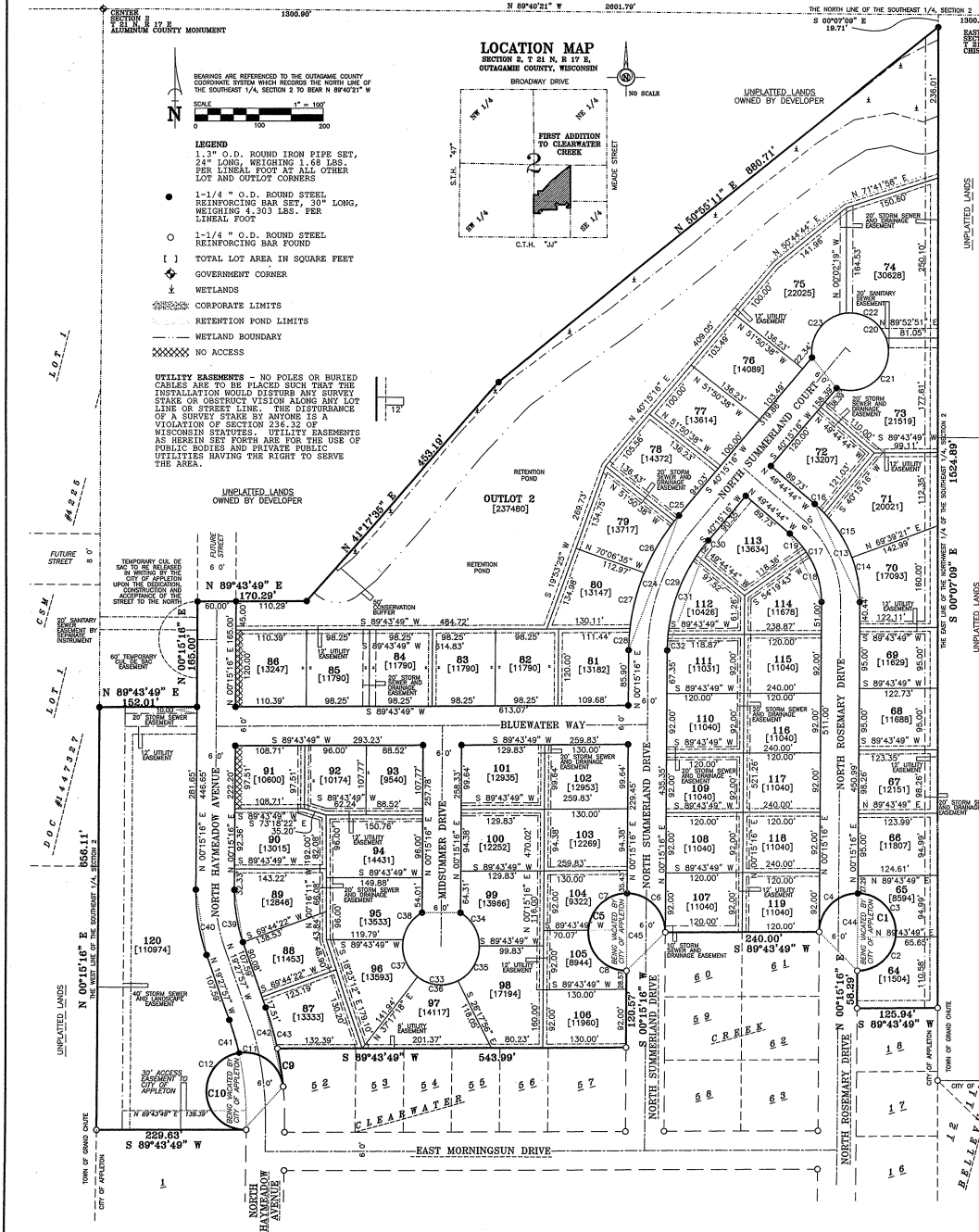


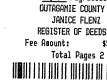
FIRST ADDITION TO CLEARWATER CREEK

THE REPLAT OF PART OF CLEARWATER CREEK, RECORDED AS DOCUMENT #1674467 IN CABINET J PAGES 85 - 86 AND PARTS OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF SECTION 2, TOWN 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



