



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** September 8, 2021

**Common Council Meeting Date:** September 15, 2021

**Item:** Final Plat – Apple Fields

**Case Manager:** Jessica Titel, Principal Planner

### GENERAL INFORMATION

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**Applicant:** Jim Sehloff – Davel Engineering and Environmental

**Owner:** Doctors Properties, LLC c/o Henry Chou

**Address/Parcel #:** E. Glenhurst Lane (Tax Id #31-1-6501-03 and #31-1-6501-04, Lots 3 and 4 of the Apple Creek Center plat)

**Petitioner's Request:** The owner/applicant is proposing to subdivide property for single-family residential development.

### BACKGROUND

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The subject property was annexed to the City in 1990 as part of the AAL Annexation. The property was rezoned to C-O Commercial Office District in February 2001. The subject parcels (Lots 3 and 4) are part of the Apple Creek Center Plat that was approved by the Common Council on June 5, 2002.

On March 20, 2019, the Common Council denied a request to rezone the subject parcels from C-O Commercial Office District to R-3 Multi-Family District.

City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map Amendment #3-19 (Multi-Family Residential designation to the One and Two-Family Residential designation) and Rezoning #13-19 (C-O Commercial Office District to R-1B Single-Family District) were approved by the Common Council on March 4, 2020.

The Apple Fields Preliminary Plat was approved by Common Council on April 21, 2021.

### STAFF ANALYSIS

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**Existing Conditions:** The subject area to be subdivided is currently undeveloped. Apple Fields consists of 6.4136 acres and will be divided into nineteen (19) single-family lots.

**Comparison between Final Plat and Preliminary Plat:** The Final Plat is generally consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots. The street name for the proposed cul-de-sac was changed to Honeygold Court to avoid duplication of a road name in an adjacent community.

## **Final Plat – Apple Fields**

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**Zoning Ordinance Review Criteria:** The current lot development standards for the R-1B Single-Family District (Section 23-93 of the Municipal Code) are as follows.

- Minimum lot area: Six thousand (6,000) square feet.
  - *The proposed average lots size ranges from 10,000 square feet to 18,243 square feet. All lots exceed this minimum requirement.*
- Minimum lot width: Fifty (50) feet.
  - *All lots exceed this minimum requirement.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
  - *Required front yard setback has been shown on the Final Plat. Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
  - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
  - *This will be reviewed through the building permit review process.*

**Compliance with the Appleton Subdivision Regulations:** On April 21, 2021, the Common Council granted relief at the Preliminary Plat approval stage for the following modifications of regulations, pursuant to Section 17-3(f) of the Municipal Code:

- 1) Section 17-26(c)(2) of the Municipal Code to allow for double frontage on Lots 2 through 9.
- 2) Section 17-25(g) of the Municipal Code to allow the proposed cul-de-sac (Honeygold Court) to exceed 500 feet in length.

**Access and Traffic:** The primary vehicular access to Apple Fields is via Lightning Drive. Proposed Honeygold Court will intersect with Lightning Drive. The full 60-foot road right-of-way widths for the proposed street will be dedicated to the City with the Final Plat.

### **Surrounding Zoning Classification and Land Uses:**

North: PD-R-3 Northbrook Crossing Planned Development Multi-Family District #19-01– Multi-family residential

South: R-1B Single-Family District – Single-family dwellings

East: R-1B Single-Family District – Single-family dwellings

West: R-3 Multi-Family District – Multi-family residential (Century Oaks Community Based Residential Facility)

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**Appleton Comprehensive Plan 2010-2030:** Community and Economic Development staff has reviewed this proposal and determined it is compatible with the One and Two-Family Residential designation shown on the City's *Comprehensive Plan 2010-2030* Future Land Use Map. Listed below are related excerpts from the City's *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 3 – Housing Quality, Variety, and Affordability*

*Appleton will provide a variety of rental and ownership housing choices in a range of prices affordable to community residents, and ensure that existing housing is adequately maintained in terms of physical quality and market viability.*

### **OBJECTIVE 10.1 Land Use:**

*Provide an adequate supply of suitable land meeting the demand for development of various land uses.*

