



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: August 25, 2020

Common Council Meeting Date: September 2, 2020

Item: Final Plat – Broadway Hills Estates

Case Manager: Don Harp

GENERAL INFORMATION

Owner: North Appleton Properties, LLC - Gregory Gauerke - Member

Applicant: Jeff Schutz, P.E., Martenson & Eisele, Inc.

Location: Broadway Drive and French Road

Tax Id Numbers: 31-1-9210-11, 31-1-9210-12, and 31-1-9210-13

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

BACKGROUND

The subject property was included in the Broadway Hills Estates Annexation that was approved by the Plan Commission on July 7, 2020 and by the Common Council on July 15, 2020. The subject property was officially annexed to the City on July 21, 2020 at 12:01 a.m.

The Preliminary Plat and Rezoning #5-20 were approved by the Plan Commission at their July 21, 2020 meeting.

The Preliminary Plat and Rezoning #5-20 were approved by the Common Council at their August 19, 2020 meeting. The Common Council granted relief from the two (2) length to one (1) width ratio, per Section 17-26(g) of the Municipal Code for Lots 1-8, 16, 17, and 20.

STAFF ANALYSIS

Existing Conditions: The subject lot to be subdivided is currently undeveloped. The area to be platted for single-family residential development totals 39.72 acres, which will be divided into 20 lots and 2 outlots.

STAFF ANALYSIS continued

Zoning Ordinance Review Criteria: Lot development standards (Section 23-93 R-1B Single-family district of the Municipal Code) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed lots range in size from 44,100 square feet (1.01 acres) to 122,416 square feet (2.81 acres). The average lot size for this development is 68,716 square feet (1.58 acres). All proposed lots satisfy this requirement.*
- Minimum lot width: Fifty (50) feet.
 - *The typical lot dimensions for the proposed lots are 167 feet X 167 feet. All proposed lots satisfy this requirement.*
- Minimum front, side, and rear yard setbacks: Twenty (20) foot front yard [twenty-five (25) foot minimum on arterial street (French Road)], Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *Required setbacks for buildings and structures will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage: Fifty percent (50%).
 - *This will be reviewed through the building permit review process.*
- The final plat shows the existing metal shed located on proposed Lot 20 to remain. This building is approximately 40' x 80' (3,200 square feet in area). This building exceeds the maximum size requirement (1,600 square feet) for an accessory detached building located in a residential zoning district. As a result of annexing the building from the Town of Freedom, this building can continue to exist but will be regulated by the applicable nonconforming accessory building regulations in the Appleton Zoning Ordinance.

Compliance with the Appleton Subdivision Regulations:

- On August 19, 2020, the Common Council granted relief at the Preliminary Plat approval stage to allow Lots 1-8, 16, 17, and 20 to exceed the two (2) length to one (1) width ratio, per Section 17-26(g) of the Municipal Code. The configuration of Lots 1-8, 16, 17, and 20 shown on the Final Plat are consistent with this approval.
- This subdivision complies with all other Appleton Subdivision Regulations.

Stormwater Regulations: The Department of Public Works, Engineering Division indicated a Stormwater Permit Application with Stormwater Permit has been submitted. Review is pending. Pending stormwater review comments could result in changes to the plat.

Access and Traffic: Vehicular access to the subject lots is provided by North French Road and East Broadway Drive, which connects to proposed Snowdrift Drive.

Surrounding Zoning Classification and Land Uses:

North: Town of Freedom. The adjacent land use to the north is currently agricultural land.

South: Town of Freedom. The adjacent land uses to the south are currently a mix of single-family residential and agricultural uses.

City of Appleton - R-1B Single-family District. The adjacent land use to the south is currently single-family residential.

East: Town of Freedom. The adjacent land uses to the east are currently a mix of single-family residential and agricultural uses.

West: City of Appleton - AG Agricultural District. City of Appleton sanitary sewer and water easement parcel.

Appleton Comprehensive Plan 2010-2030: The City of Appleton 2010-2030 Comprehensive Plan Map identifies the subject area as future Single-Family/Two-Family residential and Commercial land uses. The area identified as future Commercial use will be utilized for stormwater detention purposes. Listed below are related excerpts from the City's *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

Goal 3 – Housing Quality, Variety, and Affordability

Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.

OBJECTIVE 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.

Technical Review Group (TRG) Report: This item appeared on the August 4, 2020 TRG Agenda. No negative comments were received from participating departments.

