



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: January 26, 2021

Common Council Meeting Date: February 3, 2021

Item: Extraterritorial Final Plat – Marsden Park – Town of Grand Chute

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owner/Applicant: Rubble Development, LLC c/o Glen Scherwinski

Address/Parcel #: Generally located west of Gillett Street and south of Starview Drive in the Town of Grand Chute – Tax Id #101036111

Petitioner's Request: The applicant is proposing to subdivide property under the Town's RSF Single-Family Residential District. The area is 5.12 acres in size and would be divided into two lots.

BACKGROUND

The subject area is within the City's extraterritorial plat approval jurisdiction, which includes the unincorporated area within three miles of the City, as described in the Subdivision Ordinance. The Preliminary Plat was approved by Common Council on December 16, 2020. The Final Plat must also be reviewed and approved by the Town of Grand Chute and Outagamie County. This item is on track to go to the Town Board on February 18, 2021, and it has not yet appeared before the County Zoning Committee.

STAFF ANALYSIS

Existing Conditions: This is undeveloped land located in the Town of Grand Chute, west of Gillett Street. Delineated wetlands and a stormwater pond exist on the property. Access to the development would be obtained from Starview Drive.

Comparison between Final Plat and Preliminary Plat: The Final Plat is consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the Town of Grand Chute, and the nearby uses are generally residential in nature. The surrounding zoning is the Town's RSF Single-Family Residential District and AGD General Agricultural District.

Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed the City of Appleton's *Comprehensive Plan 2010-2030* and determined this proposed subdivision is outside the City's future growth area.

Review Criteria: Community and Economic Development staff has reviewed the Extraterritorial Final Plat in accordance with the City of Appleton Subdivision Ordinance, as well as Zoning Ordinance requirements for single-family residential developments. Proposed Lot 1 is 3.25 acres and proposed Lot 2

Extraterritorial Final Plat – Marsden Park – Town of Grand Chute

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is 1.87 acres in size. The lot sizes and lot widths for the proposed lots in this Town of Grand Chute subdivision exceed minimum City of Appleton Zoning Ordinance requirements.

Additional Comments: Several issues do not impact the City, but may warrant consideration from the Town of Grand Chute and/or Outagamie County:

- The “recorded as” dimension shown along the western plat boundary (509.45’) does not match recorded CSM 6026.
- Rubble Development, LLC is listed twice under the Town Board Approval Certificate.

Technical Review Group (TRG) Report: This item appeared on the January 5, 2021 TRG agenda. No negative comments were received from participating departments.

RECOMMENDATION

Based on the above, staff recommends that the Extraterritorial Final Plat – Marsden Park located in the Town of Grand Chute, as shown on the attached maps, **BE APPROVED** subject to the following condition:

