



CITY OF APPLETON

MEMORANDUM

Date: June 25, 2025
To: Plan Commission
From: Don Harp, Principal Planner
Subject: Certified Survey Map #9-25 – Crossing a Plat Boundary Line and Release of Public Easement

GENERAL INFORMATION

Owner: Evelyn A. Hartwig, Trustee for Chris J. Hartwig Revocable Trust

Applicant: Devon Pittman, Development Manager - Briohn Building Corporation

Parcel Numbers: Generally located west of the CTH OO/USH 441 interchange (Tax Id #'s 31-1-5351-00, 31-1-5352-00, 31-1-5352-01, 31-1-6728-00, 31-1-6729-00, 31-1-5804-00, 31-1-5802-00, 31-1-5803-00, 31-1-5801-00, 31-1-5805-00, 31-1-5800-00, 31-1-5806-00, 31-1-5807-00 and 31-1-5808-00).

Applicant's Request: The applicant is requesting approval of a Certified Survey Map (CSM) that crosses a plat boundary and release of public utility easement.

Plan Commission Meeting Date: June 25, 2025

Common Council Meeting Date: To align with timing for the corresponding Comprehensive Plan Future Land Use Map Amendment #2-25 and Rezoning #6-25, CSM #9-25 and release of public utility easement will be reported out at the same anticipated Common Council meeting on August 6, 2025.

BACKGROUND

A portion of the land area was included in Chris J. Hartwig Revocable Trust Annexation, which was approved by the Common Council on June 4, 2025 and officially annexed to the City on June 10, 2025.

STAFF ANALYSIS

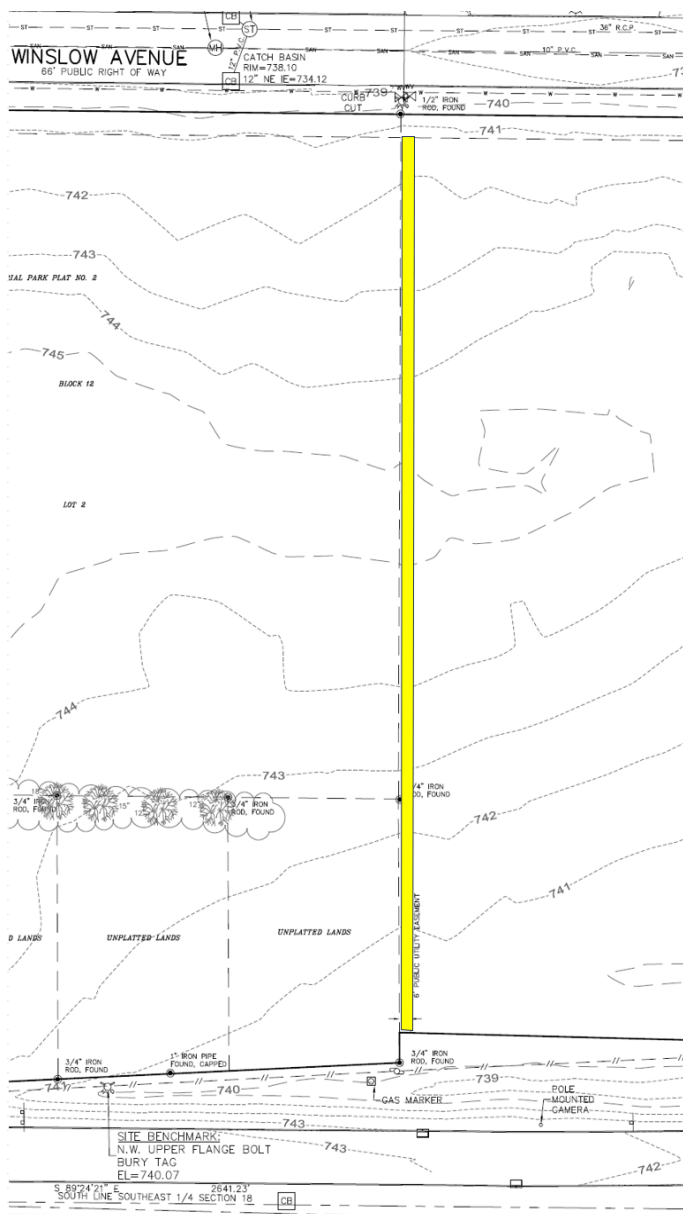
Associated Action Items: Future Land Use Map Amendment #2-25 and Rezoning #6-25 are also being presented at this June 25, 2025 Plan Commission meeting.

Purpose: In order to satisfy the requirements of Chapter 236 of the Wisconsin State Statutes, certified survey maps that cross a plat boundary line (Northeast Industrial Park Plat No. 3) must be approved in the same manner as a Final Plat, which includes Plan Commission and Common Council approval.

Proposed Conditions: Certified Survey Map #9-25 consists of 18.9727 acres and will be divided into 3 proposed lots and 1 proposed outlot for stormwater detention.