RECOMMENDATION

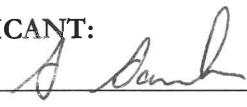
The Broadway Hill Estates Final Plat, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. Park fees shall be paid to the City of Appleton Finance Department pursuant to Section 17-29 of the Municipal Code prior to City signatures being affixed to the Final Plat. 20 Lots x \$300 = \$6,000 in Park Fees.
2. 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.
3. A Development Agreement being made and entered into by and between the City of Appleton and the owner, and any amendments related thereto, prior to the issuance of any permit to commence construction of any public improvement.
4. 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.

**SUBDIVISION MONUMENT PLACEMENT
WAIVER REQUEST**

1. This is a request for a waiver of the requirements of §236.15 of the Wisconsin Statutes and Chapter 17 of the Appleton Municipal Code relating to the placement of survey monuments.
2. This request is for a waiver of the monument placement requirements. It is requesting a waiver of said requirements for Lots 1 through 20 and Outlots 1 and 2, in Broadway Hills Estates, City of Appleton, Outagamie County, Wisconsin.
3. The lots previously mentioned will not be monumented for the following reason(s):
 Extensive grading to prepare the site for construction
4. The City Engineer may require a stand-by letter of credit at the rate of \$500 per lot for each lot not being monumented.
5. Temporary monuments shall be placed at all points of curvature (PCs), points of tangency (PTs), block corners, at 100-foot intervals along curved right-of-way lines and at any rear yard lot corners that will have City utilities installed nearby. The minimum acceptable temporary monument at all block corners shall be a metal spike of at least 8" in length and a metal fence post or carsonite marker placed nearby to protect the block corner. Spikes, nails, wood stakes, lath, are examples of acceptable temporary monuments. Temporary monuments will not be required for the time period that the lots and streets of the development remain in an undeveloped condition, but must be in place at least 10 days prior to the start date of the installation of any underground utilities or street grading. The City of Appleton reserves the right to request additional temporary monuments at any time that it deems necessary to facilitate the inspection and installation of City utilities and the accurate record keeping thereof.
6. Abutting newly built streets will not be officially opened by the City and no building permits will be issued for the above-mentioned lots, not being monumented, prior to the City of Appleton receiving a current monumentation certification indicating these lots have been monumented.
7. Monument waiver language for the affected lots shall be shown on the face of the proposed Final Plat.
8. Pursuant to §17-3(e), Appleton Municipal Code, all monuments shall be in place within one (1) year of the granting of the waiver by the City Engineer. Failure of the Applicant to complete the monumenting of the entire plat within the previously mentioned one (1) year period of time, shall permit the City of Appleton to contract for the work being performed and to charge the stand-by letter of credit for the cost of said work, or, if no stand-by letter of credit has been required, the costs may be assessed against the property as a special charge.