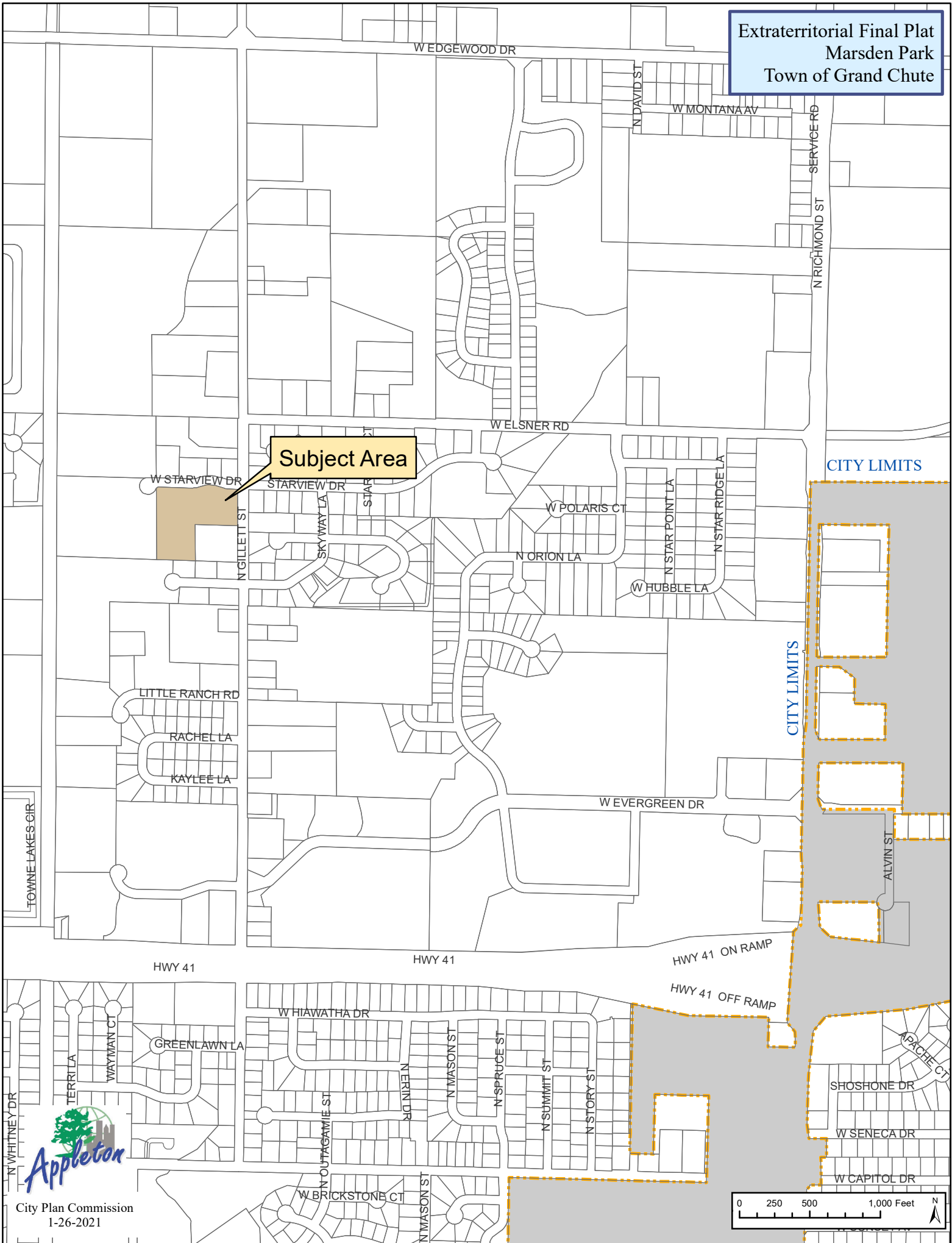
1. For the City of Appleton Approval (Extraterritorial) signature block, list the Mayor’s name as Jacob A. Woodford.

