

**LAND DEDICATION AGREEMENT  
LIGHTNING DRIVE and STORMWATER POND**

This Agreement is made by and between Apple Tree Appleton Four LLC (“Apple Tree”) and the City of Appleton (“City”).

WHEREAS, Apple Tree is the owner of certain lands; and

WHEREAS, the City and Apple Tree desire to set forth their respective duties and responsibilities with respect to the development of the land and construction of Lightning Drive and Stormwater Pond; and

NOW THEREFORE, in consideration of the mutual promises herein contained, the parties agree as follows:

**1. CITY**

1.1 City shall be responsible for the installation of sanitary sewer and watermain in the Lightning Drive right-of-way from the south Apple Tree property line to Bald Eagle Drive in 2021. City shall also complete the remainder of the sanitary sewer and watermain north of Bald Eagle Drive within area “1” on the attached Exhibit A in 2023.

1.2 City shall be responsible for installation of storm sewer, grading, graveling and temporary asphalt of Lightning Drive as indicated by area “1” on the attached Exhibit A in 2023. The properties adjacent to this segment of Lightning Drive shall not be assessed by the City for the temporary asphalt, estimated at \$82,000. All other costs shall be assessed per the City’s Special Assessment Policy.

1.3 City shall contribute \$201,648 towards the oversizing of the stormwater pond based on a 16.4% volume contribution and loss of 3 buildable lots, upon completion and acceptance of said stormwater pond by the City. City shall accept ownership of said pond and dedication of Outlot 10 of the plat for Apple Ridge 2 conditioned upon being built to City standards including the establishment of self-sustaining vegetation.

**2. APPLE TREE**

2.1 Apple Tree shall dedicate to the City all land necessary for the 70’ right-of-way for Lightning Drive as indicated by area “1” on attached Exhibit A and more particularly described in Exhibit A-1 attached hereto and incorporated herein by reference. Dedication of said land shall be at no cost to the City. Attached Exhibit B “Application for Dedication to the Public” shall be signed at the time of signature of Land Dedication Agreement.

2.2 Apple Tree shall construct said Stormwater Pond oversized appropriately to address a portion of the stormwater management for Lightning Drive in 2023. Upon acceptance by the City, Apple Tree shall dedicate Outlot 10 to the City.

2.3 Apple Tree shall provide all necessary access to City and its contractors and agents through Apple Tree property to avoid wetland impacts, as indicated on Exhibit C, immediately upon signature of this agreement. Such access shall be coordinated with Apple Tree to avoid City access preventing Apple Tree contractors from completing their work.

2.4 Apple Tree shall pay all costs associated with sanitary laterals, storm laterals and water services necessary to serve any development adjacent to Lightning Drive. Upon request by Apple Tree the City could install laterals in conjunction with work described in sections 1.1 and 1.2 above with all costs paid by Apple Tree at the time of installation.

### **3. ADDITIONAL PROVISIONS**

3.1 Time is of the essence.

3.2 The laws of the State of Wisconsin shall govern this Agreement.

3.3 No party to this Agreement may assign any of its interest or obligations hereunder without first obtaining the written consent of the other party.

3.4 This Agreement may be signed in any number of counterparts with the same effect as if the signatures thereto and hereto were upon the same instrument.

3.5 No modification, alteration, or amendment of this Agreement shall be binding upon any party until such modification, alteration, or amendment is reduced to writing and executed by all parties to this Agreement.

[SIGNATURES BEGIN ON FOLLOWING PAGE]

**CITY OF APPLETON**

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

ATTEST:

By: \_\_\_\_\_  
Kami Lynch, City Clerk

STATE OF WISCONSIN        )  
  : ss.  
OUTAGAMIE COUNTY        )

Personally came before me this \_\_\_\_ day of \_\_\_\_\_, 2021, Jacob A. Woodford, Mayor and Kami Lynch, City Clerk, of the City of Appleton respectively, to me known to be the persons who executed the foregoing instrument and acknowledged the same in the capacity and for the purposes therein intended.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is/expires: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher R. Behrens, City Attorney  
City Law: A18-0513