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 C-2 General Commercial District, the minimum lot width is 60 feet, and the minimum lot area is 14,000 square feet, per Section 23-113(h) of the Municipal Code. If Rezoning #6-25 is approved, proposed lots illustrated on CSM #9-25 satisfies these lot development standards.

Release of Public Easement (yellow highlight): In 1995, it appears the City released their interest in the 6-foot-wide public utility easement to the Northeast Industrial Park Plat No. 3. Since the City administers the Northeast Industrial Park No. 3 plat, the applicant is requesting the City release their interest in the 6-foot-wide public utility easement pursuant to the attached easement lease document. Based upon information provided by the Department of Public Works, there are no existing City utilities located with the 6-foot easement. Therefore, there are no concerns with releasing the City's interest in the public utility easement.



Surrounding Zoning and Land Uses: The surrounding zoning and uses (north, south, east, and west) are generally commercial and industrial, with a small portion being residential.

North: City of Appleton, M-1 Industrial Park District. The adjacent land uses to the north are commercial and light industrial.

South: City of Appleton, AG Agricultural District. The adjacent land use to the south is undeveloped land.

Town of Grand Chute. The adjacent land use to the south is residential.

East: City of Appleton, Proposed C-2 General Commercial District. The adjacent land use to east is CTH OO/USH 441 Interchange.

West: City of Appleton, M-1 Industrial Park District. The adjacent land use to west is light industrial.

Appleton Comprehensive Plan 2010-2030: If Future Land Use Map Amendment #2-25 is approved from Business/Industrial to Commercial future use the subject area appears to be consistent with this future land use map amendment.

Development Review Team (DRT) Report: This item appeared on the June 3, 2025 DRT agenda. Comments were received from participating departments and captured in the stipulations found below.

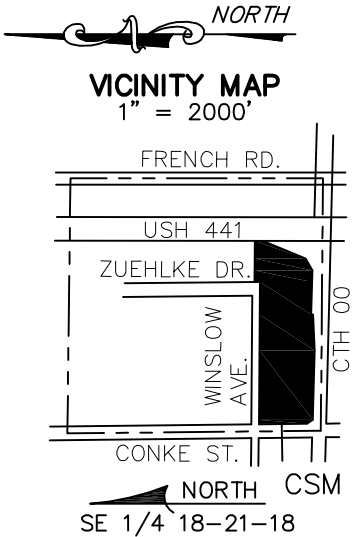
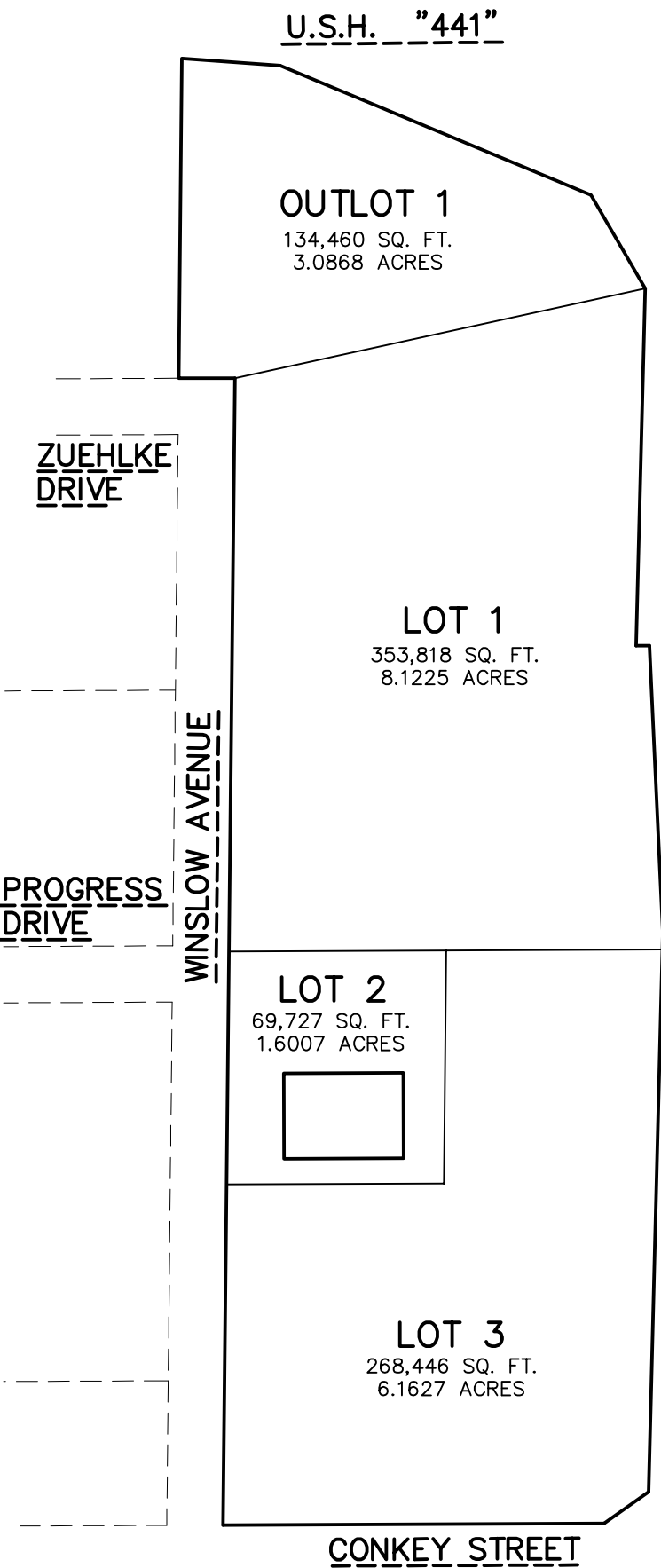
RECOMMENDATION

