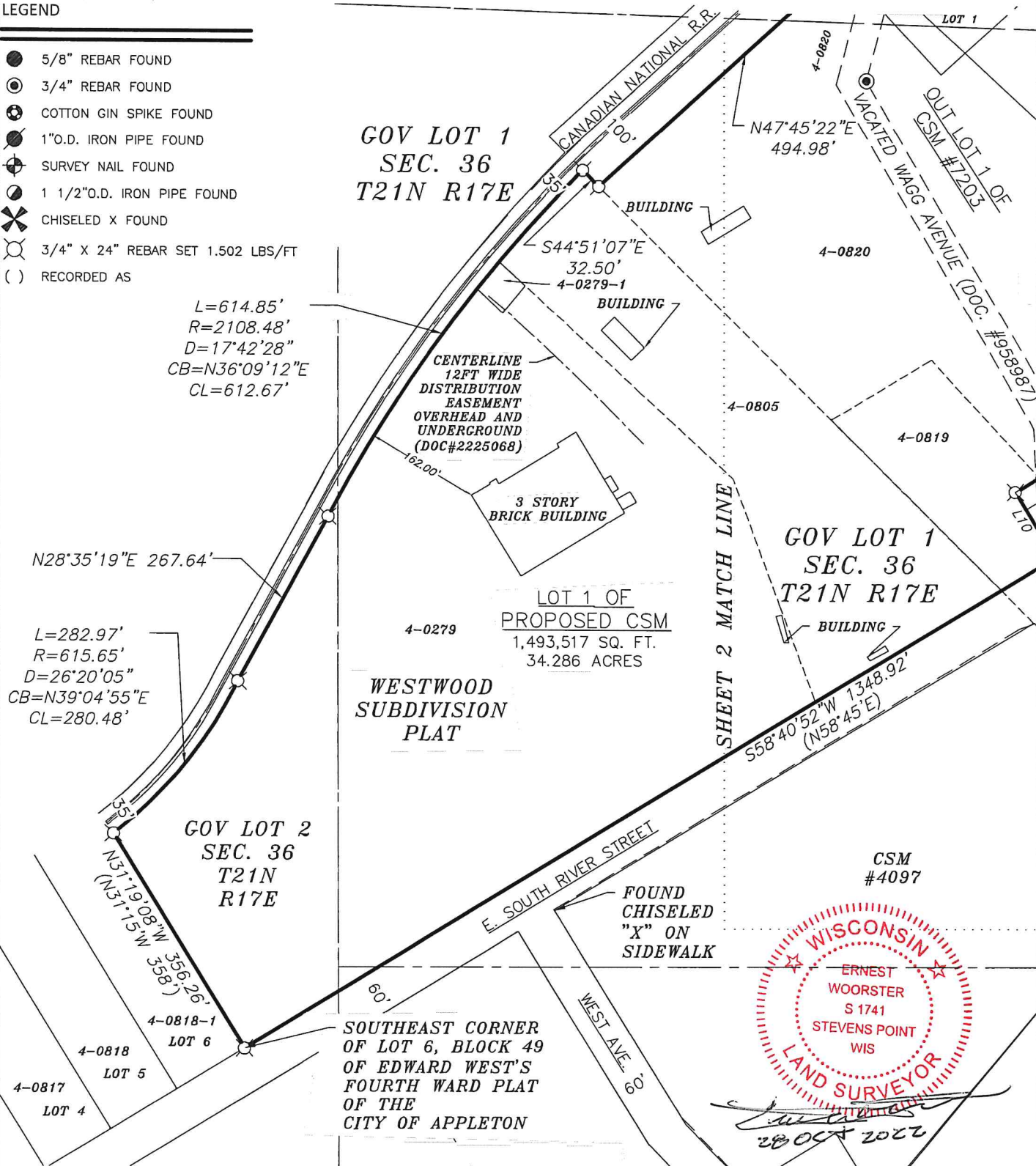
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- 1 1/2"O.D. IRON PIPE FOUND
- CHISELED X FOUND
- 3/4" X 24" REBAR SET 1.502 LBS/FT
- ( ) RECORDED AS