### **OBJECTIVE 10.4 Land Use:**

*Plan for compact, efficient, and fiscally responsible growth of residential, commercial, and industrial development in new neighborhoods in order to implement the principles of smart growth.*

*Policy 10.4.1 Continue to guide residential growth to locations either contiguous to or within presently urbanized areas. As peripheral development occurs, it should be at a compact, urban density to ensure new neighborhoods can be efficiently served by public infrastructure.*

**Parks and Open Space:** Section 17-29 of the Municipal Code requires parkland dedication or fee in lieu of dedication for residential subdivisions. Since no parkland will be dedicated on the subject property, park fees will be due prior to the City signing the Final Plat. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

**Technical Review Group (TRG) Report:** This item appeared on the June 1, 2021 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

## **RECOMMENDATION**

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The Apple Fields Final Plat, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. The Final Plat shall be recorded within 12 months from the approval date of the last approving authority and within 36 months from the approval date of the first approving authority. Failure to do so requires the subdivider to recommence the entire procedure for Final Plat approval.
2. Prior to City signatures being affixed to the Final Plat, park fees shall be paid to the City of Appleton Finance Department pursuant to Section 17-29 of the Municipal Code. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

## Final Plat – Apple Fields

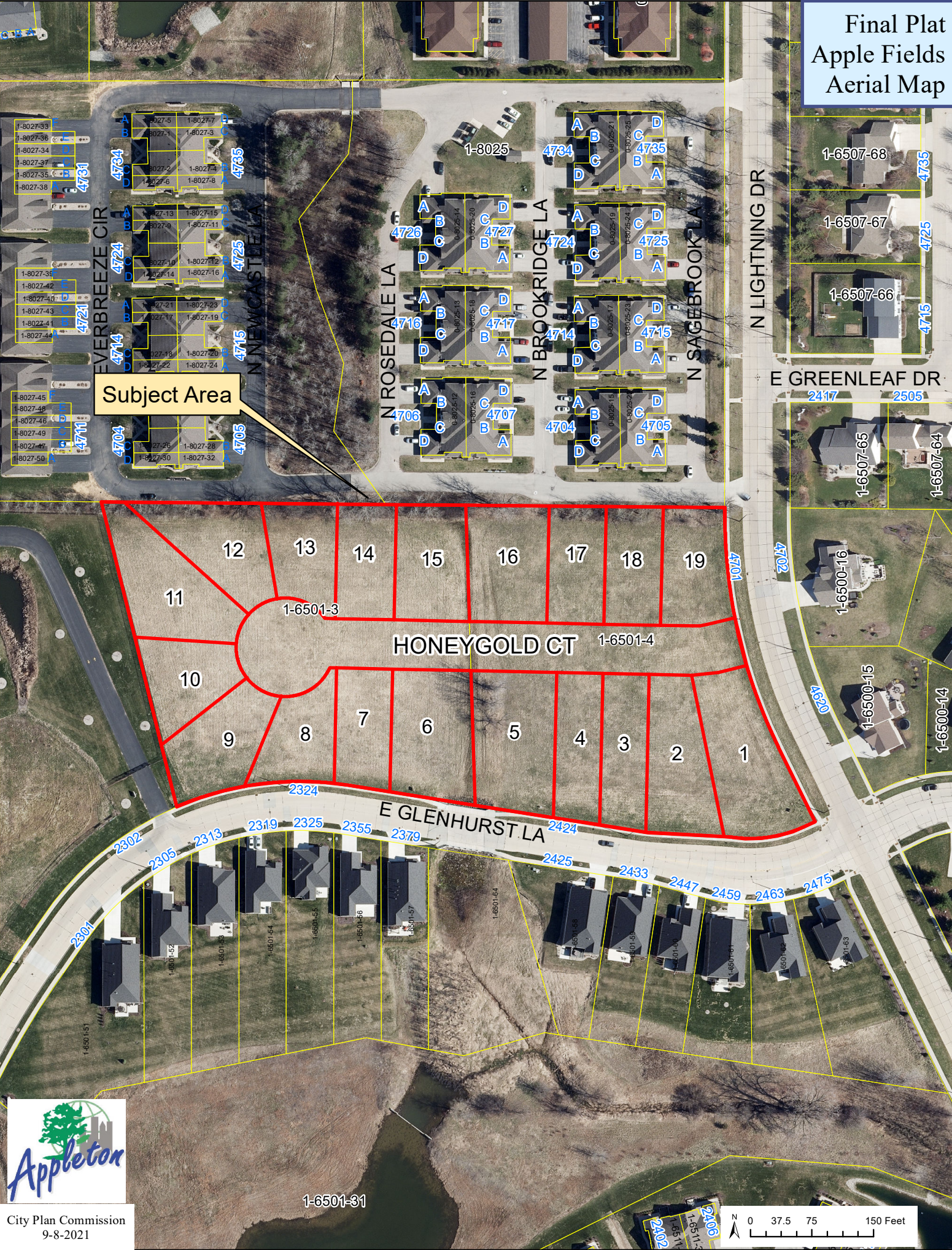
September 8, 2021

Page 4

3. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