Based upon the above analysis, staff recommends Certified Survey Map #9-25 and the City release their interest in the public utility easement, as shown on the attached map and per release of public easement agreement document, **BE APPROVED** subject to the following conditions:

1. The Certified Survey Map technical comments provided by the City Surveyor dated June 19, 2025 shall be addressed by owner/applicant to the satisfaction of the City Surveyor prior to City signatures being affixed to the Certified Survey Map.
2. The Certified Survey Map and the release of public easement agreement document will be reported out at the same Common Council meeting as the proposed Comprehensive Plan Amendment #2-25 and Rezoning #6-25. This will be done simultaneously to coincide with the change in zoning classification to the C-2 District and the future land use from future Business/Industrial to Commercial land use designation.

CERTIFIED SURVEY MAP
NO. _____

A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358, LOTS 1, 2 AND 3 IN BLOCK 12 OF NORTHEAST INDUSTRIAL PARK PLAT NO. 3 AND LANDS, BEING PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



ALL DIMENSIONS SHOWN ARE MEASURED TO THE NEAREST HUNDREDTH OF A FOOT.

ALL BEARINGS REFER TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY. THE SOUTH LINE OF THE SE 1/4 OF SEC. 18 HAVING A BEARING OF S 89°24'21" E.

THIS C.S.M. IS ALL OF TAX KEY PARCEL NO'S.: 10117130, 101171400, 101171500, 101171600, 101171800, 31162800, 311672900, 311535201, 101171700, 101172000, 101172100, 311535100 & 311535200. THE PROPERTY OWNER OF RECORD IS THE CHRIS J. HARTWIG REVOCABLE TRUST. THE C.S.M. IS CONTAINED WHOLLY WITHIN THE PROPERTIES DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENTS: 2302470, 2332889, 2332890, 2332904, 1509886, 2270336 & 2302371.

NO DRIVEWAYS WERE OBSERVED ON THE PROPERTY ALONG C.T.H. "00"

SUBJECT LAND IS ZONE "X" PER FLOOD INSURANCE RATE MAP 55087C0336D EFFECTIVE DATE JULY 22, 2010.

SEE SHEETS 2, 3 AND 4 FOR LOT DETAILS

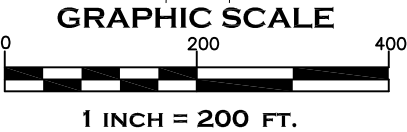
SEE SHEETS 5 & 6 FOR PROPOSED EASEMENTS



MAY 5, 2025

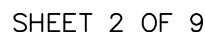
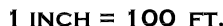


CAPITOL SURVEY ENTERPRISES
2015 LA CHANDELLE CT.
BROOKFIELD, WI 53045
PH: (262) 786-6600
FAX: (414) 786-6608
WWW.CAPITOLSURVEY.COM



PREPARED FOR:
CHRIS J. HARTWIG REVOCABLE TRUST
P.O. BOX 165
LITTLE CHUTE, WI 54140

○ INDICATES 3/4 INCH DIA. IRON ROD, 18 INCHES IN LENGTH, WEIGHING 1.68 LBS PER LINEAL FOOT. SET.