0' 200 400'



SCALE 1" = 200'

SPACE RESERVED FOR RECORDING INFORMATION





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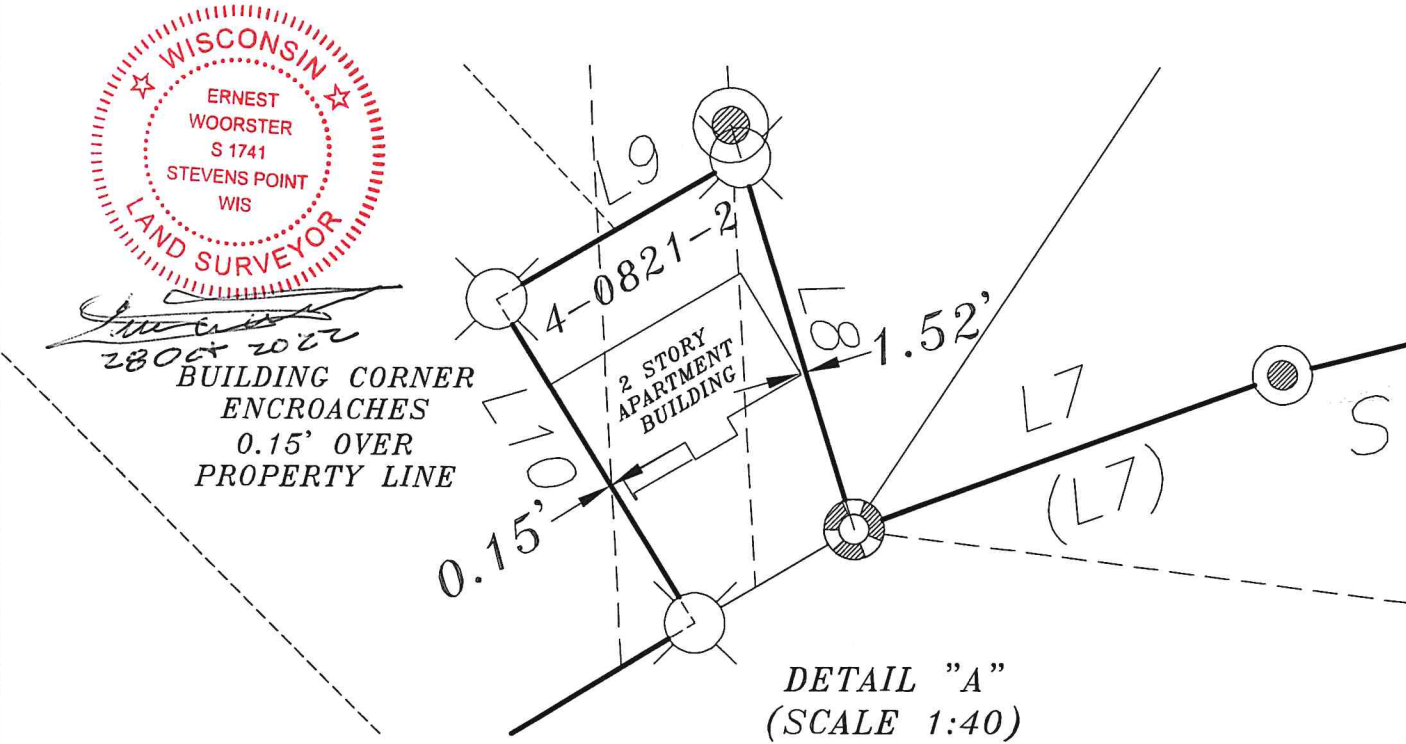
LEGEND

