



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: September 22, 2020

Item: Intergovernmental Cooperation Agreement between the City of Appleton and Town of Buchanan to create a revised common municipal boundary line between the municipalities and assign zoning classification to the properties identified for incorporation into the City of Appleton

Common Council Public Hearing Meeting Date: October 7, 2020

Case Manager: Don Harp

STAFF ANALYSIS

Background:

- City staff met with the Town of Buchanan officials to discuss cost sharing for the Newberry Street reconstruction project planned for 2021. To avoid billing the town residents for the road improvement costs whose property fronts on Newberry Street, the Town officials raised the idea of working on an agreement with the City to adjust the common municipal boundary lines such that the parcels comprising of two municipal town islands (South side of Newberry Street, West of Hwy 441 and East of Cambridge Drive) be incorporated into the City of Appleton. As a result of these discussions, an Intergovernmental Cooperation Agreement between both municipalities was drafted and agreed to by both municipalities. (see attached DPW memo dated June 2, 2020)
- On June 1, 2020, the Town of Buchanan Town Board approved the Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan.
- On June 3, 2020, the Common Council approved the Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan.
- The Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan went into effect on June 5, 2020. (See attached agreement) Stipulation #4 of the agreement states that the City shall undertake the tasks required by the Wisconsin State Statutes for incorporation of the subject area (comprising the town islands) to the City Appleton.

General Information:

- The City can provide the necessary municipal services (utilities, police and fire protection etc.) to serve the area(s) proposed for incorporation.
- The area(s) proposed for incorporation is contiguous to the existing City boundaries on all sides of the subject area.

Intergovernmental Cooperation Agreement City of Appleton and Town of Buchanan
September 22, 2020
Page 2

Current and Proposed Zoning Classification and Land Uses:

Staff analyzed the Town of Buchanan and Outagamie County records, effect on surrounding land uses that exist on adjacent properties, and the Comprehensive Plan and Future Land Use Map for the City of Appleton to determine the proposed City Zoning Classification for the parcels identified in the Intergovernmental Cooperation Agreement pursuant the table below:

Parcel Description	Land Use	Town of Buchanan Zoning Classification	Proposed City of Appleton Zoning Classification
Wisconsin Central Railroad right-of-way	Railroad	Industrial	M-2 General Industrial District
Southern half of Newberry Street right-of-way	Street right-of-way	None	R-2 Two-family District to R-1B Single-family District, R-3 Multi-family District to R-1B Single-family District and R-2 Two-family District to M-2 General Industrial District
Id. #030046101	Undeveloped	Industrial	M-2 General Industrial District,
Id. #030046300	Single-family	General Agricultural	R-1A Single-family District
Id. #030046200	Single-family	General Agricultural	R-1B Single-family District
Id. #030046100	Single-family	General Agricultural	R-1B Single-family District
Id. #030046102	Single-family	General Agricultural	R-1B Single-family District
Id. #030045700	Single-family	General Agricultural	R-1B Single-family District
Id. #030045800	Single-family	General Agricultural	R-1B Single-family District
Id. #030045000	*Single-family	General Agricultural	R-1B Single-family District
Id. #030044900	*Single-family property used by Id. #030045000	General Agricultural	R-1B Single-family District
Id. #030044800	*Single-family property used by Id. #030045000	General Agricultural	R-1B Single-family District
Id. #030044300	Undeveloped	General Agricultural	R-1B Single-family District
Id. #030043900	Driveway access for Warehouse Properties, Inc., owner of adjacent property to the south	General Agricultural	M-2 General Industrial District

Public Comments Received:

1. On September 17, 2020, Ben Haupt, General Counsel, Warehouse Properties, Inc. (F/K/A Warehouse Specialists, Inc.) contacted the City indicating they would prefer Parcel Id. #030044300 (highlighted yellow in the table above) (See attached Zoning Map, Exhibit B parcel highlighted in red) be zoned M-2 General Industrial District rather than R-1B Single-family District for the follows reasons (also see email attached). Please note, Warehouse Properties, Inc. owns the adjacent parcel 31-4-5574-00, consisting of 6.12 acres of land with an industrial facility, which is currently zoned M-2 General Industrial District and located in the City of Appleton.
 - The Outlot currently abuts 3 zoning classifications - residential, industrial and planned development multi-family.
 - The Outlot is contiguous to our larger parcel that is currently zoned General Industrial, the Drive Lot is being designated as industrial, and all three parcels will then be under common use/zoning.
 - Warehouse only recently acquired the Outlot (2018) via an unsolicited offer from a broker representing the seller, as it was a landlocked parcel and no other adjoining residential property owners had interest in the property. Said another way, the parcel will never be further developed as residential as Warehouse does not plan to sell the Outlot.

Staff analysis: Staff is recommending Parcel Id. #030044300 be zoned R-1B Single-family District based upon the following reasons:

- **Conformance with the Future Land Use Map:** *The City of Appleton Comprehensive Plan 2010-2030 (Future Land Use Map) identifies this property as future One/Two Family land use designation. The R-1B Single-family District Zoning Classification is consistent with this designation. As a result, staff recommends the property be assigned the R-1B Single-family Zoning Classification. Staff did not recommend the property be assigned the higher intense M-2 General Industrial District because it is not consistent with the future One/Two family land use designation shown for this property. Therefore, the Future Land Use Map would need to be amended to reflect Business/Industrial land use prior to Staff recommending the parcel be rezoned to the M-2 General Industrial District.*

Amendments to the Future Land Use Map are sometimes triggered by specific development proposals with proper notifications being advertised in the newspapers and sent to the affected property owners. There are no known pending plans submitted to the Town of Buchanan or the City to develop this property. Therefore, staff did not initiate an amendment to the Future Land Use Map to change the future designation of this property from One/Two Family land use to Business/Industrial land use.

A Future Land Use Map amendment from future One/Two Family land use designation to future Business/Industrial land use designation can be initiated by the property owner. Upon receiving such request, staff would process the request and send out the proper notifications to affected property owners so they could express their views or concerns.

Appleton Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies the “Town Islands” for future one/two family, commercial and business/industrial uses. The proposed municipal boundary line adjustment is consistent with the following goals and objectives of the *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 5 – Utilities and Community Services

Appleton will provide excellent public utility and community services at a reasonable cost, and will work with private utility companies to ensure quality service delivery.

OBJECTIVE 11.1 Intergovernmental Cooperation:

Maintain a positive relationship with local area governments to foster collaboration on issues of mutual concern.

Policy 11.1.1 Ensure continued discussion between Appleton and neighboring municipalities and counties, including both elected officials and department staff. Continue to partner with Outagamie, Winnebago, and Calumet counties to serve City residents in an efficient manner.

Technical Review Group Report (TRG): This item appeared on the August 18, 2020 TRG Agenda. No negative comments were received from participating departments.

FUTURE ACTIONS

After the Town and City have completed the requirements set forth in Section 66.0301(6)(c) of the State Statutes, the Common Council and Town Board must enact an ordinance to accomplish the municipal boundary change in accordance with Section 66.0301(6)(e) of the State Statutes.