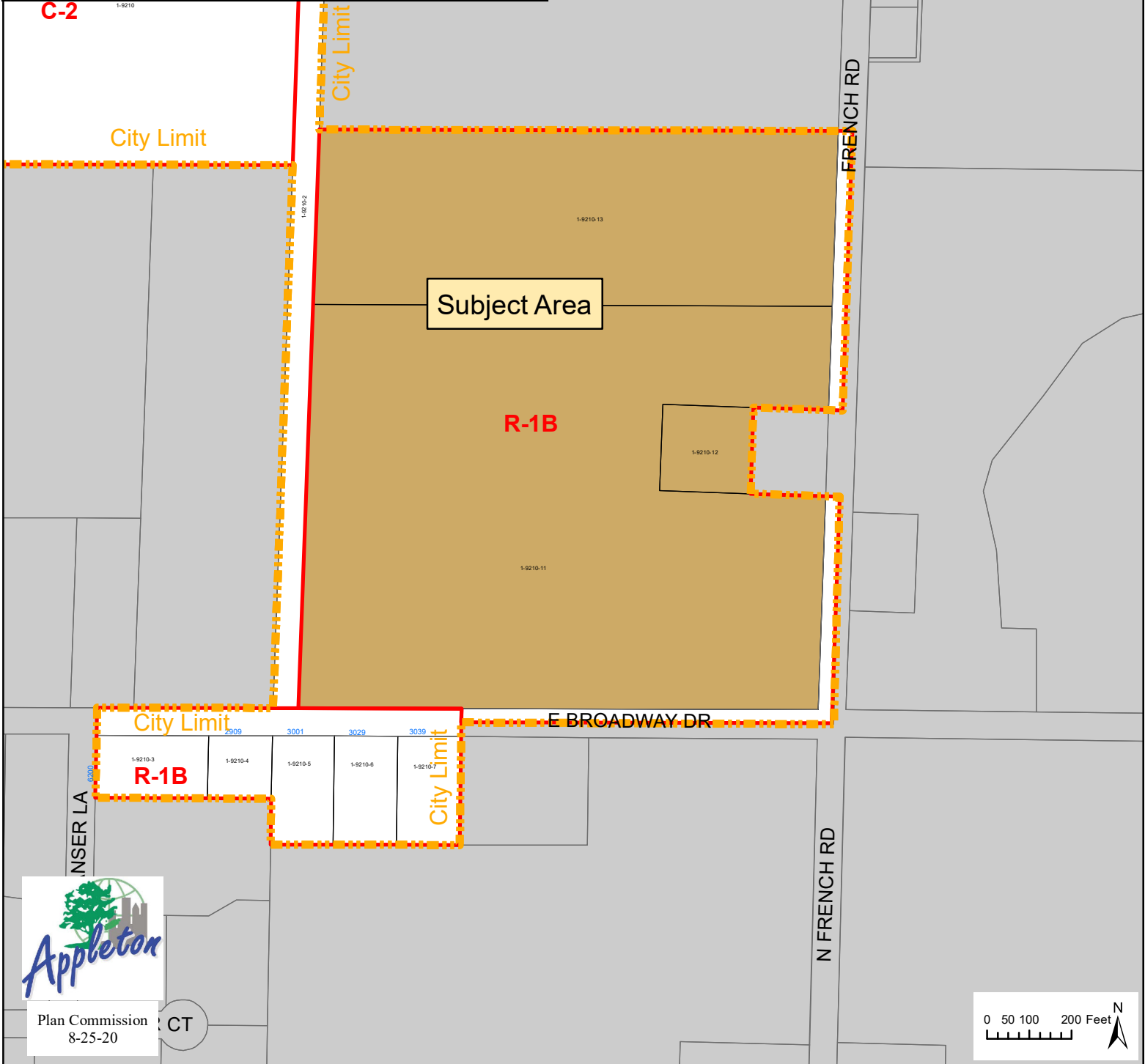
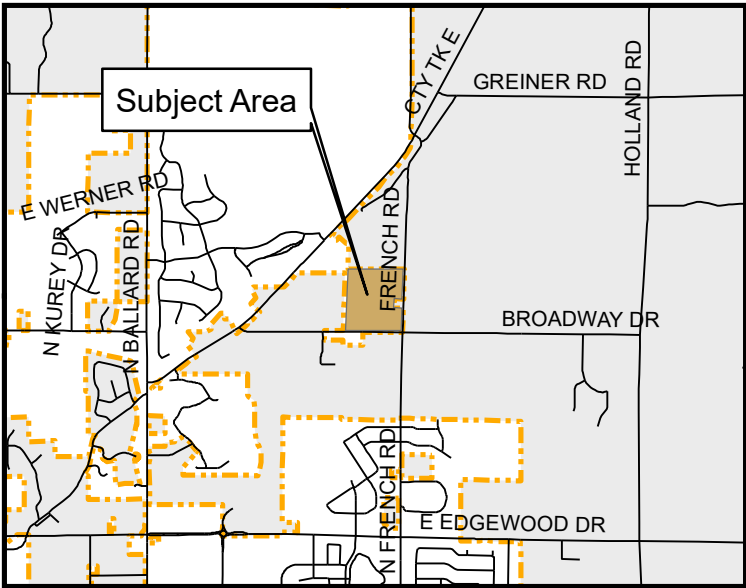
APPLICANT:

By: 
Printed Name: Greg Gauerke
Company Name: North Appleton Properties LLC
Address: 4226 E. Appleseed Drive
Appleton, WI 54913
Telephone: 920-213-4550
Date: 7-27-20

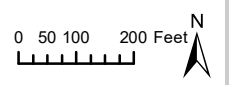
APPROVED BY (City of Appleton):

By: Ross Buetow
Printed Name: Ross Buetow
Title: Deputy Director / City Engineer
Department: Public Works
Date: 7/31/20