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- ( ) RECORDED AS

SPACE RESERVED FOR RECORDING INFORMATION

LINE	BEARING	DISTANCE
L1	S 24°22'38" E	8.04
(L1)	(S 23°15'53" E)	(7.92')
L2	S 88°25'49" E	20.27'
L3	S 14°16'39" E	21.33'
L4	S 76°00'09" W	29.62'
L5	S 76°00'09" W	118.04'
L6	S 76°00'09" W	172.10'
L7	S 70°00'48" W	132.21'
(L7)	S 70°00'09" W	132.29'
L8	N 16°47'18" W	113.03'
L9	S 59°39'18" W	82.01'
L10	S 31°19'08" E	110.00'
L11	S 45°39'59" E	165.75'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	175.51'	124.66'	122.06'	S 42°30'58" E	40°41'49"
C2	206.50'	225.40'	214.38'	S 55°38'40" E	62°32'28"
(C2)	(206.50')	(225.62')	(214.56')	(S 55°39'48" E)	(62°35'58")
C3	20.00'	27.72'	25.55'	S 50°24'12" E	79°24'20"
C4	624.55'	187.47'	186.77'	S 54°15'56" E	17°11'55"





CERTIFIED SURVEY MAP #

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SURVEYOR'S CERTIFICATE

I, ERNEST WOORSTER, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT BY THE DIRECTION OF LAWRENCE UNIVERSITY OF WISCONSIN, I HAVE SURVEYED, DIVIDED, AND MAPPED THE FOLLOWING DESCRIBED PARCEL OF LAND.

A PARCEL OF LAND CONTAINING 1,493,517 SQUARE FEET ( 34.286 ACRES ) BEING PART OF VACATED WAGG AVENUE, ALL OF VACATED BANTA COURT, ALL OF LOT 1 OF BLOCK 51, UN-LOTTED PARTS OF BLOCK 42, 50, 51, AND 52 OF THE FOURTH WARD PLAT (AKA EDWARD WEST'S PLAT) EXCEPTING PARCEL #4-821-2, AND ALL OF WESTWOOD (A REPLAT OF PARTS OF BLOCKS 42 & 49 EDWARD WEST'S FOURTH WARD PLAT); LOCATED IN GOV. LOT 3 OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 25, ALSO IN GOV. LOT 1 & GOV. LOT 2 OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 36, AND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 17 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

THE EXTERIOR BOUNDARY OF SAID LAND IS DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 21 EAST;

THENCE S 00°46'29" W, ALONG THE WEST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 36, 38.79', TO THE SOUTH RIGHT OF WAY OF BANTA COURT, AND THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE S 62°51'53" E, ALONG SAID SOUTH RIGHT OF WAY, 185.00';

THENCE SOUTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY, 124.66' ALONG THE ARC OF A CURVE, CENTER WHICH LIES TO THE SOUTHWEST, RADIUS OF 175.51', CHORD WHICH BEARS S 42°30'58" E, 122.06';

THENCE S 24°22'38" E, ALONG SAID SOUTH RIGHT OF WAY, 8.04';

THENCE SOUTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY, 225.40' ALONG THE ARC OF A CURVE, CENTER WHICH LIES TO THE NORTHEAST, RADIUS OF 206.50', CHORD WHICH BEARS S 55°38'40" E, 214.38';

THENCE S 88°25'49" E, 20.27', ALONG THE SAID NORTH RIGHT OF WAY;

THENCE SOUTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY, 27.72' ALONG THE ARC OF A CURVE, CENTER WHICH LIES TO THE SOUTHWEST, RADIUS OF 20.00', CHORD WHICH BEARS S 50°24'12" E, 25.55', TO THE WEST RIGHT OF WAY OF EAST JOHN STREET;

THENCE S 14°16'39" E, 21.33' ALONG SAID WEST RIGHT OF WAY;

THENCE S 55°49'52" W, 386.92' TO THE NORTH LINE OF KERNAN ADDITION, BLOCK A;

THENCE N 70°19'50" W, 20.27' ALONG SAID NORTH LINE;

THENCE S 76°00'09" W, 319.76' ALONG SAID NORTH LINE;