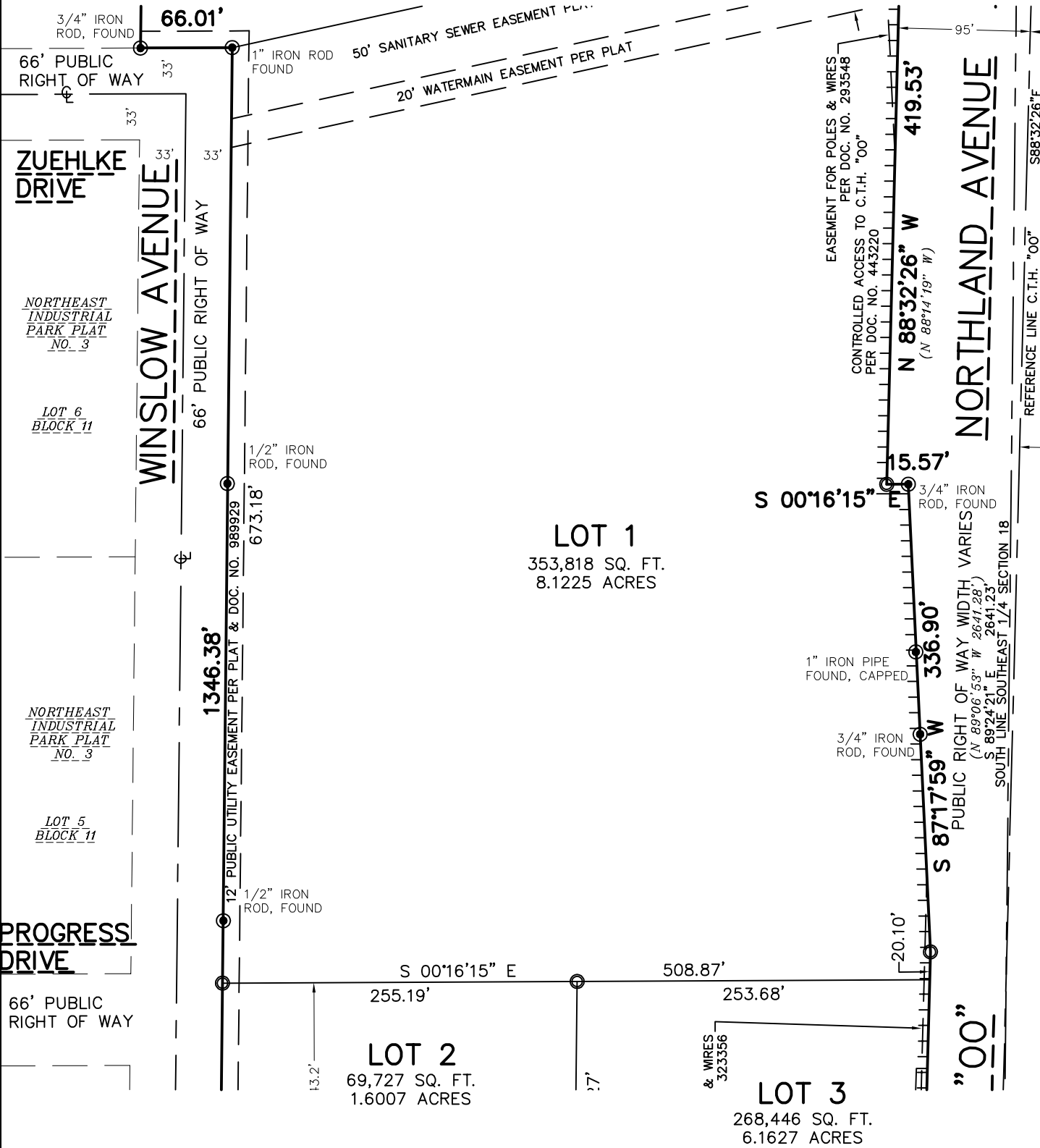
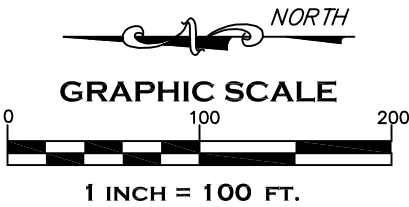
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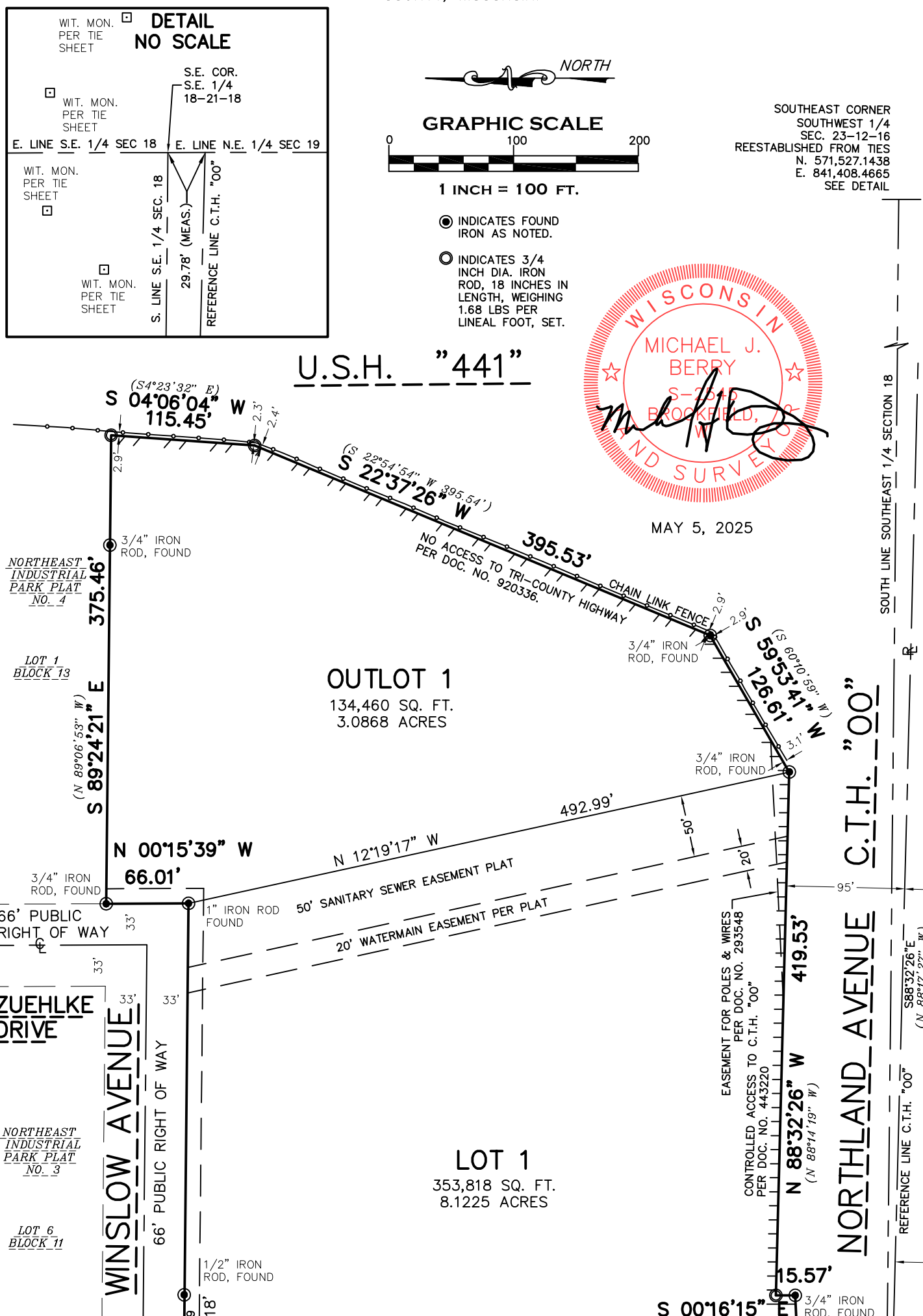
MAY 5, 2025