Extraterritorial Final Plat
Marsden Park
Town of Grand Chute

Subject Area

CITY LIMITS

CITY LIMITS



TOWNE LAKES CIR

LITTLE RANCH RD

RACHEL LA

KAYLEE LA

HWY 41

HWY 41

HWY 41 ON RAMP

HWY 41 OFF RAMP

W HIAWATHA DR

GREENLAWN LA

W BRICKSTONE CT

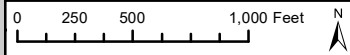
SHOSHONE DR

W SENECA DR

W CAPITOL DR

ALVIN ST

APACHE CT



Extraterritorial Final Plat
Marsden Park
Town of Grand Chute
Aerial Map

W STARVIEW DR

Subject Area

N GILLETT ST

WHISPERING PINE CT

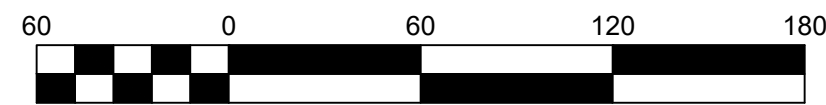


Plan Commission
1-26-2021

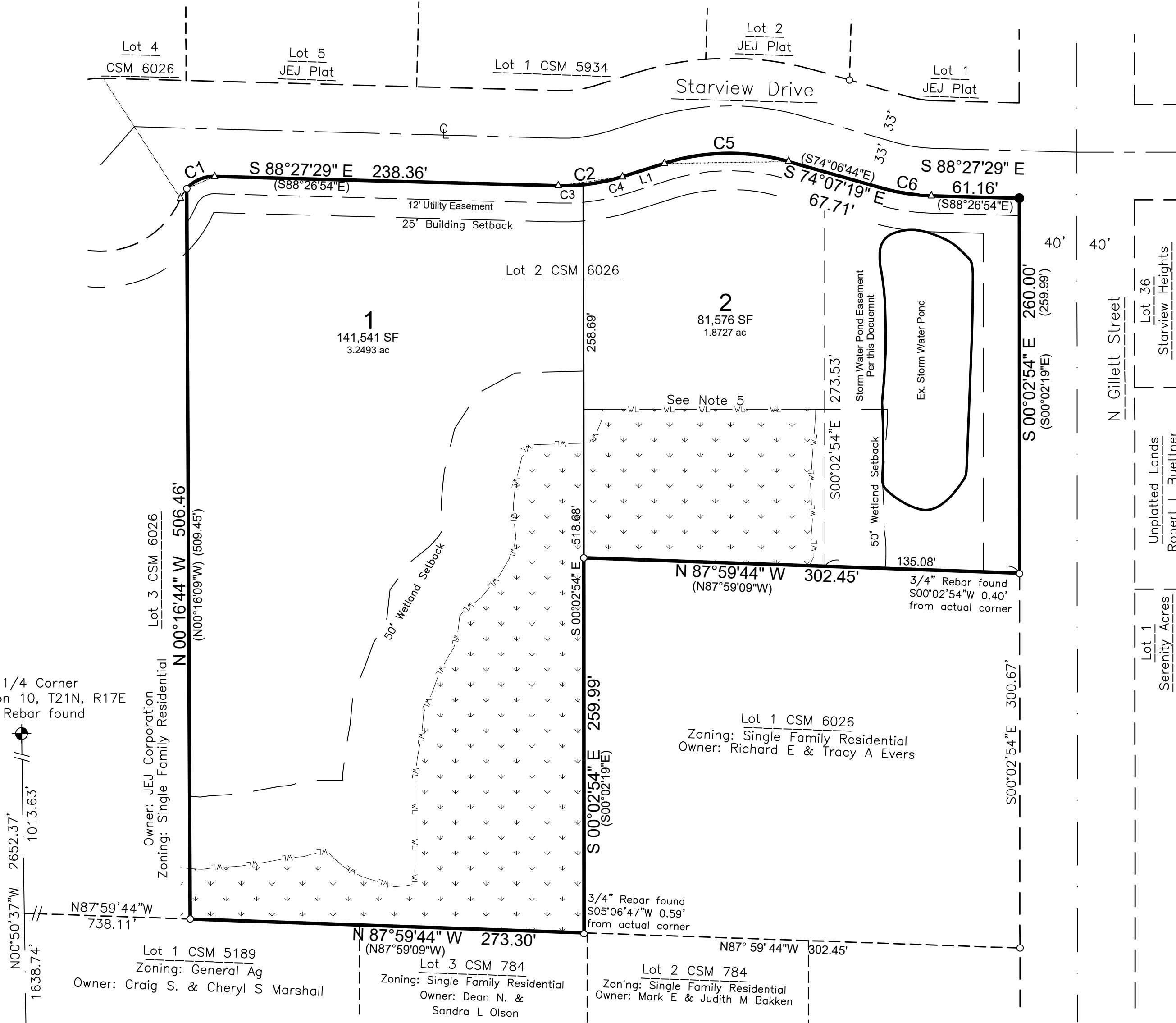


Marsden Park

All of Lot 2, Certified Survey Map 6026, being part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin



Bearings are referenced to the West line of the Southwest 1/4, Section 10, T21N, R17E, assumed to bear N00°50'37"W, base on the Outagamie County Coordinate System.



West 1/4 Corner Section 10, T21N, R17E 3/4" Rebar found

Southwest Corner Section 10, T21N, R17E Berntsen Monument Found

Owner's Certificate of Dedication

Rubble Development, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

Rubble Development, LLC, does further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

- Outagamie County Planning and Zoning Committee
- Town of Grand Chute
- City of Appleton
- Department of Administration

Dated this _____ day of _____, 20____.