**APPLE TREE APPLETON FOUR, LLC**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_

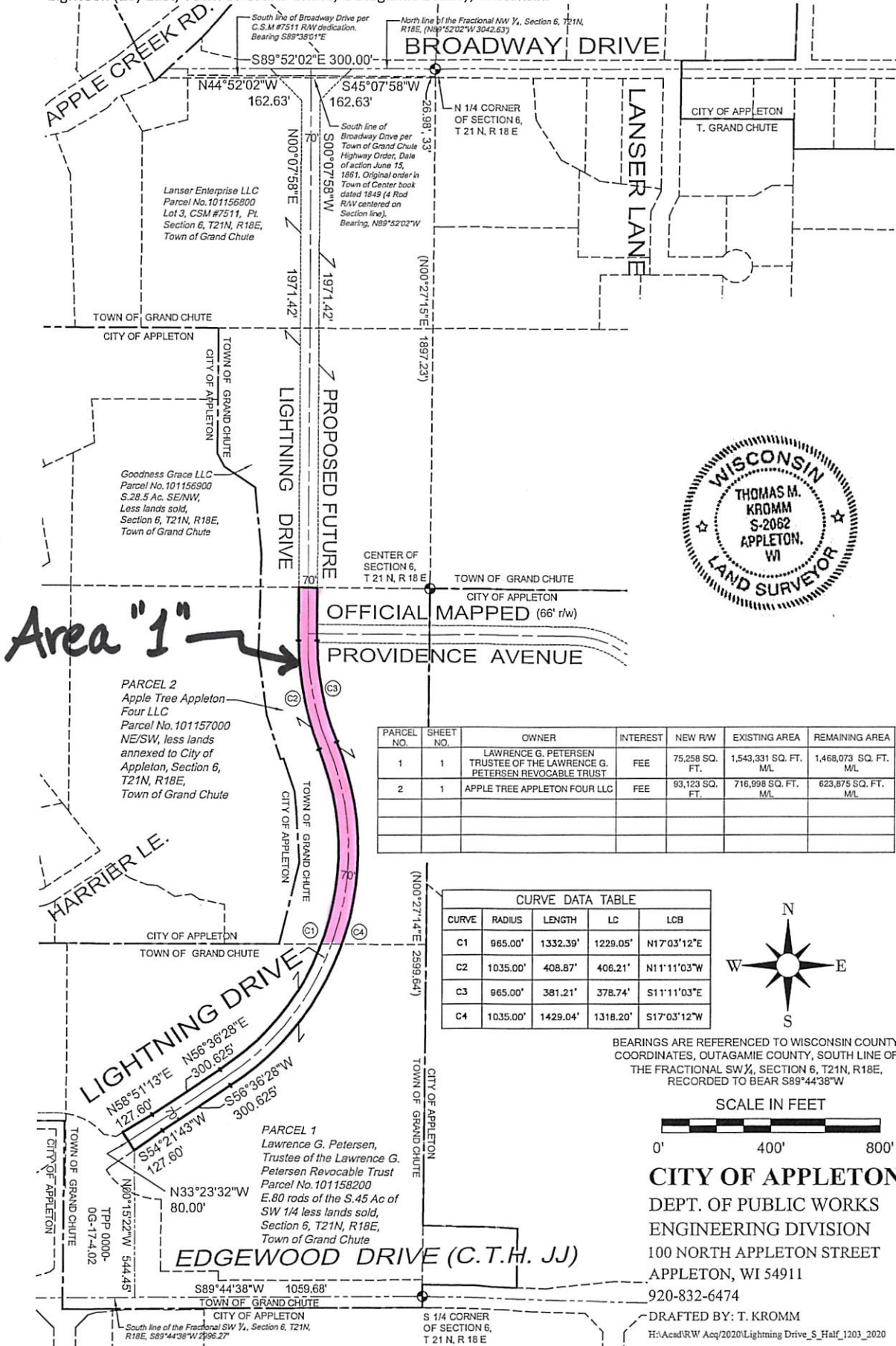
STATE OF WISCONSIN        )  
  : ss.  
\_\_\_\_\_ COUNTY    )

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 2021,  
\_\_\_\_\_ and \_\_\_\_\_, to me known to  
be the persons who executed the foregoing instrument and acknowledged the same in the  
capacity and for the purposes therein intended.

\_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Notary Public, State of Wisconsin  
My commission is/expires: \_\_\_\_\_

# EXHIBIT A

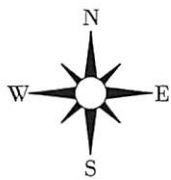
**RELOCATION ORDER** for Lightning Drive right of way acquisition: A part of Lot Three (3) of Certified Survey Map No. 7511 and located in and being a part of the E 1/2 of the Fractional W 1/2 of Section Six (6), Township Twenty-One (21) North, Range Eighteen (18) East, Town of Grand Chute, Outagamie County, Wisconsin.