1802951
Recorded
July 16, 2008 AT 10:45AM

Wet/Cab. K. Pub/Heck TL-78
OUTAGAMIE COUNTY
JUDICE FLEWY
REGISTER OF DEEDS
Fee Amount: \$58.80
Total Pages 2



CURVE TABLE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	60.00	270°00'30"	282.75'	N 44°44'59.0" W	84.85'	S 89°44'44" E	S 00°14'46" W
2	60.00	083°08'23"	81.06'	N 48°41'04.5" E	19.62'	S 89°44'44" E	N 01°06'53" E
3	60.00	096°51'37"	101.43'	N 41°18'55.5" E	89.78'	N 07°06'53" E	S 89°44'44" W
4	60.00	090°00'30"	94.26'	S 45°15'01.0" W	94.26'	S 45°15'01.0" W	S 89°44'44" E
5	60.00	270°00'41"	282.76'	S 45°15'36.5" W	84.84'	N 00°15'57" E	S 89°44'44" E
6	60.00	090°00'41"	94.26'	N 44°44'23.5" W	84.86'	N 00°15'57" E	S 89°44'44" W
7	60.00	081°15'01"	91.37'	S 46°37'45.5" W	82.79'	N 00°44'44" E	S 03°00'15" W
8	60.00	082°44'59"	97.13'	S 43°22'14.5" E	86.86'	S 00°00'15" W	S 89°44'44" E
9	530.00	267°27'33"	59.76'	S 08°55'40.5" W	59.72'	N 05°41'54" E	S 12°09'27" W
10	60.00	061°17'00"	273.62'	S 42°18'16.0" W	119.46'	S 07°03'18" E	S 88°20'18" E
11	60.00	092°08'52"	96.50'	N 53°07'44.0" W	86.43'	N 07°03'18" W	S 80°47'50" W
12	60.00	168°08'08"	177.12'	S 03°46'14.0" E	119.46'	S 80°47'50" W	S 88°20'18" E
13	200.00	050°00'00"	174.53'	N 24°44'44.0" W	169.05'	N 00°15'16" E	S 49°44'44" W
14	200.00	020°35'55"	71.90'	N 10°02'41.5" W	71.52'	N 00°15'16" E	S 20°20'39" W
15	330.00	023°35'06"	82.33'	N 32°08'12.0" W	81.75'	N 00°20'39" E	S 43°45'45" W
16	200.00	005°48'59"	20.30'	N 46°50'14.5" W	20.29'	N 43°55'45" W	S 49°44'44" W
17	140.00	050°00'00"	122.11'	N 24°44'44.0" W	118.23'	N 00°15'16" E	S 49°44'44" W
18	140.00	034°09'31"	83.46'	N 16°49'29.5" W	82.23'	N 00°15'16" E	S 33°54'15" W
19	140.00	015°50'29"	38.71'	N 41°49'29.5" W	38.58'	N 33°54'15" W	S 49°44'44" W
20	60.00	298°52'09"	312.98'	N 39°41'50.5" W	61.02'	S 69°48'26" E	S 88°40'35" E
21	60.00	130°54'07"	137.08'	N 44°44'30.5" E	109.15'	S 69°48'26" E	S 42°33'38" W
22	60.00	075°14'42"	78.80'	N 58°19'54.0" W	73.25'	N 20°42'33" W	S 84°02'45" W
23	60.00	092°43'20"	97.10'	S 37°41'05.0" W	86.84'	S 84°02'45" W	S 08°40'35" E
24	330.00	040°00'00"	230.38'	S 20°15'16.0" W	225.73'	S 40°15'16" W	S 00°15'16" W
25	330.00	022°00'03"	11.52'	S 38°15'14.5" W	11.52'	S 38°15'14.5" W	S 08°40'35" E
26	330.00	016°16'59"	93.78'	S 30°06'43.5" W	93.47'	S 38°15'13" W	S 21°58'14" W
27	330.00	015°46'53"	90.27'	S 34°04'47.0" W	90.27'	S 21°58'13" W	S 08°40'35" E
28	330.00	005°56'05"	34.18'	S 03°13'18.5" W	34.17'	S 06°11'21" W	S 00°15'16" W
29	270.00	040°00'00"	186.50'	S 20°15'16.0" W	184.69'	S 40°15'16" W	S 00°15'16" W
30	270.00	016°19'53"	29.84'	S 37°05'19.5" W	29.82'	S 40°15'16" W	S 33°55'23" W
31	270.00	028°25'31"	133.95'	S 19°42'37.5" W	132.58'	S 33°55'23" W	S 05°29'52" W
32	270.00	005°14'56"	24.74'	S 02°34'34.0" W	24.70'	S 05°29'52" W	S 00°15'16" W
33	60.00	300°00'00"	314.15'	S 89°44'44" W	314.15'	S 89°44'44" W	S 08°40'35" E
34	60.00	059°28'33"	62.28'	N 30°09'27.5" W	59.52'	N 00°16'11" W	S 58°44'44" W
35	60.00	014°58'42"	65.99'	N 15°44'42.0" W	65.99'	N 43°42'04" E	N 00°15'16" W
36	60.00	063°44'08"	66.74'	S 84°25'52.0" E	63.36'	S 52°33'48" E	N 63°42'04" W
37	60.00	062°06'22"	65.04'	S 21°30'37.0" E	61.50'	S 09°32'34" E	S 52°33'48" E
38	60.00	050°42'42"	53.11'	S 34°53'55.0" W	51.13'	S 09°32'34" E	S 08°40'35" E
39	240.00	019°43'13"	82.60'	S 09°36'20.5" E	82.20'	N 00°15'16" W	S 13°27'57" E
40	300.00	019°43'13"	103.26'	S 09°36'20.5" E	102.75'	S 00°15'16" W	S 13°27'57" E
41	470.00	006°37'17"	54.32'	N 16°09'18.5" W	54.29'	N 15°00'40" W	N 15°27'57" W
42	530.00	013°46'03"	127.35'	N 12°34'55.5" W	127.05'	N 05°41'54" W	N 15°27'57" W
43	60.00	001°18'30"	62.60'	N 15°48'42.0" W	62.60'	N 12°09'27" W	N 05°41'54" W
44	60.00	180°00'00"	188.49'	N 00°15'16.0" E	120.00'	N 89°44'44" W	N 89°44'44" W
45	60.00	180°00'00"	188.50'	S 00°15'16.0" W	120.00'	N 89°44'44" W	N 89°44'44" W