In the presence of: Rubble Development, LLC

Glen Scherwinski, Managing Member

State of Wisconsin) _____ County) ss

Personally came before me this _____ day of _____, 20____, the above the property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Notary Public, Wisconsin My Commission Expires _____

Special Town of Grand Chute Restriction

This subdivision Final Plat is subject to all of the requirements of Section 6.16 (E) Municipal Code of the Town of Grand Chute. The subdivider, for himself / itself, and his / its assigns, shall be responsible for all municipal improvements, including graveled and blacktopped streets, graveled road shoulders, sewer and water, curb and gutter if determined necessary by the Town of Grand Chute Board of Supervisors, sewer lift stations when determined necessary by the Town of Grand Chute Board of Supervisors, storm sewers when determined necessary by the Town of Grand Chute Board of Supervisors, dedicated and open clear water drainage easements and street lighting. Pursuant to Section 6.16 (E) Municipal Code of the Town of Grand Chute, the Town of Grand Chute reserves the right to withhold building permits for this subdivision if the above stated municipal improvements have not been completed in a timely and orderly fashion by the subdivider / owner, according to the terms and conditions of 6.16 (E). That, in addition, all subdividers and property owners are put on notice that a three hundred dollar (\$300.00) hookup contribution charge for sewer services may be payable by each lot within the platted subdivision to the Town of Grand Chute Sanitary District for sewer services. Furthermore, where decorative street lighting is requested by the owner / subdivider, the difference in cost between regular street lighting and decorative street lighting will be assessed annually to property owners within the subdivided areas, on an annual cost basis as incurred by the Town of Grand Chute, plus the Town of Grand Chute's annual interest charge; the Town of Grand Chute shall be responsible only for base and regular street lighting costs at intersections and cul-de-sacs, with any excess lighting costs as requested by the subdivider or property owners being assessed directly to the abutting property owners.

Surface Water Drainage Covenant

Maintenance of all drainage ways, including easements as indicated on the plat and along side and rear lot lines which convey storm water runoff as indicated on the Drainage Plan, and associated structures within the subdivision or serving the subdivision is the sole responsibility of the property owners of the subdivision, unless noted on the plan.

Upon failure of the property owners to perform maintenance of the drainage ways and associated structures, the county and/or township retains the right to perform maintenance and/or repairs and shall be equally assessed among the property owners of the subdivision with a drainage covenant.

LEGEND

- △ 1 1/2" Rebar Found
- 3/4" Rebar Found
- 1 1/2" x 18" Steel Rebar @ 4.30lbs/LF SET
- All Other Corners
- 3/4" x 18" Steel Rebar @ 1.50lbs/LF SET
- SF Lot Areas In Square Feet
- () Recorded As

Town Board Approval Certificate

Resolved, that the plat of Marsden Park in the Town of Grand Chute, Outagamie County, Rubble Development, LLC, owners, is hereby approved by the Town Board of the Town of Grand Chute.

Chairman _____ Date _____

I hereby certify that the foregoing is a copy of a resolution adopted by the Town Board of the Town of Grand Chute.

Clerk _____ Date _____

Treasurer's Certificate

We, being the duly elected, qualified and acting Treasurer's of the Town of Grand Chute and Outagamie County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this plat.

Town Treasurer _____ Date _____

County Treasurer _____ Date _____

City of Appleton Approval (Extraterritorial)

Resolved, that the plat of Marsden Park in the Town of Grand Chute, Outagamie County, Rubble Development, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

Jake Woodford, Mayor _____ Date _____

I hereby certify that the foregoing is a copy of a resolution adopted by the the Common Council of the City of Appleton.

Kami Lynch, Clerk _____ Date _____

Development And Land Services Approval Certificate

Resolved, that the plat of Marsden Park in the Town of Grand Chute, Outagamie County, Rubble Development, LLC, owners, is hereby approved by Outagamie County.

Authorized Representative _____ Date _____

This Final Plat is contained wholly within the property described in the following recorded instruments:

The property owner of record:	Recording Information:	Parcel Number(s):
Rubble Development, LLC	Doc No. 2219063	101036111