- INDICATES FOUND IRON AS NOTED.
- INDICATES 3/4 INCH DIA. IRON ROD, 18 INCHES IN LENGTH, WEIGHING 1.68 LBS PER LINEAL FOOT, SET.



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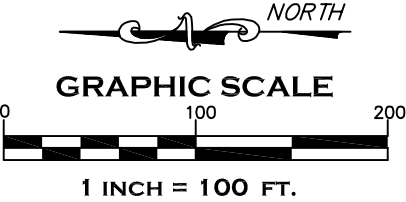


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PROPOSED EASEMENTS



MAY 5, 2025

66' PUBLIC RIGHT OF WAY

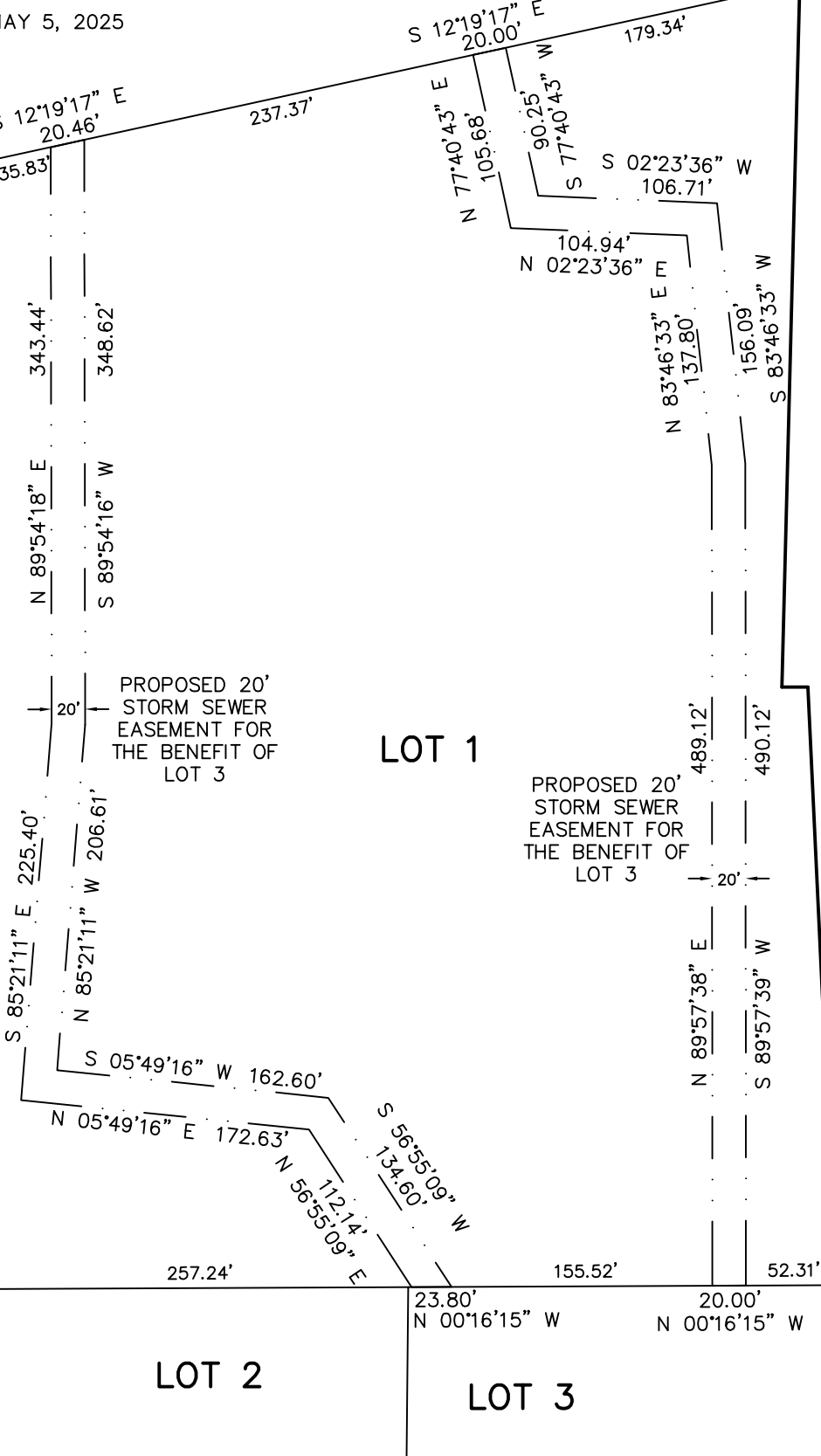