THENCE S 70°00'48" W, 132.21' ALONG SAID NORTH LINE, TO THE SOUTHEAST CORNER OF PARCEL# 4-0821-2, SAID POINT BEING ON THE NORTH RIGHT OF WAY OF EAST SOUTH RIVER STREET MARKED BY A FOUND COTTON GIN SPIKE;

THENCE N 16°47'18" W, 113.03' ALONG THE EAST LINE OF SAID PARCEL TO THE NORTHEAST CORNER THEREOF;

THENCE S 59°39'18" W, 82.01' ALONG THE NORTH LINE OF SAID PARCEL TO THE NORTHWEST CORNER THEREOF;

THENCE S 31°19'08" E, 110.00' ALONG THE WEST LINE OF SAID PARCEL THE SOUTHWEST CORNER THEREOF AND A POINT ON THE NORTH RIGHT OF WAY OF EAST SOUTH RIVER STREET;

THENCE S 58°40'52" W, 1348.92' ALONG THE SAID NORTH RIGHT OF WAY TO A POINT ON THE NORTH RIGHT OF WAY OF E. SOUTH RIVER STREET, SAID POINT ALSO BEING THE SOUTHEAST CORNER OF LOT 6 OF BLOCK 49 OF THE 4<sup>TH</sup> WARD PLAT (AKA EDWARD WEST'S PLAT);

THENCE N 31°19'08" W 356.26' ALONG THE EAST LINE OF SAID LOT 6 TO THE NORTHEAST CORNER THEREOF AND A POINT ON THE SOUTHERLY RIGHT OF WAY OF CANADIAN NATIONAL RAILROAD, SAID POINT ALSO BEING A POINT ON A 615.65' RADIUS CURVE TO THE LEFT WITH A CHORD BEARING N 39°04'55" E, 280.48';



*[Handwritten Signature]*  
28 Oct 2022

CERTIFIED SURVEY MAP #

CERTIFIED SURVEY MAP FOR LAWRENCE UNIVERSITY OF WISCONSIN, BEING PART OF VACATED WAGG AVENUE, ALL OF VACATED BANTA COURT, ALL OF LOT 1 OF BLOCK 51, UN-LOTTED PARTS OF BLOCK 42, 50, 51, AND 52 OF THE FOURTH WARD PLAT (AKA EDWARD WEST'S PLAT) EXCEPTING PARCEL #4-821-2, AND ALL OF WESTWOOD (A REPLAT OF PARTS OF BLOCKS 42 & 49 EDWARD WEST'S FOURTH WARD PLAT); LOCATED IN GOV. LOT 3 OF THE FRACTIONAL SOUTHWEST QUARTER OF SECTION 25, ALSO IN GOV. LOT 1 & GOV. LOT 2 OF THE FRACTIONAL NORTHWEST QUARTER OF SECTION 36, AND IN THE NORTHEAST QUARTER OF SECTION 36, TOWNSHIP 21 NORTH, RANGE 17 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

THENCE ALONG SAID RIGHT OF WAY THE FOLLOWING (5) FIVE COURSES;

THENCE 282.97' ALONG THE ARC OF SAID CURVE;

THENCE N 28°35'19" E, 267.64' TO A POINT TANGENT TO A 2108.48' RADIUS CURVE TO THE RIGHT WITH A CHORD BEARING N 36°09'12" E, 612.67';

THENCE 614.85' ALONG THE ARC OF SAID CURVE TO AN ANGLE POINT;

THENCE S 44°51'07" E, 32.50';

THENCE N 47°45'22" E, 494.98' TO A REBAR FOUND AND SHOWN ON CSM #7203 ON FILE (VOLUME 43 AND PAGE 7203) WITH OUTAGAMIE REGISTER OF DEEDS;

THENCE N 47°45'22" E, ALONG SAID CSM, 236.69' TO THE SOUTH RIGHT OF WAY OF BANTA COURT;

THENCE S 45°39'59" E, 165.75' ALONG THE SAID SOUTH RIGHT OF WAY;

THENCE SOUTHEASTERLY ALONG SAID SOUTH RIGHT OF WAY, 187.47' ALONG THE ARC OF A CURVE, CENTER WHICH LIES TO THE NORTHEAST, RADIUS OF 624.55', CHORD WHICH BEARS S 54°15'56" E, 186.77';


THENCE S 62°51'53" E, 206.21' ALONG THE SAID SOUTH RIGHT OF WAY TO THE POINT OF BEGINNING, THERE TERMINATING.