4. Technical requirements related to site stormwater management and FEMA/CLOMR floodplain process are still being finalized. All requirements from the City of Appleton Department of Public Works, Engineering Division shall be met to the satisfaction of the City Engineer prior to the City affixing signatures on the Final Plat.
5. Remove all instances of the word “drainage” in the verbiage for the City – Water Main and Storm Sewer Easement provisions.
6. List the outside diameter of the found iron pipes shown in the legend
7. Revise the drainage plan as follows and/or provide exhibits to ensure information is clear and easily readable:
  - Provide additional lot line dimensions to show the location of the grade breaks
  - Response comments indicated that the City sets house elevations, which is not correct.
  - For any lot adjacent to a 100 year overland flowpath, provide the lowest allowable grade at foundation for the house that is at least 12” above the water surface elevation. This is for areas that are not related to an area where floodplain has been removed via fill.
  - For any lot with floodplain fill, provide the lowest allowable grade at foundation that is 2 feet above the base flood elevation.
  - All floodplain fill and drainage easement grading must be completed with the plat development prior to issuance of building permits.
  - Building permits will not be issued until the LOMR is approved and the certification of fill per FEMA Technical Bulletin 10-01 is completed.
  - Occupancy permits will not be issued until the engineer has provided a certification for each lot that the respective residence will be “Reasonable Safe from Flooding” per FEMA Technical Bulletin 10-01.



Final Plat  
Apple Fields  
Aerial Map



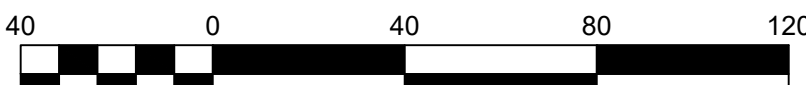
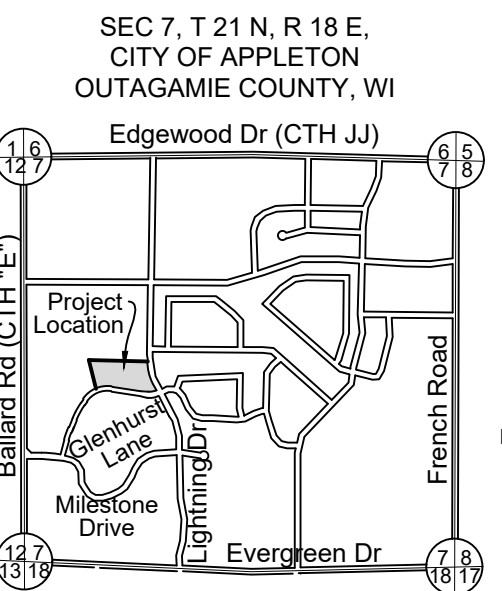
Subject Area