ZUEHLKE DRIVE

WINSLOW AVENUE

66' PUBLIC RIGHT OF WAY

PROGRESS DRIVE

66' PUBLIC RIGHT OF WAY



NORTH AND AVENUE C.T.H. "00"

PUBLIC RIGHT OF WAY WIDTH VARIES
S 89°24'21" E 2641.23'
SOUTH LINE SOUTHEAST 1/4 SECTION 18

"00"

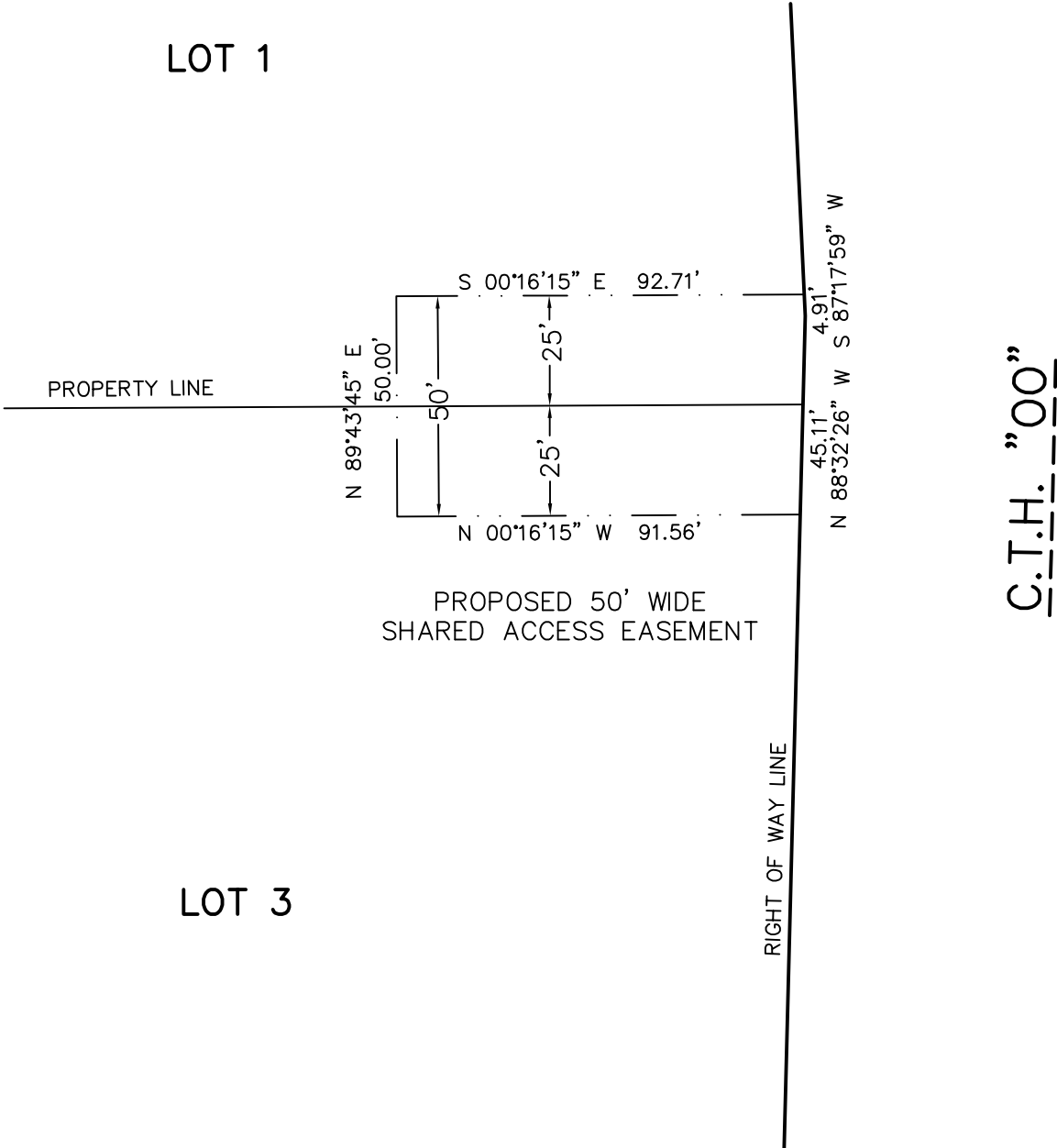
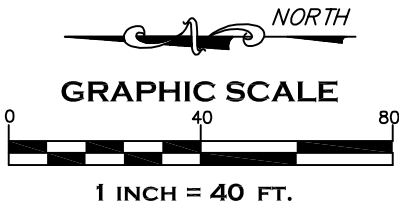
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MAY 5, 2025