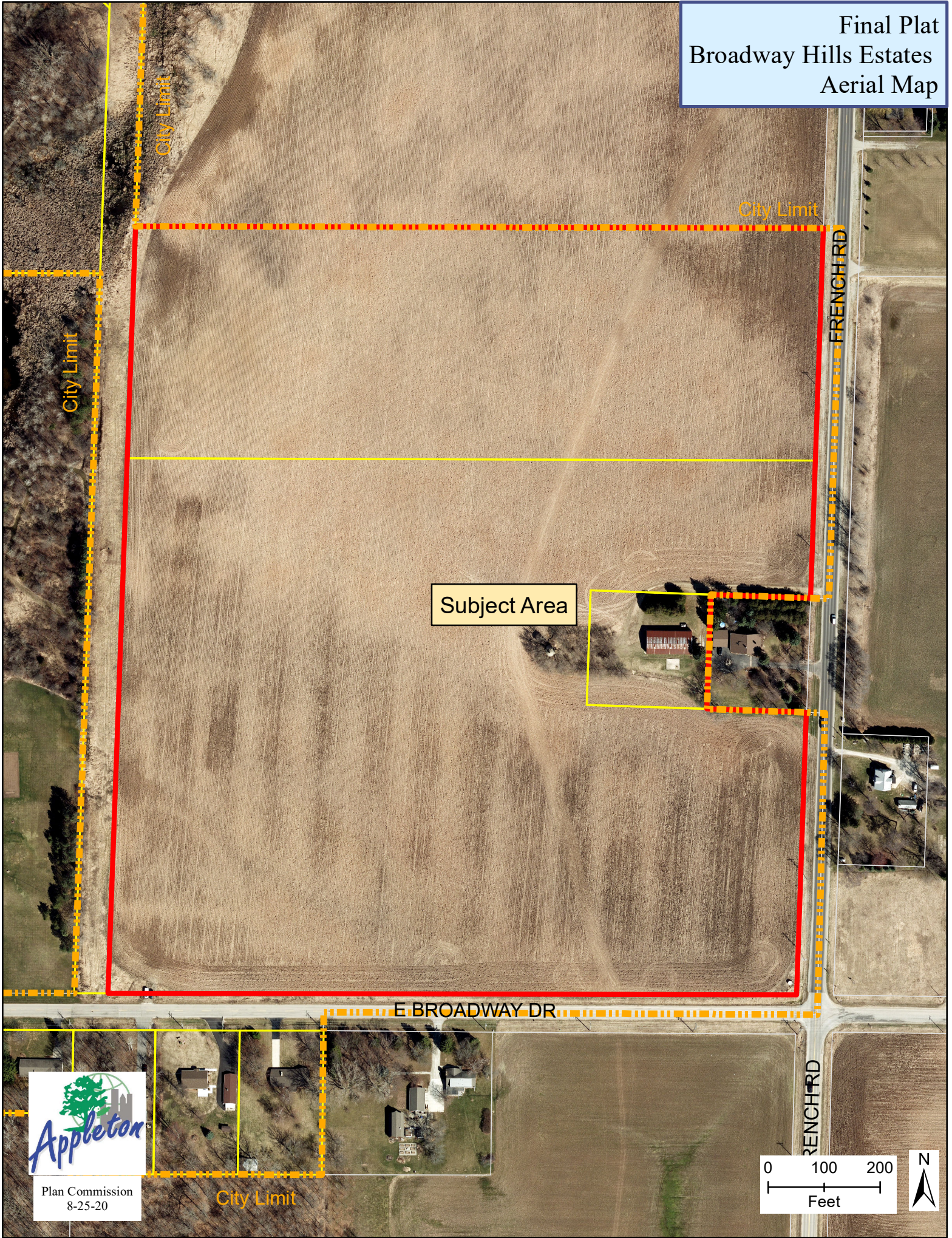
Final Plat Broadway Hills Estates Zoning Map