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.
MONUMENT WAIVER ON FILE WITH THE CITY OF APPLETON.

LOTS 64-81 AND 102-119 ARE ZONED R-1A. CITY OF APPLETON FRONT YARD BUILDING SETBACK IS 20 FEET, SIDE YARD IS 8 FEET AND REAR YARD IS 25 FEET. LOTS 82-85 AND 92-101 ARE ZONED R-1B. CITY OF APPLETON FRONT YARD BUILDING SETBACK IS 20 FEET, SIDE YARD IS 6 FEET AND REAR YARD IS 25 FEET. LOTS 86-91 ARE ZONED PD-R-3. CITY OF APPLETON FRONT YARD BUILDING SETBACK IS 20 FEET, SIDE YARD IS 20 FEET AND REAR YARD IS 25 FEET. OUTLOT 2 IS ZONED P-1. CITY OF APPLETON FRONT YARD BUILDING SETBACK IS 20 FEET, SIDE YARD IS 6 FEET AND REAR YARD IS 35 FEET. LOT 120 IS ZONED FD-R-3. CITY OF APPLETON FRONT YARD BUILDING SETBACK IS 20 FEET, SIDE YARD IS 6 FEET AND REAR YARD IS 35 FEET.

ACCESS TO THE EAST END OF OUTLOT 2 WILL BE PROVIDED FROM THE FUTURE PHASE CONTIGUOUS TO THE NORTH.

OUTLOT 2 WHICH CONTAINS RETENTION PONDS IS TO BE DEEDED TO AND MAINTAINED BY THE CITY OF APPLETON.

THAT PORTION OF NORTH ROSEMARY DRIVE PRESENTLY IN THE PROCESS OF BEING VACATED SHALL, UPON APPROVAL OF THE VACATION BY THE CITY OF APPLETON, BE ATTACHED TO LOTS 64 AND 65 BY CERTIFIED SURVEY MAP.

THAT PORTION OF NORTH SUMMERLAND DRIVE PRESENTLY IN THE PROCESS OF BEING VACATED SHALL, UPON APPROVAL OF THE VACATION BY THE CITY OF APPLETON, BE ATTACHED TO LOTS 104 AND 105 BY CERTIFIED SURVEY MAP.