RECOMMENDATION

Staff recommends the Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan, **BE APPROVED** by the adoption of the attached Resolution and be subject to the following stipulation:

1. The Official Zoning Map for the City Appleton be amended on the effective date of the Ordinance that changes the boundary line between the City of Appleton and the Town of Buchanan by assigning the following zoning classification to the parcels being incorporated into the City of Appleton, including the railroad and street right-of way and shown on the attached Zoning Map (Exhibit A).
 - a. Wisconsin Central Railroad right-of-way: M-2 General Industrial District,
 - b. Southern half of Newberry Street right-of-way: R-2 Two-family District to R-1B Single-family District, R-3 Multi-family District to R-1B Single-family District and R-2 Two-family District to M-2 General Industrial District,
 - c. Parcel Id. 030046101: M-2 General Industrial District,
 - d. Parcel Id. 030046300: R-1A Single-family District,
 - e. Parcel Id. 030046200: R-1B Single-family District,
 - f. Parcel Id. 030046100: R-1B Single-family District,
 - g. Parcel Id. 030046102: R-1B Single-family District,
 - h. Parcel Id. 030045700: R-1B Single-family District,
 - i. Parcel Id. 030045800: R-1B Single-family District,
 - j. Parcel Id. 030045000: R-1B Single-family District,
 - k. Parcel Id. 030044900: R-1B Single-family District,
 - l. Parcel Id. 030044800: R-1B Single-family District,
 - m. Parcel Id. 030044300: R-1B Single-family District,
 - n. Parcel Id. 030043900: M-2 General Industrial District.



MEMO

TO: Finance Committee

FROM: Paula Vandehey, Director of Public Works *PAV*

DATE: June 2, 2020

SUBJECT: **Request to approve Intergovernmental Cooperation Agreement between the City of Appleton and Town of Buchanan to create a revised common boundary line between the municipalities.**

The City of Appleton is reconstructing Newberry Street from Schaefer Street to HWY 441 in 2021. This project includes properties within the Town of Buchanan. As you can see from the attached map, these town islands are not conducive to providing efficient services.

During discussions for a possible cost share for the Newberry Street reconstruction project, the idea of a boundary adjustment was raised by the Town of Buchanan. Based on those discussions, the attached Intergovernmental Agreement is proposed for your consideration. The highlights of the agreement include:

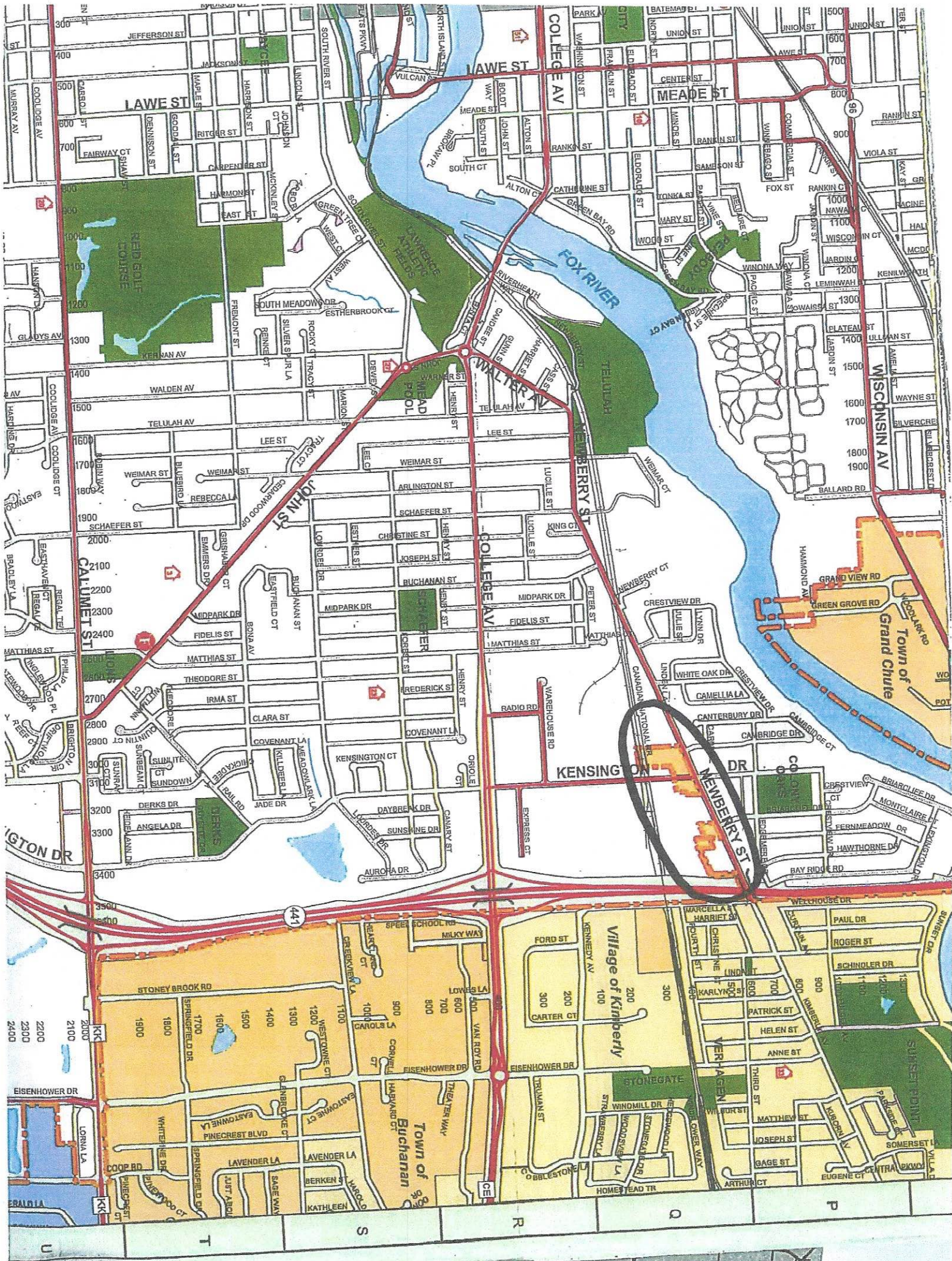
1. New boundary line would become HWY 441, eliminating the town islands.
2. The City agrees to pay annually to the Town, an amount equal to the amount of property taxes that the Town levied on the annexed territory in the year immediately prior to the annexation for a 5-year period. For reference, based on the 2019 City tax rate of \$8.35, the City would collect \$9,325 in taxes and pay to the Town of Buchanan \$3,540 based on the 2019 Town tax rate of \$3.18 to make them whole for the 2020 budget year.

In addition to the Intergovernmental Agreement, several property owners that will be annexed as part of this agreement are requesting that the City of Appleton's Sidewalk Special Assessment be waived. Staff is recommending against that request.

Staff recommends the Common Council APPROVE entering the intergovernmental cooperation agreement with the Town of Buchanan to create a revised common boundary line between the municipalities.