Plan Commission 8-25-20 CT



Final Plat
Broadway Hills Estates
Aerial Map



Subject Area

City Limit

City Limit

City Limit

RENCH RD

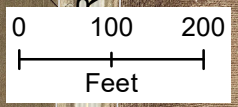
E BROADWAY DR

RENCH RD

City Limit

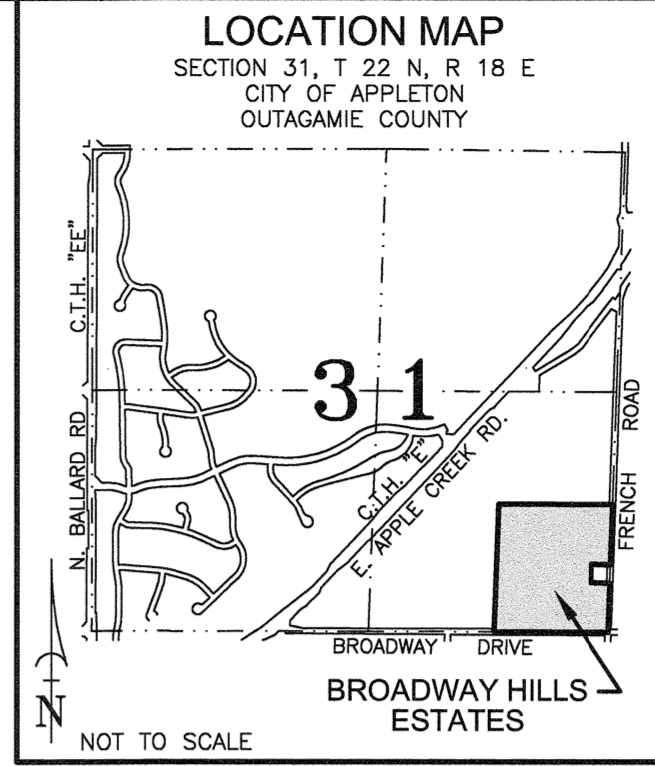
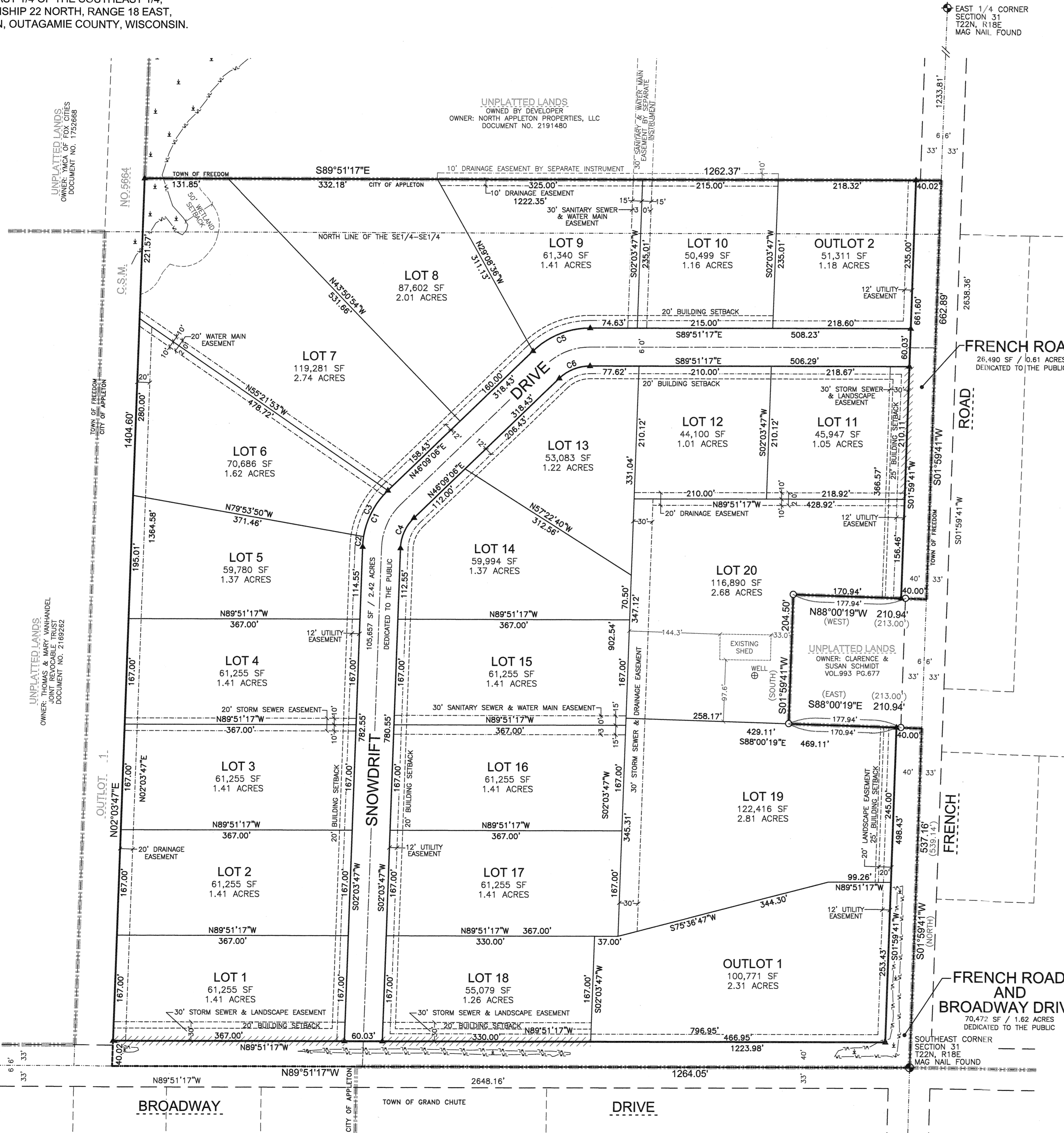