THAT PORTION OF NORTH SUMMERLAND AVENUE PRESENTLY IN THE PROCESS OF BEING VACATED SHALL, UPON APPROVAL OF THE VACATION BY THE CITY OF APPLETON, BE ATTACHED TO LOT 120 BY CERTIFIED SURVEY MAP.

SANITARY, STORM SEWER, DRAINAGE, LANDSCAPE AND WATERMAIN EASEMENTS PROVISION
CLEARWATER CREEK DEVELOPMENT, L.L.C., 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, STORM SEWER, DRAINAGE, WATERMAIN AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID SANITARY SEWER, STORM SEWER, DRAINAGE, WATERMAIN 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 CONVEY TO OR IMPROVE 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, STORM SEWER, DRAINAGE, WATERMAIN 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 EASEMENT", "STORM SEWER EASEMENT", "DRAINAGE EASEMENT AND WATERMAIN EASEMENT". GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK.

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

DRAINAGE EASEMENTS
LOTS 64-76, 78-79, 84-85, 87 THROUGH 105 AND 107 THROUGH 118 CONTAIN DRAINAGE EASEMENTS. THE DRAINAGE EASEMENTS ARE CONVEYANCE PATHS FOR STORM WATER OR SOME OTHER TYPE OF WATER WHICH FLOW FROM THE NORTH. LOT OWNERS SHALL NOT PLACE STRUCTURES OF ANY TYPE WITHIN THE EASEMENT WHICH INTERFERES WITH THE FLOW OF THE DRAINAGE EASEMENT. THE PLACEMENT OF FILL IN A DRAINAGE EASEMENT, WHICH INTERFERES WITH THE FLOW OR ANY CHANGES TO THE SHAPE OF THE DRAINAGE EASEMENT BY THE LOT OWNER IS HEREBY PROHIBITED.

UPON FAILURE OF LOT OWNER'S TO MAINTAIN SAID DRAINAGE WAYS AND EASEMENTS AS DESIGNED, THE CITY OF APPLETON RETAINS THE RIGHT TO PERFORM MAINTENANCE AND OR REPAIRS. THE PAYMENT OF SAID MAINTENANCE AND OR REPAIRS SHALL BE EQUALLY ASSESSED TO THE ADJACENT LOT OWNERS.

LANDSCAPE EASEMENT
LOT 120 CONTAINS A LANDSCAPE EASEMENT. THE LANDSCAPE EASEMENT CONTAINS AN EARTHEN BERM THAT SERVES TO VISIBLY BUFFER THE ADJACENT PROPERTY AND ALSO SERVES TO PLACE STRUCTURES OF ANY TYPE WITHIN THE EASEMENT. THE PLACEMENT OF FILL IN THE EASEMENT, WHICH INTERFERES WITH THE FLOW OR ANY CHANGES TO THE SHAPE OF THE LANDSCAPE EASEMENT BY THE LOT OWNER IS HEREBY PROHIBITED.

UPON FAILURE OF LOT OWNER'S TO MAINTAIN SAID EASEMENT AS DESIGNED, THE CITY OF APPLETON RETAINS THE RIGHT TO PERFORM MAINTENANCE AND OR REPAIRS. THE PAYMENT OF SAID MAINTENANCE AND OR REPAIRS SHALL BE EQUALLY ASSESSED TO THE ADJACENT LOT OWNERS.

ACCESS RESTRICTION CLAUSE
AS OWNER I HEREBY RESTRICT LOTS 86 AND 91 IN THAT NO OWNER, POSSESSOR, USER, LICENSEE, NOR OTHER PERSON SHALL HAVE ANY RIGHT OF DIRECT VEHICULAR INGRESS OR EGRESS WITHIN THE NORTH SUMMERLAND DRIVE EASEMENT THAT THIS RESTRICTION SHALL BE ENFORCEABLE BY THE CITY OF APPLETON FOR THE BENEFIT OF THE PUBLIC ACCORDING TO SECTION 236.293, WISCONSIN STATUTES, AND SHALL BE ENFORCEABLE BY THE CITY OF APPLETON.