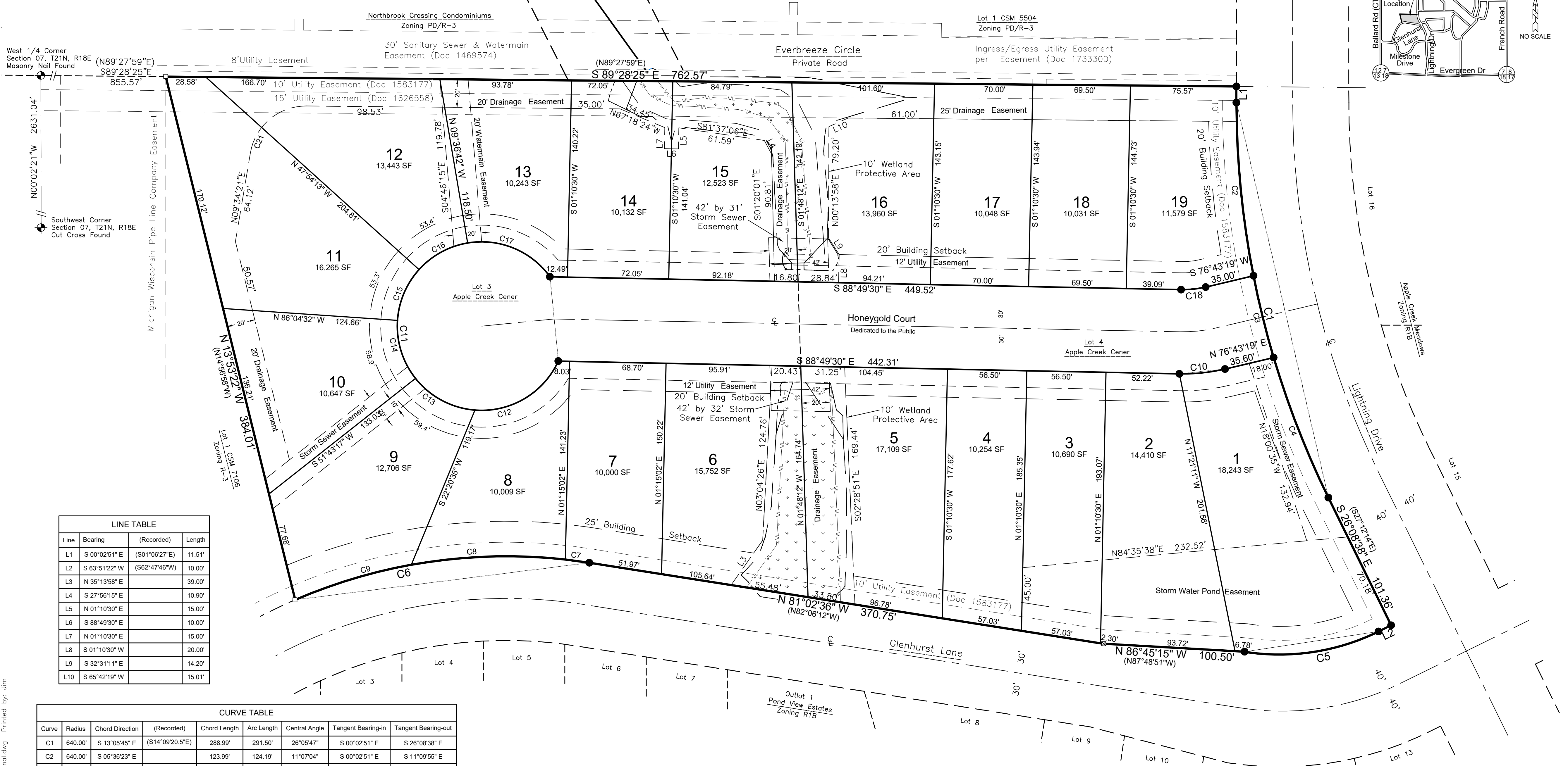
# Apple Fields

All of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

## LOCATION MAP



Bearings are referenced to the West line of the Southwest 1/4, Section 07, T21N, R18E, bearing N00°02'21"W, base on the Outagamie County Coordinate System.



Line	Bearing	(Recorded)	Length
L1	S 00°02'51" E	(S01°06'27"E)	11.51'
L2	S 63°51'22" W	(S62°47'46"W)	10.00'
L3	N 35°13'58" E		39.00'
L4	S 27°56'15" E		10.90'
L5	N 01°10'30" E		15.00'
L6	S 88°49'30" E		10.00'
L7	N 01°10'30" E		15.00'
L8	S 01°10'30" W		20.00'
L9	S 32°31'11" E		14.20'
L10	S 65°42'19" W		15.01'