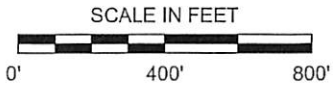
*Area "1"* →

PARCEL NO.	SHEET NO.	OWNER	INTEREST	NEW RW	EXISTING AREA	REMAINING AREA
1	1	LAWRENCE G. PETERSEN TRUSTEE OF THE LAWRENCE G. PETERSEN REVOCABLE TRUST	FEE	75,258 SQ. FT.	1,543,331 SQ. FT. ML	1,468,073 SQ. FT. ML
2	1	APPLE TREE APPLETON FOUR LLC	FEE	93,123 SQ. FT.	716,998 SQ. FT. ML	623,875 SQ. FT. ML

CURVE	RADIUS	LENGTH	LC	LCB
C1	965.00'	1332.39'	1229.05'	N17°03'12"E
C2	1035.00'	408.87'	406.21'	N11°11'03"W
C3	965.00'	381.21'	378.74'	S11°11'03"E
C4	1035.00'	1429.04'	1318.20'	S17°03'12"W



BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATES, OUTAGAMIE COUNTY, SOUTH LINE OF THE FRACTIONAL SW 1/4, SECTION 6, T21N, R18E, RECORDED TO BEAR S89°44'38"W



**CITY OF APPLETON**  
 DEPT. OF PUBLIC WORKS  
 ENGINEERING DIVISION  
 100 NORTH APPLETON STREET  
 APPLETON, WI 54911  
 920-832-6474

DRAFTED BY: T. KROMM  
 H:\Acad\RW Acq\2020\Lightning Drive\_S\_Half\_1203\_2020

# EXHIBIT A-1

**PARCEL: 101157000**  
**Owner: Apple Tree Appleton Four LLC**

All those lands of the owner within the following described traverse: A part of the Northeast  $\frac{1}{4}$  of the Fractional Southwest  $\frac{1}{4}$  of Section 6, Township 21 North, Range 18 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 93,123 Square Feet (2.138 Acres) of land and being further described as follows:

Commencing at the South  $\frac{1}{4}$  corner of said Section 6;

Thence South  $89^{\circ}44'38''$  West 1059.68 feet along the South line of the Fractional SW  $\frac{1}{4}$  of said Section 6;

Thence North  $00^{\circ}15'22''$  West 544.45 feet to point number 185 of Transportation Project Plat No: 0000-0G-17-4.02 recorded as document number 2070341 of the Outagamie County Register of Deeds Office and being the point of beginning;

Thence North  $33^{\circ}23'32''$  West 80.00 feet coincident with a Northeast line of said Transportation Project Plat No: 0000-0G-17-4.02;

Thence North  $58^{\circ}51'13''$  East 127.60 feet;

Thence North  $56^{\circ}36'28''$  East 300.625 feet;

Thence Northerly 1332.39 feet along the arc of a curve to the left having a radius of 965.00 feet and the chord of which bears North  $17^{\circ}03'12''$  East 1229.05 feet;

Thence Northerly 408.87 feet along the arc of a curve to the right having a radius of 1035.00 feet and the chord of which bears North  $11^{\circ}11'03''$  West 406.21 feet;

Thence North  $00^{\circ}07'58''$  East 1971.42 feet;

Thence North  $44^{\circ}52'02''$  West 162.63 feet to the North line of the Fractional NW  $\frac{1}{4}$  of said Section 6;

Thence South  $89^{\circ}52'02''$  East 300.00 feet along the North line of the Fractional NW  $\frac{1}{4}$  of said Section 6;

Thence South  $45^{\circ}07'58''$  West 162.63 feet;

Thence South  $00^{\circ}07'58''$  West 1971.42 feet;

Thence Southerly 381.21 feet along the arc of a curve to the left having a radius of 965.00 feet and the chord of which bears South  $11^{\circ}11'03''$  East 378.74 feet;

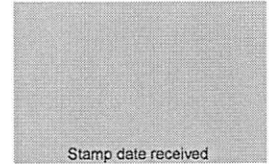
Thence Southerly 1429.04 feet along the arc of a curve to the right having a radius of 1035.00 feet and the chord of which bears South  $17^{\circ}03'12''$  West 1318.20 feet;

Thence South  $56^{\circ}36'28''$  West 300.625 feet;

Thence South  $54^{\circ}21'43''$  West 127.60 feet to the point of beginning.