Robert De Bruin
DATE 6-24-08



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.
Martenson & Eisele, Inc.
1377 Moway Road
Menasha, WI 54952
www.martenson-eisele.com
920.731.0381 1.800.236.0381
Planning
Environmental
Surveying
Engineering
Architecture
Certified June 19, 2008
Brent M. Downey
Department of Administration

FIRST ADDITION TO CLEARWATER CREEK

THE REPLAT OF PART OF CLEARWATER CREEK, RECORDED AS DOCUMENT #1674467 IN CABINET J PAGES 85 - 86 AND PARTS OF THE NORTHEAST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWN 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

SURVEYORS CERTIFICATION

I, DAVID D. EISELE, WISCONSIN REGISTERED LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED, AND MAPPED PART OF THE NORTHWEST 1/4 AND SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 OF SECTION 2, TOWN 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 2; THENCE ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 2, NORTH 89 DEGREES 40 MINUTES 21 SECONDS WEST, 1300.89 FEET; THENCE ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 1/4, SOUTH 00 DEGREES 07 MINUTES 09 SECONDS EAST, 19.71 FEET TO THE POINT OF BEGINNING; THENCE, CONTINUING ALONG THE EAST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 1/4, SOUTH 00 DEGREES 07 MINUTES 09 SECONDS EAST, 1524.89 FEET; THENCE ALONG THE NORTH LINE OF CLEARWATER CREEK, SOUTH 89 DEGREES 43 MINUTES 49 SECONDS WEST, 125.94 FEET; THENCE CONTINUING ALONG THE NORTH LINE OF SAID CLEARWATER CREEK ALSO BEING THE EAST RIGHT-OF-WAY LINE OF NORTH ROSEMARY DRIVE, NORTH 00 DEGREES 15 MINUTES 16 SECONDS EAST, 58.29 FEET; THENCE, CONTINUING ALONG THE NORTH LINE OF SAID CLEARWATER CREEK, SOUTH 89 DEGREES 43 MINUTES 49 SECONDS WEST, 240.00 FEET; THENCE CONTINUING ALONG THE NORTH LINE OF SAID CLEARWATER CREEK, 282.76 FEET ALONG AN ARC OF A CURVE TO THE LEFT HAVING A RADIUS OF 60.00 FEET WITH A CHORD WHICH BEARS SOUTH 45 DEGREES 15 MINUTES 36.0 SECONDS WEST, 84.84 FEET; THENCE CONTINUING ALONG THE NORTH LINE OF SAID CLEARWATER CREEK, SOUTH 89 DEGREES 43 MINUTES 49 SECONDS WEST, 543.89 FEET; THENCE CONTINUING ALONG THE NORTH LINE OF SAID CLEARWATER CREEK ALSO BEING THE WEST RIGHT-OF-WAY LINE OF NORTH SUMMERLAND DRIVE, SOUTH 00 DEGREES 15 MINUTES 16 SECONDS WEST, 120.57 FEET; THENCE CONTINUING ALONG THE NORTH LINE OF SAID CLEARWATER CREEK, SOUTH 89 DEGREES 43 MINUTES 49 SECONDS WEST, 543.89 FEET; THENCE CONTINUING ALONG THE NORTH LINE OF SAID CLEARWATER CREEK ALSO BEING THE WEST RIGHT-OF-WAY LINE OF NORTH SUMMERLAND DRIVE, SOUTH 00 DEGREES 15 MINUTES 16 SECONDS WEST, 273.62 FEET ALONG AN ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 530.00 FEET WITH A CHORD WHICH BEARS SOUTH 08 DEGREES 55 MINUTES 40.5 SECONDS EAST, 59.72 FEET; THENCE CONTINUING ALONG THE NORTH LINE OF SAID CLEARWATER CREEK, SOUTH 89 DEGREES 43 MINUTES 49 SECONDS WEST, 229.63 FEET; THENCE ALONG THE WEST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 2, NORTH 00 DEGREES 15 MINUTES 16 SECONDS EAST, 656.11 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 49 SECONDS EAST, 152.01 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 16 SECONDS EAST, 165.00 FEET; THENCE NORTH 89 DEGREES 43 MINUTES 49 SECONDS EAST, 170.29 FEET; THENCE NORTH 41 DEGREES 17 MINUTES 35 SECONDS EAST, 453.19 FEET; THENCE NORTH 50 DEGREES 55 MINUTES 11 SECONDS EAST, 880.71 FEET TO THE POINT OF BEGINNING, CONTAINING 1,291,696 SQUARE FEET (29.633 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 HEREON.