Attachments

C: Tony Saucerman, Finance Director



LAWE ST

LAWE ST

COLLEGE AV

MEADE ST

KENSINGTON DR

NEWBERRY ST

Village of Kimberly

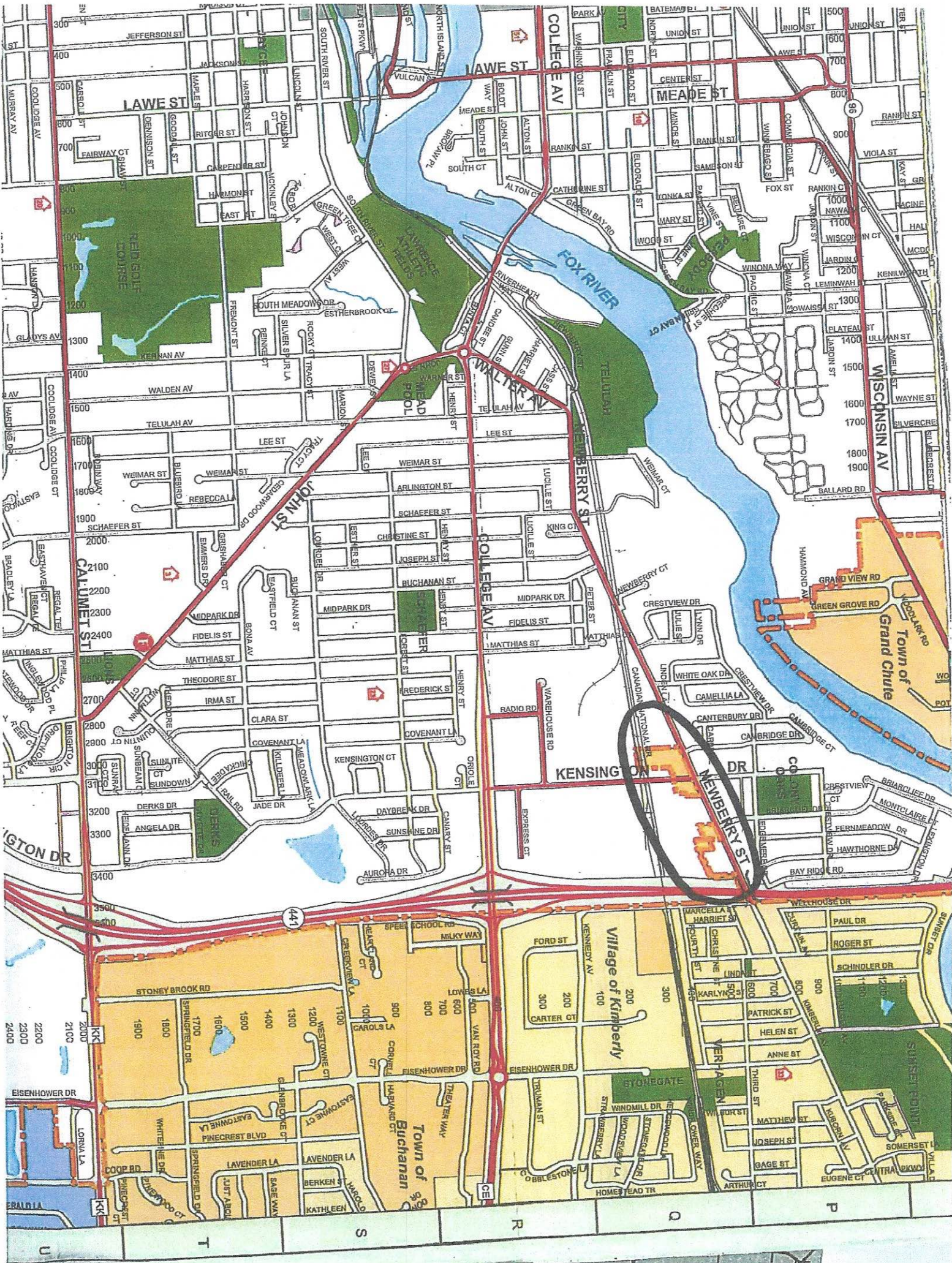
Town of Buchanan

Town of Grand Chute

REID GOLF COURSE

LAWRENCE ATHLETIC FIELDS

FOX RIVER



INTERGOVERNMENTAL COOPERATION AGREEMENT
between
City of Appleton and Town of Buchanan

This is an Intergovernmental Cooperation Agreement effective as of the 1st day of June, 2020 by and between the City of Appleton, a Wisconsin municipal corporation, located in Outagamie, Calumet and Winnebago counties (hereinafter "City"), and the Town of Buchanan, a body corporate and politic, located in Outagamie County, Wisconsin (hereinafter "Town").

RECITALS

WHEREAS, Wisconsin Statutes § 66.0301(6) authorizes any two municipalities whose boundaries are immediately adjacent at any point to enter into a written agreement determining all or a portion of the common boundary line between the municipalities; and

WHEREAS, § 66.0301(1)(c) provides that for purposes of §66.0301(6), municipality means any city, village, or town; and

WHEREAS, the City and Town have long recognized that intergovernmental cooperation and joint planning provide for the best use of land and natural resources, and the provisions of high quality and efficient services; and

WHEREAS, the City and Town recognize that a common boundary between the City and Town will promote the efficient provision of municipal services to citizens who reside in proximity to the common border between the City and Town; and

WHEREAS, tax parcels 030046101, 030046300, 030046200, 030046100, 030046102, 030045700, 030045800, 03004500, 030044900, 030044800, 030044300, 030043900 are currently located in the Town of Buchanan but comprise two municipal islands surrounded by the City of Appleton (hereinafter collectively "Town Islands"); and,

WHEREAS, the Town and City wish to work cooperatively and expeditiously under the authority of § 66.0301(6) to change their respective boundaries such that the parcels comprising the Town Islands become located within the City of Appleton thus eliminating the two municipal islands.

NOW, THEREFORE, in consideration of the mutual promises of the parties hereto, the receipt and sufficiency of which is mutually acknowledged, the parties agree as follows:

1. The common boundary between the City and the Town shall be the right-of-way of U.S. Highway 441.

2. That any portions of the boundary between City and Town located west of U.S. Highway 441 shall be eliminated.

3. The elimination of the portions of a boundary between the City and the Town shall include the Town Islands located west of U.S. Highway 441, located more particularly on or near Newberry Street, so that the parcels comprising the Town Islands shall become part of the City.

4. After the Town and City have completed requirements set forth in Wis. Stat. § 66.0301(6)(c), the City shall be the governing body designated to enact an ordinance to accomplish the boundary change in accordance with Wis. Stat. § 66.0301(6)(e).

5. The City agrees to pay annually to the Town, for five years, an amount equal to the amount of property taxes that the Town levied on the Town Islands' parcels, as shown by the tax roll, in the year in which the Town Islands becomes part of the City. The first annual payment shall be due on or before January 31st of the year after the Town parcels become City parcels. The remaining four annual payments shall be due on or before January 31st of each year thereafter.

6. This Agreement is intended to be solely between the City and the Town. Nothing in this Agreement accords any third party any legal or equitable rights whatsoever which may be enforced by any nonparty to this Agreement.

7. The term of this Agreement shall be ten years. Upon expiration of the agreement, all terms shall expire except that any boundary change shall remain.

8. As partial consideration for this agreement, in exchange for the Town's cooperation in adjusting the boundaries of the Town Islands, the City agrees not to pursue a cost-sharing arrangement with the Town for the Newberry Street Reconstruction Project. (The Town share of the Newberry Street Reconstruction Project cost was estimated to be \$238,062 with the project concluding in the fall of 2021.)

9. In the event that the boundary adjustment and complete elimination of the Town Islands does not occur as contemplated by this Agreement, the Town and City reserve their respective rights to cooperatively assess any parcel comprising the Town Islands, that remains in the Town, for that parcel's proportionate share of the Newberry Street Reconstruction Project costs. In such case, the Intergovernmental Agreement approved by the Buchanan Town Board on July 16, 2019, attached hereto as Exhibit A and incorporated herein in its entirety, shall

become the controlling document and project costs shall be collected as set forth therein. In addition to the foregoing, both the Town and City specifically reserve any and all other rights, including but not limited to those under § 66.0707, to specially assess Newberry Street Project costs to any parcel that does not become part of the City pursuant to this Agreement.

10. The Town and City acknowledge that time is of the essence and both parties shall work cooperatively and expeditiously to meet the requirements set forth in Wis. Stat. § 66.0301(6).