Plan Commission
8-25-20



BROADWAY HILLS ESTATES

PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



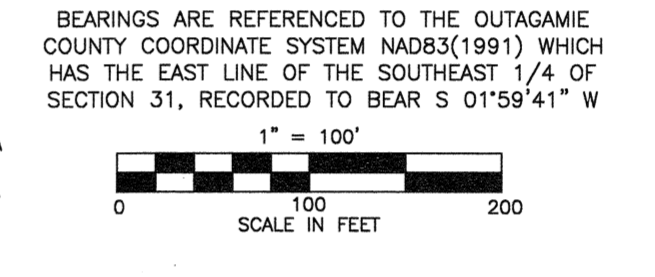
NOTES
ALL LINEAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE HUNDREDTH OF A FOOT.
ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST 20 SECONDS AND COMPUTED TO THE NEAREST HALF SECOND.
FRONT YARD BUILDING SETBACKS ARE 20 FEET, FRONT YARD BUILDING SETBACKS ON AN ARTERIAL STREET (FRENCH ROAD) ARE 25 FEET, THE MINIMUM REAR YARD BUILDING SETBACKS ARE 25 FEET AND MINIMUM SIDE YARD BUILDING SETBACKS ARE 6 FEET AS LISTED IN THE CITY OF APPLETON ZONING ORDINANCE, R-1B SINGLE-FAMILY DISTRICT.
TOTAL ROAD AREA DEDICATED TO THE PUBLIC:
202,619 SQUARE FEET [4.650 ACRES]
OUTLOTS 1 AND 2 CONTAIN STORMWATER PONDS AND ARE TO BE DEED TO AND MAINTAINED BY THE CITY OF APPLETON.

ACCESS RESTRICTION CLAUSE
AS OWNERS, WE HEREBY RESTRICT LOT 11 IN THAT NO OWNER, POSSESSOR, USER, NOR LICENSEE, NOR OTHER PERSON SHALL HAVE ANY RIGHT OF DIRECT VEHICULAR INGRESS OR EGRESS WITH FRENCH ROAD AND LOTS 1 AND 18 IN THAT NO OWNER, POSSESSOR, USER, NOR LICENSEE, NOR OTHER PERSON SHALL HAVE ANY RIGHT OF DIRECT VEHICULAR INGRESS OR EGRESS WITH BROADWAY DRIVE, AS SHOWN ON THE PLAT, IT BEING EXPRESSLY INTENDED THAT THIS RESTRICTION SHALL CONSTITUTE A RESTRICTION FOR THE BENEFIT OF THE PUBLIC ACCORDING TO SECTION 236.293, WISCONSIN STATUTES, AND SHALL BE ENFORCEABLE BY THE CITY OF APPLETON.

GREGORY GAUERKE - MEMBER

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	130.00'	044°05'19"	100.03'	N 24°06'26.5" E	97.58'	S 46°09'06" W	S 02°03'47" W
2	130.00'	007°10'04"	16.26'	N 05°38'49.0" E	16.25'	S 09°13'51" W	S 02°03'47" W
3	130.00'	036°55'15"	83.77'	N 27°41'28.5" E	82.33'	S 46°09'06" W	S 09°13'51" W
4	70.00'	044°05'19"	53.86'	N 24°06'26.5" E	52.55'	S 46°09'06" W	S 02°03'47" W
5	130.00'	043°59'37"	99.82'	N 68°08'54.5" E	97.38'	N 89°51'17" W	S 46°09'06" W
6	70.00'	043°59'37"	53.75'	N 68°08'54.5" E	52.44'	N 89°51'17" W	S 46°09'06" W

- LEGEND**
- ▲ 1-1/4" O.D. ROUND IRON PIPE SET, 24" LONG, WEIGHING 1.13 LBS. PER LINEAL FOOT AT ALL OTHER LOT CORNERS
 - 3/4" O.D. REBAR FOUND
 - SF TOTAL LOT AREA IN SQUARE FEET
 - GOVERNMENT CORNER
 - () RECORDED AS
 - W DELINEATED WETLANDS
 - ⊕ ACCESS RESTRICTED
 - ⊕ EXISTING WELL, SUBJECT TO WELL AGREEMENT RECORDED IN VOLUME 970 OF RECORDS ON PAGE 421, BENEFITING THE LANDS DESCRIBED IN VOLUME 993 ON PAGE 677.