THAT I HAVE COMPLIED FULLY WITH THE CURRENT PROVISIONS OF CHAPTER A-E7, AND OF CHAPTER 236.34 OF THE REVISED WISCONSIN STATUTES, AND THE SUBDIVISION ORDINANCE OF THE CITY OF APPLETON IN SURVEYING, DIVIDING, AND MAPPING SAME.

THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY OF THE LANDS SURVEYED AND MAPPED TO THE BEST OF MY KNOWLEDGE AND BELIEF.

THIS SURVEY IS SUBJECT TO ROADWAYS, EASEMENTS, AND RESERVATIONS, OF RECORD.

CERTIFIED THIS 27TH DAY OF OCTOBER, 2022

SIGNED:   
ERNEST WOORSTER PLS #1741



THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENTS: DOC #194 - FOURTH WARD PLAT (AKA EDWARD WEST'S PLAT), DOC. #1792143, DOC. #2225068, DOC. #958987, DOC. #263610 WESTWOOD PLAT VOLUME A, PAGE 41, DOC. #255955, DOC. #511106 AS RECORDED IN VOLUME 504 ON PAGE 301, AND DOC. #1869651 COVERING PARCEL #'S 4-0821, 4-0822, AND 4-0823 WHICH IS OWNED BY LAWRENCE UNIVERSITY OF WISCONSIN.

OTHER DOCUMENTS USED AS REFERENCE IN PERFORMING THIS SURVEY: DOC #512270 - SOUTH MEADOWS PLAT, DOC #122590 - KERNAN ADDITION, DOC #1418629 - CSM #4097, AND DOC #2076746 – CSM #7203.



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APPROVED BY THE CITY OF APPLETON ON THIS, THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

JACOB A. WOODFORD, MAYOR KAMI LYNCH, CITY CLERK

CITY OF APPLETON FINANCE CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OF UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS SHOWN HEREON.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

JERI OHMAN, DIRECTOR OF FINANCE

OUTAGAMIE COUNTY TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OF UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS SHOWN HEREON.

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

OUTAGAMIE COUNTY TREASURER'S REPRESENTATIVE

OWNER'S CERTIFICATE

AS OWNER OF LOT 1, I HEREBY CERTIFY THAT I CAUSED THE LAND DESCRIBED IN THIS MAP TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED AS REPRESENTED ON THIS MAP. I ALSO CERTIFY THAT THIS CERTIFIED SURVEY MAP IS REQUIRED BY SECTION 236.34 OF THE REVISED WISCONSIN STATUTES TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION.

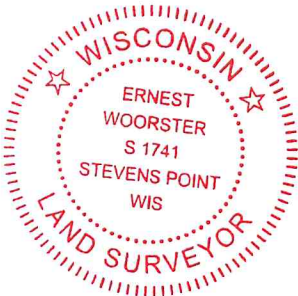
CITY OF APPLETON  
COUNTY OF OUTAGAMIE

LAWRENCE UNIVERSITY OF WI REPRESENTATIVE DATE

STATE OF WISCONSIN  
( SS )  
OUTAGAMIE COUNTY

PERSONALLY APPEARED BEFORE ME ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022. THE ABOVE NAMED OWNER TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC  
\_\_\_\_\_  
COUNTY, \_\_\_\_\_  
MY COMMISSION EXPIRES \_\_\_\_\_



*[Signature]*  
28 OCT 2022