11. **Amendment.** This Agreement may be amended by written agreement by the governing bodies of both parties.

12. **Complete Agreement.** This Agreement represents the entire integrated agreement between the parties and supersedes all prior negotiations, representations or agreements, either written or oral.

13. **Severable Provisions.** The invalidity of any part of this Agreement shall not impair or affect in any manner the validity, enforceability or effect the balance of the terms and conditions of this Agreement.

14. **Advancement of Mutual Interests.** In all matters necessary to implement this Agreement, the parties agree to seek the cooperation and approval of all relevant agencies. To the extent practicable, the parties will, where necessary to obtain such required approval, submit a single, joint request or other appropriate documents requesting the approval.

15. **Enforceability.** The Parties have entered into this Agreement under the Authority of § 66.0301 of the Wisconsin Statutes. Its enforceability will not be affected by changes in the forms of City or Town government, or changes in elected officials. The Parties agree that this Agreement be construed so as to be binding on their respective successors, agents and employees. The Parties will not challenge the provisions of the Agreement except upon breach by the other party.

16. **No Waiver.** The failure of any party to require strict performance with any provision of this Agreement will not constitute a waiver of the provision or of any of the Parties' rights under this Agreement. Rights and obligations under this Agreement may only be waived or modified in writing. A writing waiving a right must be signed by all affected parties. Waiver of one right, or release of one obligations, will not constitute waiver or release of any other right or obligation of any party. Waivers and releases will affect only the specific right or obligation waived or released and will not affect the rights or obligations of any other party that did not sign the waiver or release.

17 **Notices.** All notices required under this Agreement must be served, either personally or by certified mail, upon the Parties' respective municipal clerks. A copy of the

notices shall also be mailed via regular U.S. Mail to the Town Chair and Mayor of the City.

18. **Effective Date.** This Agreement shall take effect upon completion of the process provided for in § 66.0301(6)(c), Wisconsin Statutes.

Dated this 5TH day of JUNE, 2020.

Town of Buchanan

Attest: [Signature]
Printed Name: RICHARD J. CARLSON

By: [Signature]
Mark McAndrews, Town Chair

Attest: [Signature]
Printed Name: RICHARD J. CARLSON

By: [Signature]
Cynthia Sieracki, Town Clerk-Treasurer

Provision has been made to pay the liability that will accrue under this contract.

[Signature]
Printed Name: _____
Title: _____

Approved as to form:
[Signature]
Printed Name: RICHARD J. CARLSON
Attorney

SIGNATURES CONTINUE ON THE FOLLOWING PAGE

City of Appleton

Attest: Mary L Roberts
Printed Name: Mary L Roberts

By: [Signature]
Jacob A. Woodford, Mayor

Attest: Allison Ruppel
Printed Name: Allison Ruppel

By: [Signature]
Kami Lynch, City Clerk

Provision has been made to pay the liability
that will accrue under this contract.

[Signature]
Anthony D. Saucerman, Finance Director

Approved as to form:
[Signature]
Christopher R. Behrens, City Attorney

City Law: A20-0249
Last Update: May 27, 2020

EXHIBIT A

CITY OF APPLETON/TOWN OF BUCHANAN Newberry Street

INTERGOVERNMENTAL AGREEMENT

DATE: April 24, 2019

FOR RECONSTRUCTING NEWBERRY STREET FROM SCHAFER STREET TO HWY 441 WITH CONCRETE PAVING, SIDEWALKS AND STORMWATER MANAGEMENT

PROJECT TITLE: Newberry Street

The Town of Buchanan, hereinafter called the "Town", through its undersigned duly authorized officers or officials, hereby enters into an agreement with the City of Appleton, through its Public Works Department, hereinafter called the "City", to reconstruct Newberry Street with concrete paving, sidewalk and stormwater management.

PROPOSED IMPROVEMENT

Reconstruct Newberry Street with underground utilities in 2020 and concrete paving, curb and gutter, driveway aprons and sidewalks in 2021.

COST ESTIMATE AND PARTICIPATION

PHASE	ESTIMATED COST			
	Estimated Cost	Town	City	% Town Share
Newberry Street Frontage		909'	9941'	8.38%
Roadway	\$ 1,908,100	\$ 159,899	\$ 1,748,201	8.38%
Sidewalk	\$ 192,202	\$ 22,725	\$ 169,477.00	*
Stormwater Management	\$ 586,548	\$ 47,477	\$ 519,071	8.38%
Engineering & Inspection (5%)	\$ 95,000	\$ 7,961	\$ 87,039	8.38%
TOTAL PROJECT COST	2,761,850	238,062	2,523,788	

*Based on 909' x 5' x \$5.00/SF sidewalk

TERMS AND CONDITIONS:

1. The City of Appleton will be the lead agency for this project.
2. All plans and specifications for the improvements will be provided for Town of Buchanan's approval and records.

3. The project cost in the agreement is an estimated amount. The Town of Buchanan shall pay the City of Appleton upon completion of the project based on actual costs.
4. All driveway aprons shall be replaced with concrete.
5. Any necessary Temporary Limited Easements shall be the responsibility of the municipality in which the property resides.
6. The intersection of Kensington Drive and Newberry Street will remain 4-Way Stop controlled as part of this reconstruction project.

City of Appleton

Attest: Mary L Roberts
 Printed Name: Mary L Roberts

By: Jacob A. Woodford
 Jacob A. Woodford, Mayor

Attest: Alison Ruppel
 Printed Name: Alison Ruppel

By: Kami L. Lynch
 Kami L. Lynch, City Clerk

Provision has been made to pay the liability that will accrue under this contract.

Anthony D. Saucerman
 Anthony D. Saucerman, Finance Director

Approved as to form: Christopher R. Behrens
 Christopher R. Behrens, City Attorney