PROPOSED
EASEMENTS



C.T.H. "00"

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SURVEYOR'S CERTIFICATE

STATE OF WISCONSIN)
WAUKESHA COUNTY) SS

I, MICHAEL J BERRY, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED AND MAPPED A REDIVISION OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2358, LOTS 1, 2 AND 3 IN BLOCK 12 OF NORTHEAST INDUSTRIAL PARK PLAT NO. 3 AND LANDS, BEING PART OF THE SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 18, TOWNSHIP 21 NORTH, RANGE 18 EAST, IN THE CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID 1/4 SECTION; THENCE N 00°15'48" W 10.02 FEET TO THE POINT OF INTERSECTION WITH THE REFERENCE LINE FOR COUNTY TRUNK HIGHWAY "00" (C.T.H.); THENCE CONTINUING N 00°15'48" W ALONG SAID LINE 106.53 FEET TO THE POINT OF BEGINNING OF LANDS TO BE DESCRIBED; THENCE CONTINUING N 00°15'48" W 447.19 FEET TO A POINT ON THE SOUTH LINE OF WINSLOW AVENUE; THENCE S 89°24'21" E ALONG SAID SOUTH LINE AND PARALLEL WITH THE SOUTH LINE OF SAID 1/4 SECTION 1346.38 FEET TO A POINT ON THE EAST LINE OF ZUEHLKE DRIVE; THENCE N 00°15'39" W ALONG SAID EAST LINE 66.01 FEET TO THE SOUTH EAST CORNER OF LOT 1, BLOCK 13 OF NORTHEAST INDUSTRIAL PARK PLAT NO. 4; THENCE S 89°24'21" E ALONG THE SOUTH LINE OF SAID LOT 1 AND PARALLEL WITH SAID SOUTH LINE OF SAID 1/4 SECTION 375.46 FEET TO A POINT ON THE WESTERLY LINE OF U.S.H. "441"; THENCE S 04°06'04" W ALONG SAID WESTERLY LINE 115.45 FEET; THENCE S 22°37'26" W ALONG SAID LINE 395.53 FEET; THENCE S 59°53'41" W 126.61 FEET TO A POINT ON THE NORTH LINE OF C.T.H. "00", BEING 95.00' NORTH OF AS MEASURED NORMAL TO THE REFERENCE LINE OF SAID HIGHWAY; THENCE N 88°32'26" W AND PARALLEL WITH THE SAID REFERENCE LINE 419.53 FEET; THENCE S 00°16'15" E 15.57 FEET; THENCE S 87°17'59" W ALONG SAID NORTH LINE 336.90 FEET TO A POINT ON SAID NORTH LINE BEING 55.00 FEET NORTH OF SAID REFERENCE LINE AS MEASURED NORMAL TO THE REFERENCE LINE OF SAID HIGHWAY; THENCE N 88°32'26" W ALONG SAID NORTH LINE AND PARALLEL TO SAID REFERENCE LINE 656.66 FEET; THENCE N 35°19'15" W 64.28 FEET TO THE POINT OF BEGINNING.

CONTAINING 826,451 SQUARE FEET OR 18.9727 ACRES.

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND MAP BY THE DIRECTION OF CHRIS J. HARTWIG REVOCABLE TRUST, OWNER OF SAID LAND.