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

GIVEN UNDER MY HAND THIS 19th DAY OF NOVEMBER, 2007.

David D. Eisele
DAVID D. EISELE, R.L.S. 5-974



CORPORATE OWNER'S CERTIFICATE OF DEDICATION

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

CLEARWATER CREEK DEVELOPMENT, 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:

CITY OF APPLETON
DEPARTMENT OF ADMINISTRATION

WITNESS THE HAND AND SEAL OF SAID OWNER THIS 20th DAY OF June, 2008.

Robert De Bruin
ROBERT DE BRUIN MEMBER

STATE OF WISCONSIN)
OUTAGAMIE COUNTY) SS

PERSONALLY CAME BEFORE ME THIS 24th DAY OF June, 2008, THE ABOVE OWNER TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGES THE SAME.

William H. Hanks
WILLIAM H. HANKS
NOTARY PUBLIC MY COMMISSION EXPIRES 9-25-2011



CONSENT OF CORPORATE MORTGAGEE

M & I 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, MAPPED AND DEDICATED ON THIS PLAT, AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF CLEARWATER CREEK DEVELOPMENT, LLC. IN WITNESS WHEREOF, THE SAID M & I BANK, HAS CAUSED THESE PRESENTS TO BE SIGNED BY SHANNAN HARRIGAN THIS 25th DAY OF June, 2008.

Shannan Harrigan
SHANNAN HARRIGAN VICE PRESIDENT

STATE OF WISCONSIN)
OUTAGAMIE COUNTY) SS

PERSONALLY CAME BEFORE ME THIS 25 DAY OF June, 2008, THE ABOVE OWNER TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGES THE SAME.

A. J. Joran
A. J. JORAN
NOTARY PUBLIC MY COMMISSION EXPIRES 11/28/10



COMMON COUNCIL RESOLUTION

RESOLVED, THAT THE FIRST ADDITION TO CLEARWATER CREEK, IN THE CITY OF APPLETON, IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

DATE 7-14-08 SIGNED *Mayor* MAYOR

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

DATE 10-18-08 SIGNED *Mayor* CITY CLERK

CITY TREASURER'S CERTIFICATE

I, Dina Mumford, BEING THE DULY QUALIFIED AND ACTING TREASURER OF THE CITY OF APPLETON, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF July 15, 2008 ON ANY OF THE LAND INCLUDED IN THE FIRST ADDITION TO CLEARWATER CREEK.

DATE 7/15/08 SIGNED *Dina Mumford* CITY TREASURER

COUNTY TREASURER'S CERTIFICATE

STATE OF WISCONSIN)

OUTAGAMIE COUNTY) SS

I, Dina Mumford, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE COUNTY OF OUTAGAMIE, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF 7/16/08 AFFECTING THE LANDS INCLUDED IN THE FIRST ADDITION TO CLEARWATER CREEK.

DATE 7/16/08 SIGNED *Dina Mumford* COUNTY TREASURER

UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR ELECTRIC, NATURAL GAS AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY

CLEARWATER CREEK DEVELOPMENT, LLC., GRANTOR, TO

WISCONSIN ELECTRIC POWER COMPANY AND WISCONSIN GAS, LLC, WISCONSIN CORPORATIONS DOING BUSINESS AS WE ENERGIES,

WISCONSIN BELL, INC., D.B.A. SEC WISCONSIN, A WISCONSIN CORPORATION,

AND

TIME WARNER ENTERTAINMENT COMPANY, L.P., GRANTEEES,

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 GRANTEEES 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 GRANTEEES 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 GRANTEEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "UTILITY EASEMENT AREAS" WITHOUT THE PRIOR WRITTEN CONSENT OF GRANTEEES. 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 GRANTEEES.

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

Robert De Bruin
ROBERT DE BRUIN

There are no objections to this plat with respect to Secs. 236.15, 236.16, 236.20 and 236.21(1) and (2), Wis Stat. as provided by s. 236.12, Wis. Stats.
Certified June 19th 20 08
Kevin M. Dowdy
Department of Administration

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