Town of Buchanan

Attest: Richard J. Cass
 Printed Name: Richard J. Cass

By: Mark McAndrews
 Mark McAndrews, Town Chairperson

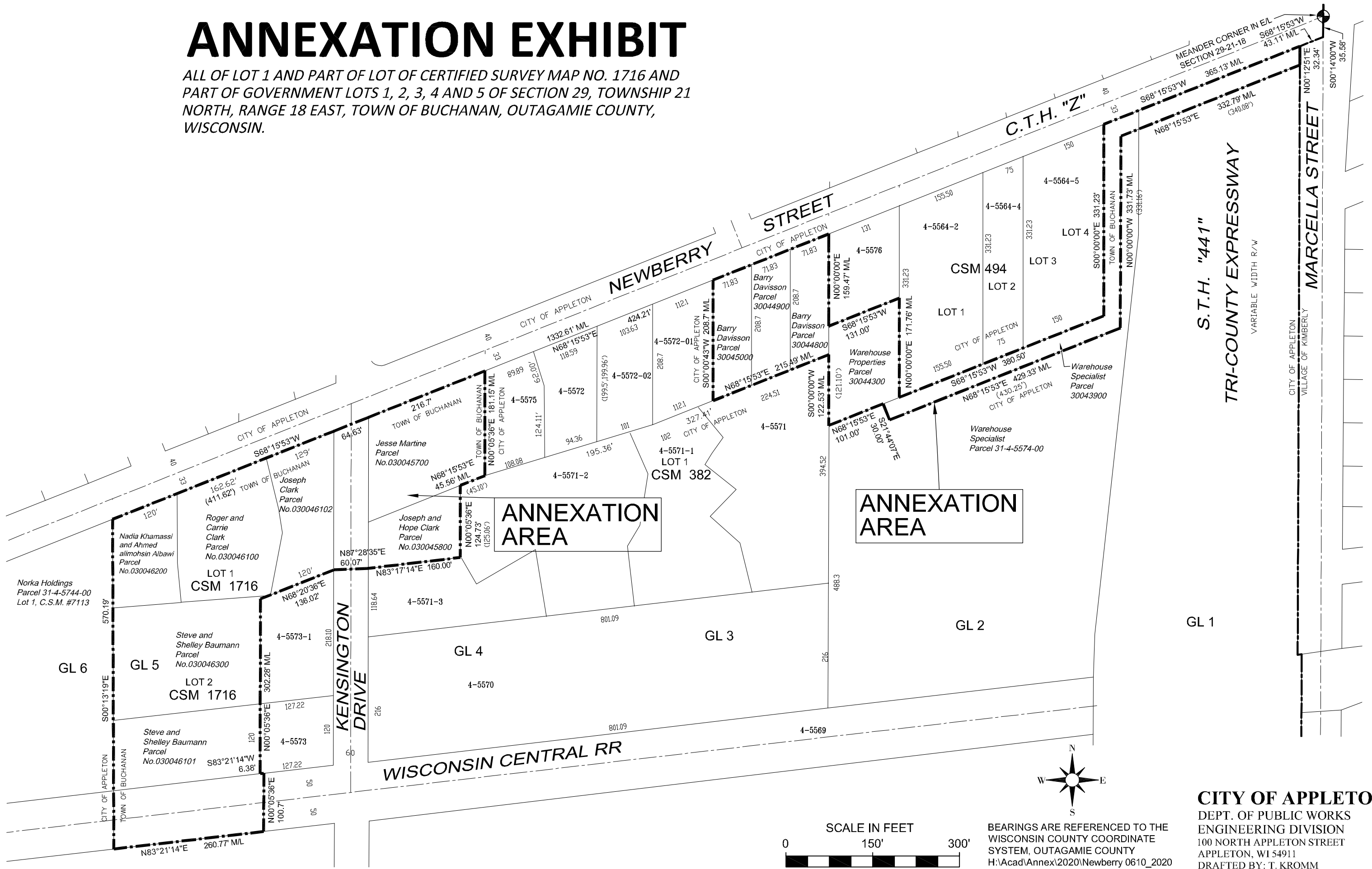
Attest: Richard J. Cass
 Printed Name: Richard J. Cass

By: Cynthia Sieracki
 Cynthia Sieracki, Town Clerk – Treasurer

Approved as to form: Richard J. Cass
 Attorney for the Town of Buchanan

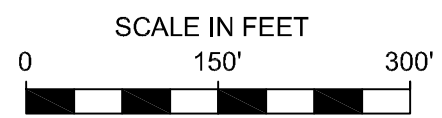
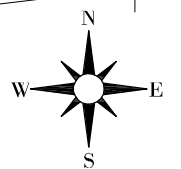
ANNEXATION EXHIBIT

ALL OF LOT 1 AND PART OF LOT OF CERTIFIED SURVEY MAP NO. 1716 AND PART OF GOVERNMENT LOTS 1, 2, 3, 4 AND 5 OF SECTION 29, TOWNSHIP 21 NORTH, RANGE 18 EAST, TOWN OF BUCHANAN, OUTAGAMIE COUNTY, WISCONSIN.



ANNEXATION AREA

ANNEXATION AREA



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY
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CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 DRAFTED BY: T. KROMM

NEWBERRY ANNEXATION

All of Lot 1 and part of Lot 2 of Certified Survey Map No. 1716 and part of Government Lots 1, 2, 3, 4 and 5 of Section 29, Township 21 North, Range 18 East, Town of Buchanan, Outagamie County, Wisconsin, containing 8.0 Acres m/l and being further described by:

Commencing at a meander corner in the East line of Section 29 said corner located in Newberry Street (aka Kimberly Avenue, aka C.T.H. "Z") and the Northerly extension of the centerline of Marcella Street;

Thence South 00°14'00" West 35.58 feet along a Southerly extension of the East line of Section 29 to the Northeasterly extension of the Southerly line of Newberry Street;

Thence South 68°15'53" West 43.11 feet m/l along the Northeasterly extension of the Southerly line of Newberry Street to the West line of Marcella Street and being the point of beginning;

Thence continue South 68°15'53" West 365.13 feet m/l along said extension and said Southerly line to the East line of Outagamie County Certified Survey Map No.494;

Thence South 00°00'00" East 331.23 feet along the East line of Outagamie County Certified Survey Map No.494 to the Southeast corner thereof;

Thence South 68°15'53" West 380.50 feet along the Southerly line of Outagamie County Certified Survey Map No.494 to the West line thereof and also the East line of lands described in 316d105 of the Outagamie County Register of Deeds Office;

Thence North 00°00'00" East 171.76 feet m/l along the West line of Certified Survey Map No. 494, to a point lying 195.00 feet Southerly of the centerline of Newberry Street;

Thence South 68°15'53" West 131.00 feet m/l parallel to the centerline of said Newberry Street to the East line of Government Lot 3 of said Section 29;

Thence North 00°00'00" East 159.47 feet m/l along the East line of Government Lot 3 of said Section 29 to the Southerly line of Newberry Street;

Thence South 68°15'53" West 1332.61 feet m/l along the Southeasterly line of Newberry Street to its intersection with the East line Government Lot 6, said Section 29;

Thence South 00°13'19" East 570.19 feet m/l along said East line to the South line of the Wisconsin Central Railway Limited;

Thence North 83°21'14" East 260.77 feet m/l along the South line of the Wisconsin Central Railway Limited to its intersection with a line lying 150.00 feet West of and parallel to the West line of Government Lot 4;

Thence North 00°05'36" East 100.70 feet m/l along said parallel line to the North line of the Wisconsin Central Railway Limited;

Thence South 83°21'14" West 6.38 feet along the North line of the Wisconsin Central Railway Limited;

Thence North 00°05'36" East 302.28 feet m/l parallel to Kensington Drive to the Southwesterly extension of a Northerly line of Lot 2 of Certified Survey Map No. 1716;

Thence North 68°20'36" East 136.02 feet to a Northerly line of Lot 2 of Certified Survey Map No. 1716 and then along said Northerly line and also being parallel to Newberry Street to the West line of Kensington Drive;

Thence North 87°28'35" East 60.07 feet to the East line of Kensington Drive;

Thence North 83°17'14" East 160.00 feet;

Thence North 00°05'36" East 124.73 feet parallel to Kensington Drive;

Thence North 68°15'53" East 45.56 feet m/l parallel to Newberry Street to the Southwest corner of lands described In Jacket 11476, Image 14;

Thence North 00°05'36" East 181.15 feet m/l along the West line of said lands to the Southeasterly line of Newberry Street;

NEWBERRY ANNEXATION

Thence North 68°15'53" East 424.21 feet m/l along said Southeasterly line to the East line of lands described in Document No. 999489;

Thence South 00°00'43" West 208.70 feet along said East line to the Northerly line of Certified Survey Map No. 382;

Thence North 68°15'53" East 215.49 feet m/l along the North line of said Certified Survey Map No. 382 to the East line of Government Lot 3 of Section 29, Township 21 North, Range 18 East;

Thence South 00°00'00" West 122.53 feet along said East line to the extended South line of Certified Survey Map No. 494;

Thence North 68°15'53" East 101.00 feet along said extension;

Thence South 21°44'07" East 30.00 feet to a line lying 30.00 feet South of and parallel to said Certified Survey Map No. 494;

Thence North 68°15'53" East 429.33 feet m/l along said parallel line to a line lying 30.00 feet East of and parallel to Certified Survey Map No. 494;

Thence North 00°00'00" West 331.73 feet m/l along said parallel line to a line lying 30.00 feet South of and parallel to the South line of Newberry Street;

Thence North 68°15'53" East 332.79 feet m/l along said parallel line to the West line of Marcella Street;

Thence North 00°12'51" East 32.34 feet along the West line of Marcella Street to the point of beginning.