UTILITY EASEMENTS - NO POLES OR BURIED CABLES ARE TO BE PLACED SUCH THAT THE INSTALLATION WOULD DISTURB ANY SURVEY STAKE OR OBSTRUCT VISION ALONG ANY LOT LINE OR STREET LINE. THE DISTURBANCE OF A SURVEY STAKE BY ANYONE IS A VIOLATION OF SECTION 236.32 OF WISCONSIN STATUTES. UTILITY EASEMENTS AS HEREIN SET FORTH ARE FOR THE USE OF PUBLIC BODIES AND PRIVATE PUBLIC UTILITIES HAVING THE RIGHT TO SERVE THE AREA.

WISCONSIN
GARY A. ZAHNINGER
S-2088
STOCKBRIDGE
LAND SURVEYOR
Gary A. Zahninger
7-27-20

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stats. as provided by s. 236.12, Wis. Stats.
Certified _____, 20____
Department of Administration

Martenson & Eisele, Inc.
1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381

Drawing No. 1-1306-001
Sheet 1 of 2
This instrument drawn by: Amy Sedlar

BROADWAY HILLS ESTATES

PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4
AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4
SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST,
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED, AND MAPPED BROADWAY HILLS ESTATES, AT THE DIRECTION OF NORTH APPLETON PROPERTIES, LLC, PART OF THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 AND PART OF THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 31, TOWNSHIP 22 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 31; THENCE NORTH 89 DEGREES 51 MINUTES 17 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 1264.05 FEET; THENCE NORTH 02 DEGREES 03 MINUTES 47 SECONDS EAST, ALONG THE EAST LINE OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 5664, A DISTANCE OF 1404.60 FEET; THENCE SOUTH 89 DEGREES 51 MINUTES 17 SECONDS EAST, 1262.37 FEET, TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION; THENCE SOUTH 01 DEGREES 59 MINUTES 41 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 662.89 FEET; THENCE NORTH 88 DEGREES 00 MINUTES 19 SECONDS WEST, 210.94 FEET; THENCE SOUTH 01 DEGREES 59 MINUTES 41 SECONDS WEST, 204.50 FEET; THENCE SOUTH 88 DEGREES 00 MINUTES 19 SECONDS EAST, 210.94 FEET, TO THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION; THENCE SOUTH 01 DEGREES 59 MINUTES 41 SECONDS WEST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 537.16 FEET TO THE POINT OF BEGINNING, CONTAINING A TOTAL OF 1,730,183 SQUARE FEET [39.72 ACRES].

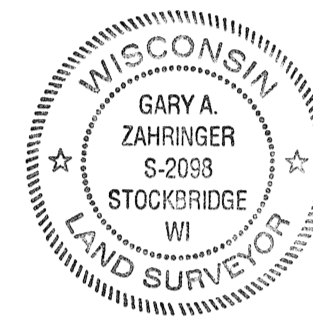
THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION THEREOF MADE.

THAT I HAVE MADE SUCH LAND DIVISION AND PLAT BY THE DIRECTION OF THE OWNERS SHOWN HEREIN.

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

GIVEN UNDER MY HAND THIS 27TH DAY OF JULY, 2020.

Gary A. Zhringer
GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR S-2098



CORPORATE OWNER'S CERTIFICATE OF DEDICATION

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

NORTH APPLETON PROPERTIES, LLC, FURTHER CERTIFIES THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

DEPARTMENT OF ADMINISTRATION
CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER(S) THIS ____ DAY OF _____, 2020.

GREGORY GAUERKE - MEMBER

STATE OF WISCONSIN)
) SS
OUTAGAMIE COUNTY)

PERSONALLY CAME BEFORE ME THIS ____ DAY OF _____, 2020,
THE ABOVE OWNER(S) TO ME KNOWN TO BE THE PERSON(S), WHO EXECUTED THE FOREGOING
INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

CONSENT OF CORPORATE MORTGAGEE

NICOLET NATIONAL BANK, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE LANDS HEREIN DESCRIBED, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT, AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF NORTH APPLETON PROPERTIES, LLC, OWNER.

IN WITNESS WHEREOF, THE SAID NICOLET NATIONAL BANK, HAS CAUSED THESE PRESENTS TO BE SIGNED BY BRIAN D. PASCHEN, VICE PRESIDENT, WHOSE ADDRESS IS 550 S. GREEN BAY ROAD, NEENAH, WISCONSIN, 54956 AND ITS CORPORATE SEAL TO BE HEREUNTO AFFIXED

THIS ____ DAY OF _____, 2020.