**APPLICATION FOR DEDICATION TO THE PUBLIC**  
 Community and Economic Development Department  
 100 N. Appleton St. PH: 920-832-6468  
 Appleton, WI 54911 FAX: 920-832-5994



PROPERTY OWNER		APPLICANT (owner's agent)	
Name		Name	
Mailing Address		Mailing Address	
Phone	Fax	Phone	Fax
E-mail		E-mail	

PUBLIC DEDICATION INFORMATION	
If applicable, Property Tax # (31-0-0000-00)	
Description of Dedication: <input type="checkbox"/> Street Right-of-Way <input type="checkbox"/> Other public uses (specify type) _____	
Location	
Legal Description of Land (may be attached as separate sheet) *Please submit an electronic copy of the legal description in Microsoft Word format.	
Current Zoning:	Proposed Zoning:
Current Uses:	Proposed Uses:

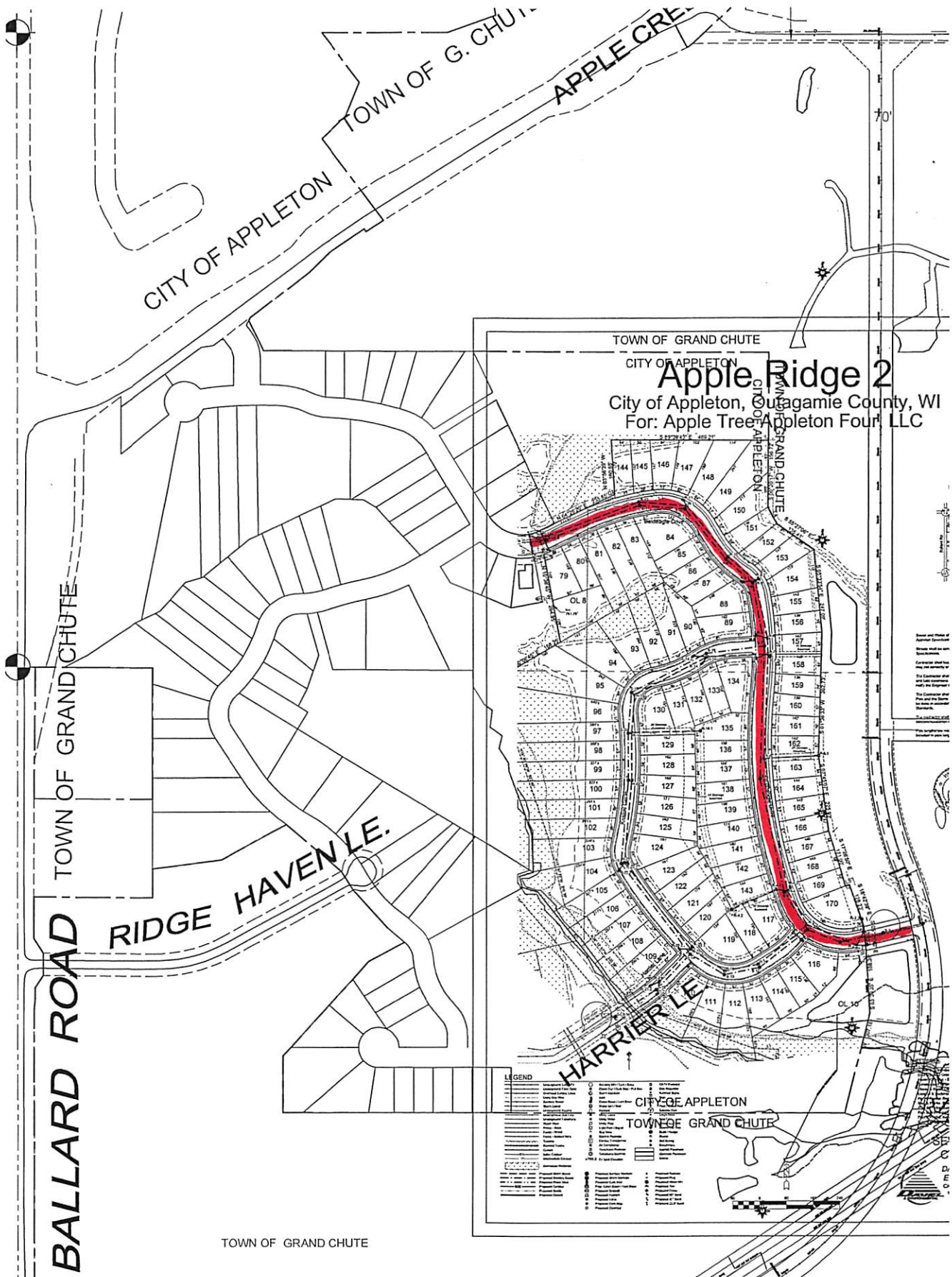
PLEASE STATE REASON(S) FOR DEDICATION TO THE PUBLIC
*Please attach a location map of the property or portion of the property in question and facts to support the request.

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Date \_\_\_\_\_ Owner/Agent Signature (Agents must provide written proof of authorization)

OFFICE USE ONLY	
Application Complete _____	Date Filed _____

EXHIBIT - BALDEAGLE DRIVE ACCESS MAP



Apple Ridge 2  
 City of Appleton, Outagamie County, WI  
 For: Apple Tree Appleton Four LLC

— Access granted to City and Contractors