Being all of Tax parcels 030046101, 030046300, 030046200, 030046100, 030046102, 030045700, 030045800, 030043900, 030044300, 030044800, 030044900, 030045000, part of Wisconsin Central Railroad Ltd. lands adjacent to parcel 030046101 that is not currently within the City of Appleton corporate limits and that part of Kensington Drive not currently within the City of Appleton corporate limits.

RESOLUTION OF THE COMMON COUNCIL
ACCEPTING THE MODIFICATIONS TO THE BOUNDARY
WITH THE TOWN OF BUCHANAN

WHEREAS, the City of Appleton and the Town of Buchanan are municipalities with a common boundary line, and

WHEREAS, the City of Appleton and the Town of Buchanan have entered into an intermunicipal agreement to eliminate two Town of Buchanan municipal islands and specifically identify where a common boundary between the City and the Town shall be, and

WHEREAS, the City of Appleton held a public hearing on the agreement on October 7, 2020, and

WHEREAS, the City of Appleton gave notice of the pending agreement and public hearing by publishing a Class 1 Notice on September 11, 2020 and giving notice to each property owner whose property is currently located within, as well as those located immediately adjacent to, the territory whose jurisdiction will change, and

NOW, THEREFORE, the Common Council of the City of Appleton, Wisconsin, hereby approves the intermunicipal agreement between the City of Appleton and the Town of Buchanan containing the agreed-upon common boundary line pursuant to §66.0301(6) of the Wisconsin Statutes, and

RESOLVES that the agreement be accepted; and

That the City Clerk is hereby directed to notify the Clerk of the Town of Buchanan of the City's acceptance and approval of the agreement. For purposes of §66.0301(6)(e) of the Statutes, future notification of the Clerk of the passage of the ordinance modifying the

boundaries shall be given in like manner, and like notice shall be given to any person who files a written request.