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

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE STATUTES OF THE STATE OF WISCONSIN, SECTION 17 OF THE CITY OF APPLETON CODE AND CHAPTER 17 OF THE ORDINANCES OF OUTAGAMIE COUNTY IN SURVEYING, DIVIDING, AND MAPPING THE SAME.

DATED THIS 5TH DAY OF MAY, 2025.



PROFESSIONAL LAND SURVEYOR,
S-2545
STATE OF WISCONSIN



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CORPORATE OWNER'S CERTIFICATE

CHRIS J. HARTWIG REVOCABLE TRUST, A WISCONSIN CORPORATION EXISTING UNDER THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, CERTIFY THAT THEY HAVE CAUSED THE LAND DESCRIBED ON THIS MAP TO BE SURVEYED, DIVIDED, AND MAPPED, AS REPRESENTED ON THIS MAP IN ACCORDANCE WITH THE ORDINANCES OF THE CITY OF appleton.

IN WITNESS WHEREOF, CHRIS J. HARTWIG REVOCABLE TRUST HAS CAUSED THESE PRESENTS TO BE SIGNED BY EVELYN HARTWIG, TRUSTEE, AT _____, WISCONSIN, THIS _____DAY OF _____, 2025.

EVELYN HARTWIG
TRUSTEE

STATE OF WISCONSIN) SS
OUTAGAMIE COUNTY)

PERSONALLY CAME BEFORE ME THIS_____DAY OF_____, 2025, EVELYN HARTWIG, TO ME KNOW AS THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT, AND ACKNOWLEDGED THE SAME.

NOTARY PUBLIC
STATE OF WISCONSIN
MY COMMISSION EXPIRES:_____



MAY 5, 2025

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PLANNING COMMISSION APPROVAL

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF OAK CREEK ON THIS_____ DAY OF_____ , 2025

JAKE WOODFORD, MAYOR
CITY OF APPLETON

COMMON COUNCIL APPROVAL

APPROVED BY THE COMMON COUNCIL OF THE APPLETON CREEK IN ACCORDANCE WITH THE RESOLUTION NO. _____, ADOPTED ON THIS___DAY _____, 2025.

JAKE WOODFORD, MAYOR
CITY OF APPLETON

CERTIFICATE OF THE COUNTY TREASURER

I CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON THE PROPERTY INCLUDED WITH THIS CERTIFIED SURVEY MAP ON THIS_____ DAY OF_____ , 2025.

ROCHELLE OSKEY, COUNTY TREASURER

DEPARTMENT OF DEVELOPMENT & LAND SERVICES

THIS CERTIFIED SURVEY MAP HAS BEEN REVIEWED AND APPROVED BY THE DEPARTMENT OF DEVELOPMENT & LAND SERVICES ON THIS_____ DAY OF_____ , 2025.

_____, REVIEWER



MAY 5, 2025

Document No.

**RELEASE OF
PUBLIC EASEMENT AGREEMENTS**

Return to:
Mallery s.c.
Attn: Jacqueline G. Hrovat
731 N. Jackson Street, Ste 900
Milwaukee, WI 53202

Part of 311535200

Parcel Number(s)

RELEASE OF PUBLIC EASEMENT AGREEMENTS

The undersigned, City of Appleton, has a beneficial interest arising under the following documents (collectively being the "Public Easement Agreements"):

Public Easement recorded in the Register of Deeds Office of Outagamie County, Wisconsin on April 24, 1990 in Cabinet E, Pages 105 and 106 which easement was depicted on the Plat of Northeast Industrial Park Plat No. 3, as amended by Release of Easements recorded on September 21, 1995 in Jacket 17260 Image 53 as Document No. 1166626, Release of Easements recorded on October 13, 1995 in Jacket 17348 Image 41, as Document No. 1168886, and Partial Quit Claim of Easement rights recorded on August 1, 1996 in Jacket 18421 Image 11, as Document No. 1198490.

And which relate to certain Real Property more particularly described as follows:

All of Lot Three (3), in Block twelve (12), NORTHEAST INDUSTRIAL PARK PLAT NO. 3, City of Appleton, Outagamie County, Wisconsin.

The undersigned hereby releases all right, title, and interest in the above-described Real Property arising under the aforementioned Public Easement Agreements.

[signatures on the following page]

Dated this ____ day of _____, 2025.

CITY OF APPLETON,
a Municipal Corporation

By: _____

Name: _____

Title: _____

ACKNOWLEDGMENT

STATE OF WISCONSIN)

COUNTY OF _____)

Personally came before me, this ____ day of _____, 2025, the above-named _____ as the _____, of the City of Appleton, to me known (or satisfactorily proven) to be such person and officer who executed the foregoing instrument and acknowledge that he executed the same as such officer, by its authority, or the purposes, therein contained.

Notary Public _____

State of Wisconsin

My Commission expires: _____

This document was drafted by

Jacqueline G. Hrovat

Mallery s.c.

731 N. Jackson Street, Ste 900

Milwaukee, WI 53202