BRIAN D. PASCHEN, VICE PRESIDENT

STATE OF WISCONSIN)
) SS
OUTAGAMIE COUNTY)

PERSONALLY CAME BEFORE ME THIS ____ DAY OF _____, 2020,
THE ABOVE OWNER TO ME KNOWN TO BE THE PERSON, WHO EXECUTED THE FOREGOING
INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

DRAINAGE AND LANDSCAPE EASEMENT PROVISIONS

AN EASEMENT FOR DRAINAGE AND LANDSCAPE IS HEREBY GRANTED BY NORTH APPLETON PROPERTIES, LLC, GRANTOR, TO

CITY OF APPLETON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID DRAINAGEWAY AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. BUILDINGS OR ANY OTHER TYPE OF STRUCTURE OR IMPEDIMENT TO DRAINAGE SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED EITHER "DRAINAGE EASEMENT" OR "LANDSCAPE EASEMENT". GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK. GRANTOR SHALL MAINTAIN GROUND SURFACE AND VEGETATION SO AS NOT TO IMPEDE DRAINAGE.

STORM SEWER EASEMENT PROVISION

AN EASEMENT FOR STORM SEWER IS HEREBY GRANTED BY NORTH APPLETON PROPERTIES, LLC, GRANTOR, TO

CITY OF APPLETON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SAID STORM SEWER AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. BUILDINGS OR ANY OTHER TYPE OF STRUCTURE SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "STORM SEWER EASEMENT". GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK.

SANITARY SEWER AND WATER MAIN EASEMENT PROVISION

AN EASEMENT FOR SANITARY SEWER AND WATER MAIN IS HEREBY GRANTED BY NORTH APPLETON PROPERTIES, LLC, GRANTOR, TO

CITY OF APPLETON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SAID SANITARY SEWER, WATER MAIN AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID SANITARY SEWER, WATER MAIN AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID SANITARY SEWER, WATER MAIN AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. BUILDINGS OR ANY OTHER TYPE OF STRUCTURE SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "SANITARY SEWER & WATER MAIN EASEMENT". GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK.

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

GREGORY GAUERKE - MEMBER

UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY APPLETON NORTH PROPERTIES, LLC, GRANTORS, TO

WISCONSIN ELECTRIC POWER COMPANY, A WISCONSIN CORPORATION DOING BUSINESS AS WE ENERGIES, GRANTEE,
WISCONSIN BELL, INC. D/B/A AT&T WISCONSIN, A WISCONSIN CORPORATION, GRANTEE, AND
TIME WARNER ENTERTAINMENT COMPANY, L.P., GRANTEE

THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO CONSTRUCT, INSTALL, OPERATE, REPAIR, MAINTAIN AND REPLACE FROM TIME TO TIME, FACILITIES USED IN CONNECTION WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY AND ELECTRIC ENERGY, NATURAL GAS, TELEPHONE AND CABLE TV FACILITIES FOR SUCH PURPOSES AS THE SAME IS NOW OR MAY HEREAFTER BE USED, ALL IN, OVER, UNDER, ACROSS, ALONG AND UPON THE PROPERTY SHOWN WITHIN THOSE AREAS ON THE PLAT DESIGNATED AS "UTILITY EASEMENT AREAS" AND THE PROPERTY DESIGNATED ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHT TO INSTALL SERVICE CONNECTIONS UPON, ACROSS WITHIN AND BENEATH THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS, THEREON, OR ON ADJACENT LOTS; ALSO THE RIGHT TO TRIM OR CUT DOWN TREES, BRUSH AND ROOTS AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. THE GRANTEE'S 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 GRANTEE'S 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 GRANTEE. THE GRANT OF EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

GREGORY GAUERKE - MEMBER

COMMON COUNCIL RESOLUTION:

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

ON THIS ____ DAY OF _____, 2020.

JAKE WOODFORD, CITY MAYOR

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

KAMI LYNCH, CITY CLERK DATE

CITY TREASURER'S CERTIFICATE:

I, ANTHONY D. SAUCERMAN, BEING THE DULY QUALIFIED AND ACTING FINANCE DIRECTOR OF THE CITY OF APPLETON, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE, THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF _____ ON ANY OF THE LAND INCLUDED IN BROADWAY HILLS ESTATES.

ANTHONY D. SAUCERMAN, CITY FINANCE DIRECTOR DATE

COUNTY TREASURER'S CERTIFICATE:

I, _____, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE COUNTY OF OUTAGAMIE, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNREDEEMED TAX SALES AND NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF _____ AFFECTING THE LANDS INCLUDED IN BROADWAY HILLS ESTATES.

DATE _____ SIGNED _____ COUNTY TREASURER

There are no objections to this plat with respect to
Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2),
Wis Stats. as provided by s. 236.12, Wis. Stats.

Certified _____, 20_____



Department of Administration

Drawing No. 1-1306-001
Sheet 2 of 2
This instrument drawn by: Amy Sedlar

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