Dated: October 7, 2020

Jacob A. Woodford, Mayor
City Law A20-0249

Kami Lynch, City Clerk

Exhibit A

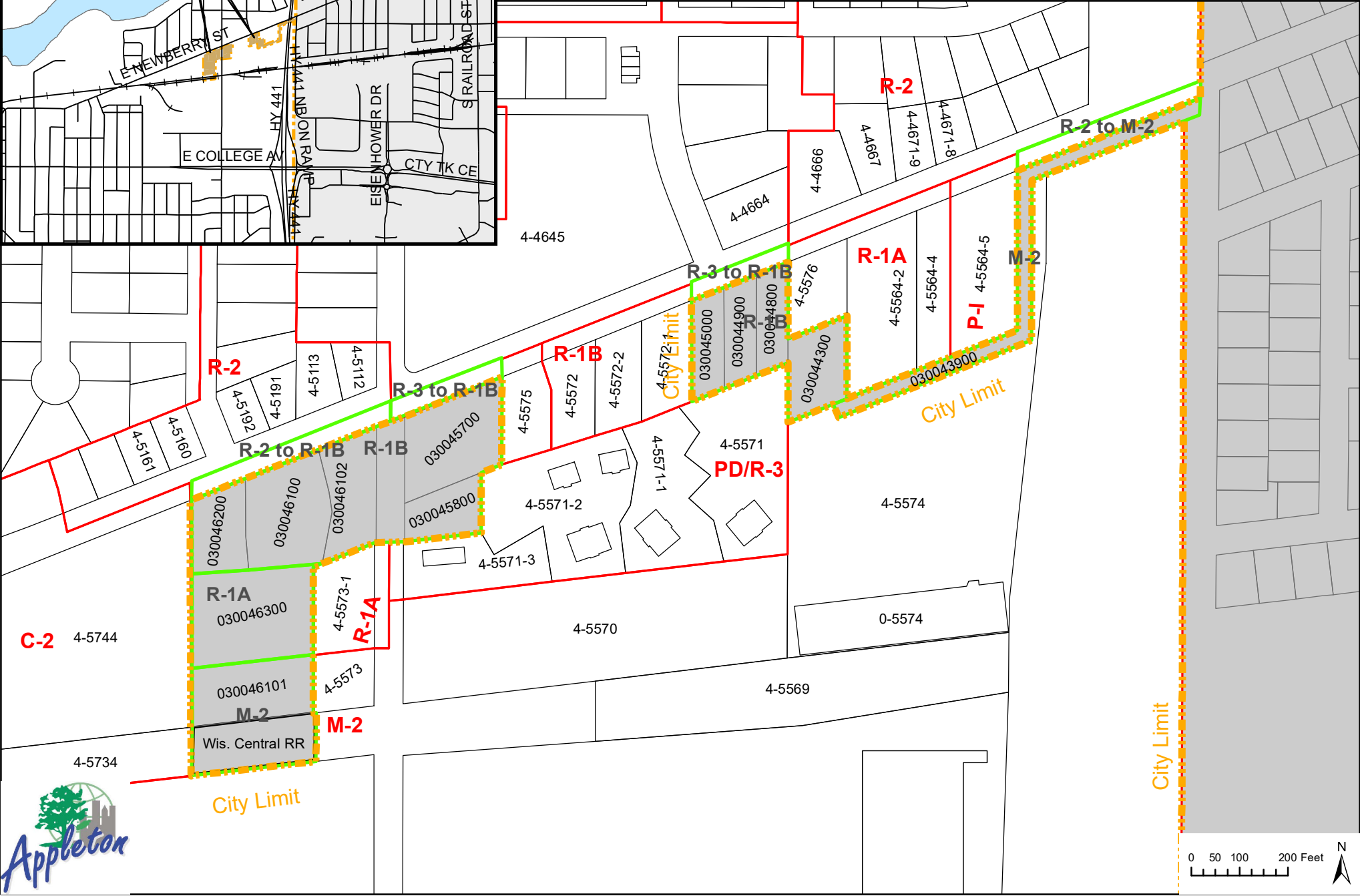
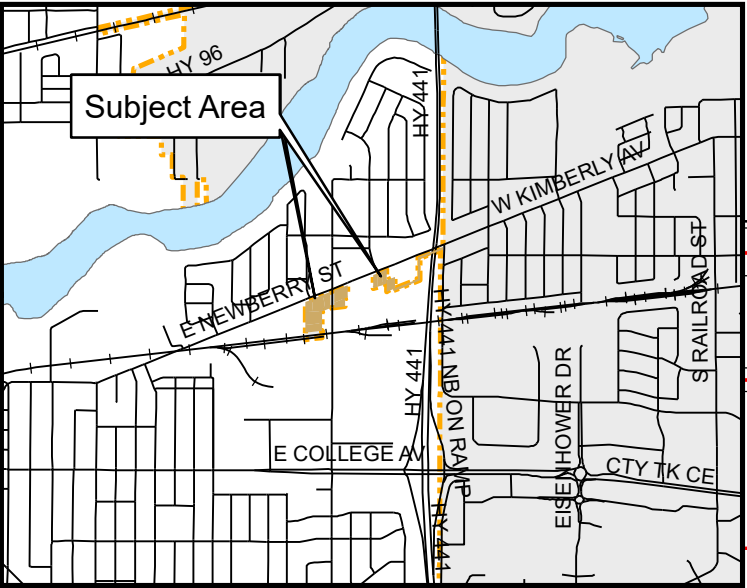
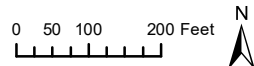
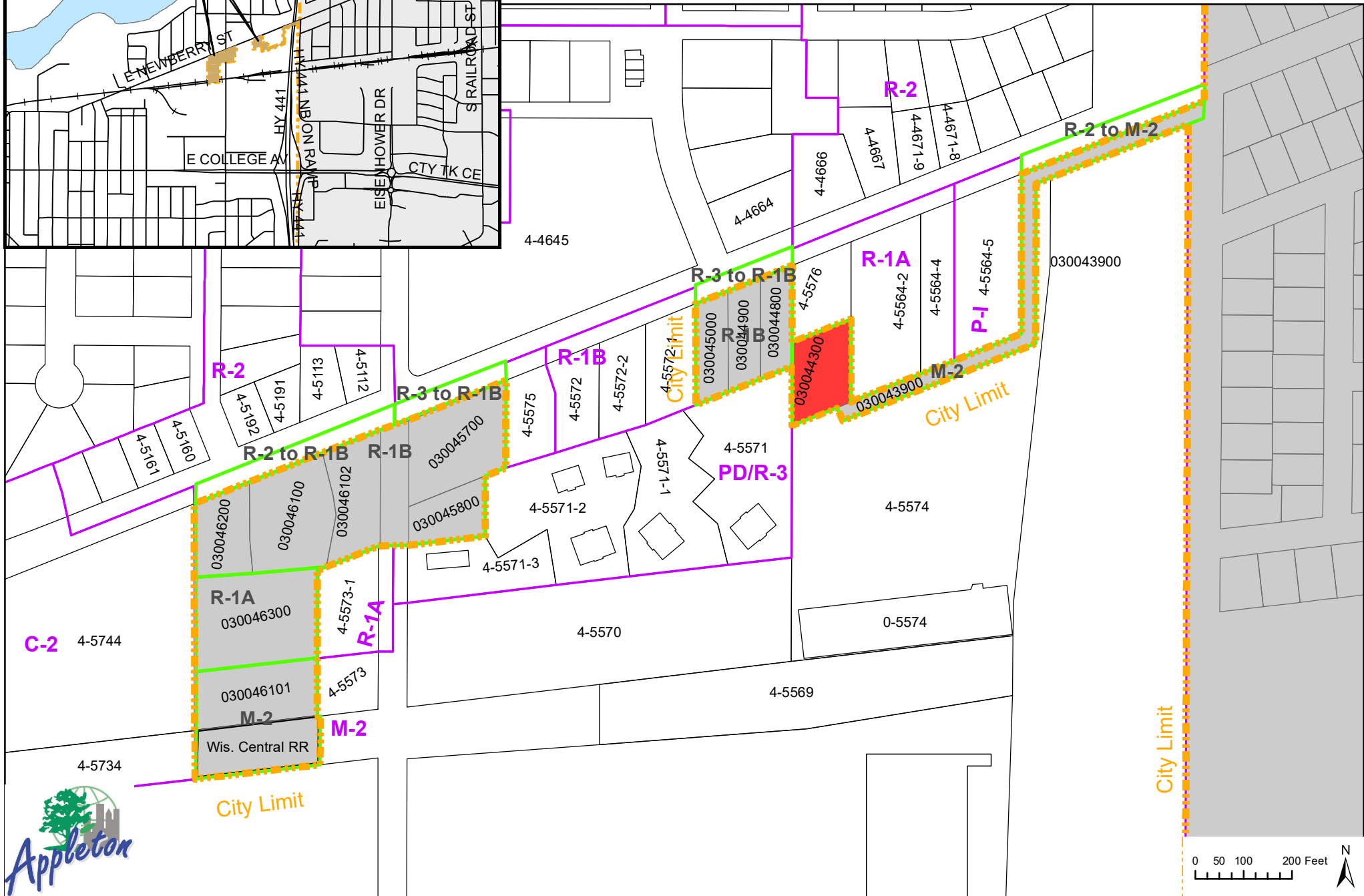
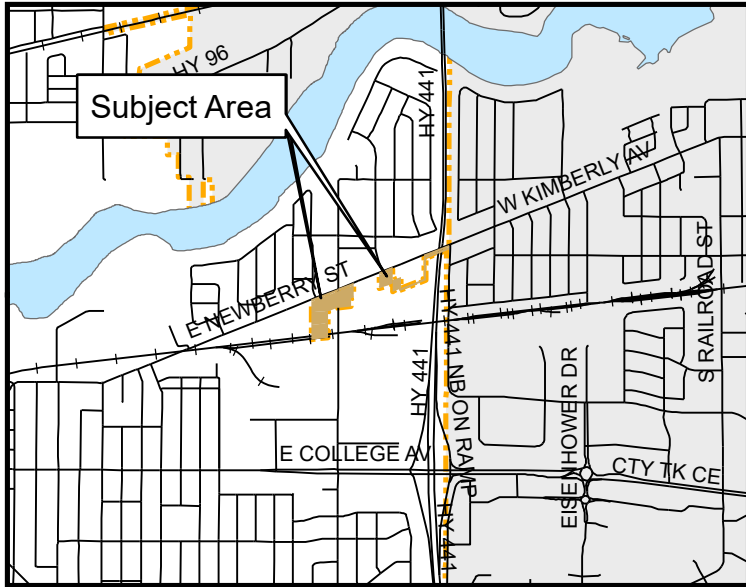


Exhibit B



9/17/2020

Good morning, Don-

Thank you for the time on the phone yesterday to discuss the letter dated September 1, 2020 regarding the boundary adjustments being made on Newberry Street, between the City of Appleton and the Town of Buchanan, to eliminate the "Town Islands".

As discussed, I represent Warehouse Properties Inc. (F/K/A Warehouse Specialists, Inc.), the entity that owns parcels 030044300, which for purposes of this email we'll call the "Outlot", and 030043900, which we'll call the "Drive Lot", each of which are currently part of the Town Islands located in the Town of Buchanan.

As mentioned on the call, Warehouse also owns the adjacent parcel 31-4-5574-00, consisting of 6.12 acres of land with an industrial facility, which is currently zoned general industrial and located in the City of Appleton. Per the letter from the City of Appleton, the current plan is to designate the Drive Lot general industrial, however, designate the Outlot Residential. Warehouse requests that the Outlot designation be changed from Residential to General Industrial based on the following factors:

1. The Outlot currently abuts 3 zoning classifications- residential, industrial and planned development multi-family.
2. The Outlot is contiguous to our larger parcel that is currently zoned General Industrial, the Drive Lot is being designated as industrial and all three parcels will then be under common use/zoning.
3. Warehouse only recently acquired the Outlot (2018) via an unsolicited offer from a broker representing the Seller, as it was a landlocked parcel and no other adjoining residential property owners had interest in the property. Said another way, the parcel will never be further developed as residential as Warehouse does not plan to sell the Outlot.

In light of the above facts, Warehouse requests that the City of Appleton rezone the Outlot to General Industrial. I have attached a drawing highlighting all parcels for reference.

Should you have any questions, or require additional information, please do not hesitate to contact me.