CURVE TABLE								
Curve	Radius	Chord Direction	Recorded As	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	25.00'	N 66°31'44" E	(N66°31'57"E)	21.14'	21.83'	50°01'33"	N 41°30'58" E	S 88°27'29" E
C2	136.00'	N 82°00'22" E	(N88°00'57"E)	45.06'	45.27'	19°04'18"	S 88°27'29" E	N 72°28'13" E
C3	136.00'	N 87°51'05" E		17.51'	17.52'	7°22'51"	S 88°27'29" E	N 84°09'39" E
C4	136.00'	N 78°18'56" E		27.70'	27.75'	11°41'27"	N 84°09'39" E	N 72°28'13" E
C5	150.00'	N 89°10'27" E	(N89°11'02"E)	86.23'	87.46'	33°24'28"	N 72°28'13" E	S 74°07'19" E
C6	136.00'	S 81°17'24" E	(S81°16'49"E)	33.94'	34.03'	14°20'10"	S 74°07'19" E	S 88°27'29" E

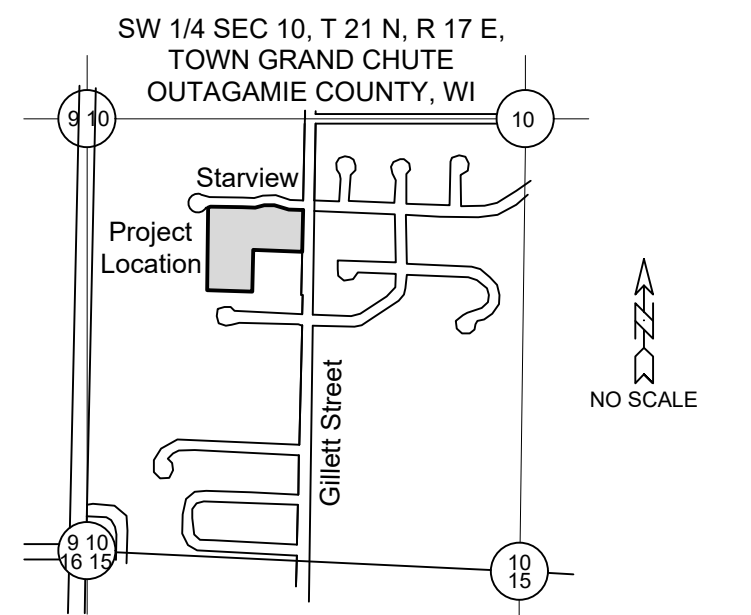
LINE TABLE		
Line	Bearing	Length
L1	N 72°28'13" E	30.52'
	(N72°28'48"E)	

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

LOCATION MAP



Surveyor's Certificate

I, James R. Sehloff, Professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Town of Grand Chute and Outagamie County, and under the direction of Rubble Development, LLC, owner of said land, I have surveyed divided and mapped Marsden Park; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is All of Lot 2, Certified Survey Map 6026, being part of the Northwest 1/4 of the Southwest 1/4 of Section 10, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 223,117 Sq Ft (5.1221 Ac) of land, subject to all easement and restrictions of record.

Given under my hand this _____ day of _____, 20____.

James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692

Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by Rubble Development, LLC, to:

- Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee, SBC, Grantee, and Time Warner Cable, 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 Grantees 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 Grantees' 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 grantees.

The grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Rubble Development, LLC

Glen Scherwinski, Managing Member _____ Date _____

Notes:

- All linear measurements have been made to the nearest one hundredth of a foot.
- All bearings are computed and measured to the nearest second.
- Lot 1 of CSM 4538 shows a drainage easement for the benefit of JEJ Plat. There is no record, in the register of deeds office, of this easement being granted to the Town of Grand Chute or owners of the JEJ Plat. Also there is no maintenance agreement on file, for the existing pond located within said easement.
- Per this document the Town agrees to release any right either implied and/or written to Drainage Easement listed in Note 1. In return the Developer, Rubble Development, LLC, agree to A Storm Water Pond Easement, located on Lot 2, is being granted to the Town of Grand Chute as shown on this map. The Storm Water Pond Easement is subject to any restrictions noted on the Final Plat of JEJ Plat and this document.
- Lot 2 contains wetland that were filled per EXE-NE-2020-45-02948 dated October 12, 2020. At the time of platting the Town does not enforce a setback on portions of wetlands that have been legally filled.

File: 6057Final.dwg
Date: 01/08/2021
Drafted By: jim
Sheet: 1 of 1
Revision Date: Jan 08, 2021

DAVEL ENGINEERING & ENVIRONMENTAL, INC.
CIVIL ENGINEERING CONSULTANTS
1811 Racine Street Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-830-9595
www.davel.pro