Best regards,

Ben

Benjamin J. Haupt

General Counsel

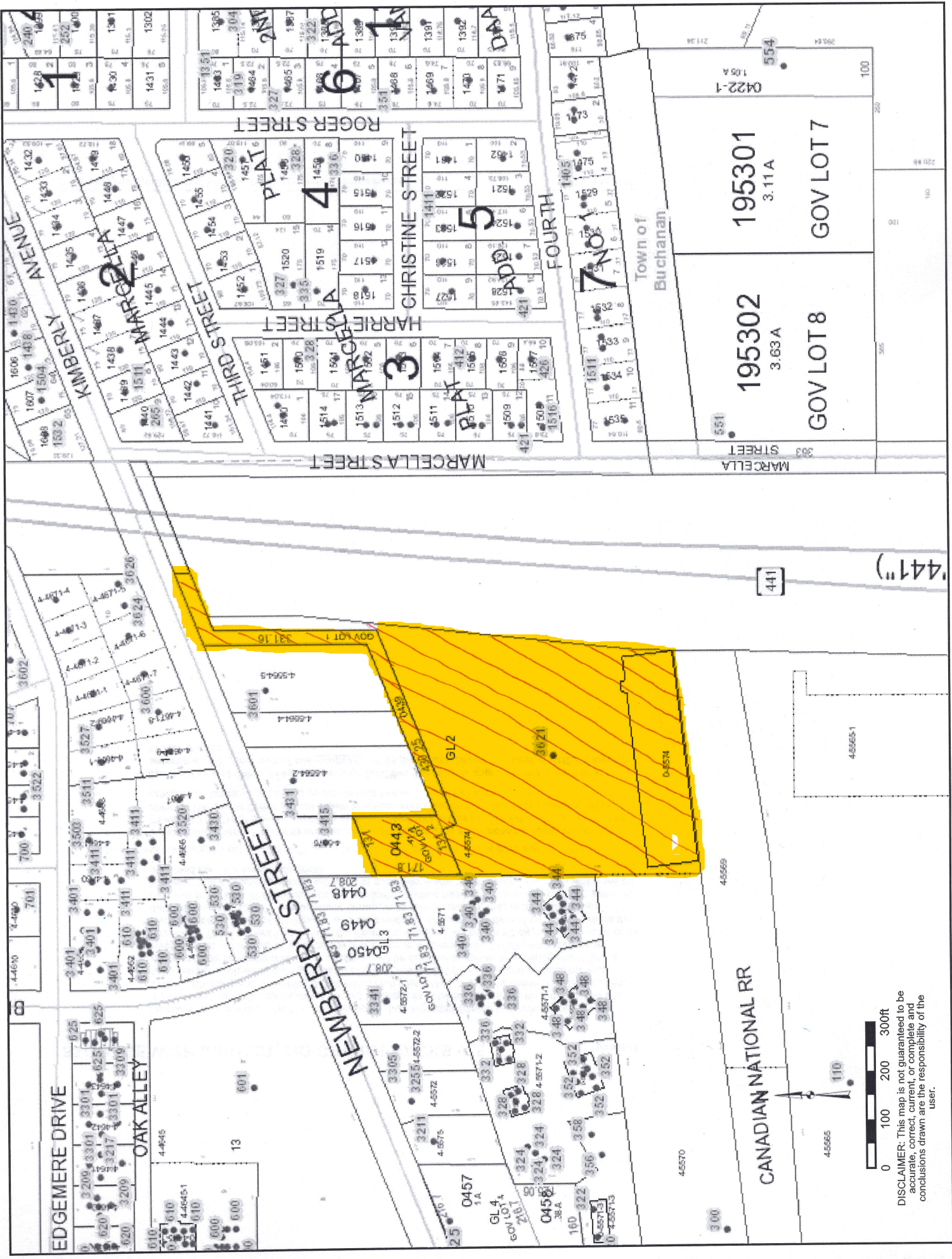
WSI

Supply Chain Solutions

920.830.5015 Office

www.wsinc.com

Attention: This message was sent from a source external to the City of Appleton. Please use caution when opening attachments or clicking links.



DISCLAIMER: This map is not guaranteed to be accurate, current, or complete and conclusions drawn are the responsibility of the user.



"...meeting community needs...enhancing quality of life."

DEPARTMENT OF PUBLIC WORKS

Engineering Division

100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6474

September 1, 2020

Dear Resident:

The City of Appleton and Town of Buchanan are cooperatively working on a boundary adjustment. The proposed new boundary will be the easterly side of STH 441, eliminating the two town islands as shown on the attached map.

The timing of the boundary adjustment is very advantageous to the properties fronting on Newberry Street for several reasons including no special assessments for the street reconstruction portion of the project, and the opportunity to connect to City sewer and water. The special assessments for the sidewalk portion of the project will still occur in accordance with the City's Special Assessment Policy.

Attached is a copy of the official notice for the public hearing regarding the boundary adjustment. We are excited to welcome these properties into the City as we believe we provide exceptional services for our residents. Please feel free to contact me if you have any questions regarding this process.

Sincerely,

Paula Vandehey, P.E.

Director of Public Works

Enclosure

NOTICE OF PUBLIC HEARING
OF THE
APPLETON CITY COMMON COUNCIL

NOTICE IS HEREBY GIVEN THAT a Public Hearing will be held on Wednesday, October 7, 2020, at 7:00 P.M., in the Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, pursuant to Sec. 66.0301, Wis. Stats., for the purpose of receiving public comment on an Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan for the purpose of discussing and potentially adopting a resolution approving a written agreement to change their respective corporate boundaries such that the parcels identified as tax parcels 030046101, 030046300, 030046200, 030046100, 030046102, 030045700, 030045800, 030045000, 030044900, 030044800, 030044300, and 030043900 comprise the two municipal islands (“Town Islands”) become located within the City of Appleton thus eliminating the two municipal islands located west of U.S. Highway 441, located near Newberry Street.

Also amend the Official Zoning Map by assigning the following Zoning Classifications to the sites listed below pursuant to the Appleton Zoning Code.

1. Wisconsin Central Railroad right-of-way: M-2 General Industrial District,
2. Southern half of Newberry Street right-of-way: R-2 Two-family District to R-1B Single-family District, R-3 Multi-family District to R-1B Single-family District and R-2 Two-family District to M-2 General Industrial District,
3. Parcel Id. 030046101: M-2 General Industrial District,
4. Parcel Id. 030046300: R-1A Single-family District,
5. Parcel Id. 030046200: R-1B Single-family District,
6. Parcel Id. 030046100: R-1B Single-family District,
7. Parcel Id. 030046102: R-1B Single-family District,
8. Parcel Id. 030045700: R-1B Single-family District,
9. Parcel Id. 030045800: R-1B Single-family District,
10. Parcel Id. 030045000: R-1B Single-family District,
11. Parcel Id. 030044900: R-1B Single-family District,
12. Parcel Id. 030044800: R-1B Single-family District,
13. Parcel Id. 030044300: R-1B Single-family District,
14. Parcel Id. 030043900: M-2 General Industrial District.

A copy of the Intergovernmental Cooperation Agreement between the City of Appleton and the Town of Buchanan is available upon request by electronic email from the City Clerk during regular business hours or for inspection during regular business hours at the office of the City Clerk, 6th Floor, City Hall, 100 North Appleton Street.

This notification invites you to express your views or concerns regarding the above-described request. The Common Council meeting is open to the public; however, considering the COVID-19 Health Emergency, you are strongly encouraged to consider sharing any feedback with Council members via written letter, email or phone call instead of appearing in person.

Alternatively, you can also contact the Mayor’s Office at mayor@appleton.org and your comments will be forwarded to the Common Council.

Run Date: September 11, 2020

Reasonable accommodations for persons with disabilities will be made upon request and if feasible.