Curve	Radius	Chord Direction	(Recorded)	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	640.00'	S 13°05'45" E	(S14°09'20.5"E)	288.99'	291.50'	26°05'47"	S 00°02'51" E	S 26°08'38" E
C2	640.00'	S 05°36'23" E		123.99'	124.19'	11°07'04"	S 00°02'51" E	S 11°09'55" E
C3	640.00'	S 13°51'08" E		60.00'	60.03'	5°22'25"	S 11°09'55" E	S 16°32'20" E
C4	640.00'	S 21°20'29" E		107.16'	107.29'	9°36'18"	S 16°32'20" E	S 26°08'38" E
C5	160.00'	S 81°24'23" W	(S80°20'47"W)	96.49'	98.02'	35°05'57"	S 63°51'25" W	N 81°02'38" W
C6	380.00'	S 82°49'18" W	(S81°45'39.5"W)	211.21'	214.03'	32°16'13"	N 81°02'36" W	S 66°41'11" W
C7	380.00'	N 82°20'53" W		17.31'	17.31'	2°36'35"	N 81°02'36" W	N 83°39'10" W
C8	380.00'	S 88°02'52" W		109.71'	110.09'	16°35'57"	N 83°39'10" W	S 79°44'53" W
C9	380.00'	S 73°13'02" W		86.44'	86.63'	13°03'42"	S 79°44'53" W	S 66°41'11" W
C10	130.00'	N 83°56'55" E		68.87'	32.79'	14°27'11"	S 88°49'30" E	N 76°43'19" E
C11	60.00'	N 05°40'44" W		60.43'	313.66'	299°31'24"	S 24°33'34" W	S 35°55'03" E
C12	60.00'	N 59°35'05" E		68.87'	73.36'	70°03'02"	N 24°33'34" E	S 85°23'24" E
C13	60.00'	S 61°50'04" E		47.96'	49.34'	47°06'41"	S 85°23'24" E	S 38°16'43" E
C14	60.00'	S 17°10'37" E		43.20'	44.20'	42°12'11"	S 38°16'43" E	S 03°55'28" W
C15	60.00'	S 23°00'38" W		39.24'	39.97'	38°10'19"	S 03°55'28" W	S 42°05'47" W
C16	60.00'	S 61°14'33" W		39.36'	40.10'	38°17'31"	S 42°05'47" W	S 80°23'18" W
C17	60.00'	N 67°45'52" W		66.70'	63.32'	63°41'39"	S 80°23'18" W	N 35°55'03" W
C18	70.00'	S 83°56'55" W		17.61'	17.66'	14°27'11"	N 76°43'19" E	S 88°49'30" E

### LEGEND

- 1" Iron Pipe Found
- ⊗ Cut Cross Set
- 1 1/2" x 30" Steel Rebar @ 4.30lbs/LF SET
- ⊙ All Other Corners
- ⊙ 3/4" x 24" Steel Rebar @ 1.50lbs/LF SET
- SF Lot Areas In Square Feet
- ( ) Recorded As Section, 1/4 or 1/16th line
- Existing Parcel line
- OHWM Ordinary High Water Mark
- Floodway
- Floodplain
- W-L Delineated Wetlands

### 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.
- Maintenance of all Drainage Easements and Storm Water Pond Easements within the land division or serving this Subdivision are the sole responsibility of the lot owners for the purpose of conveying and managing stormwater through the plat.
- Upon failure of the property owners to perform maintenance of the drainage ways and storm water pond, the City of Appleton retains the right to perform maintenance and/or repairs. The payment of the maintenance and repairs shall be assessed among the property owners of this subdivision in an equal amount or where the cause can be specifically identified then the payment shall be assessed to the specific property owner(s).

### Access Restriction Note:

All lots within this plat will have no access granted onto Glenhurst Lane, Lightning Drive, both which are public right of way, and Everbreeze Circle, a private road.

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

James R. Sehloff PLS 2692 Date \_\_\_\_\_

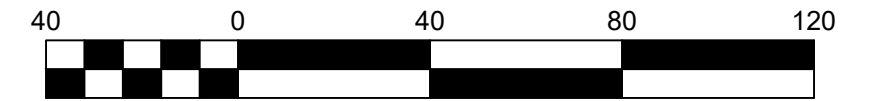
**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
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# Apple Fields

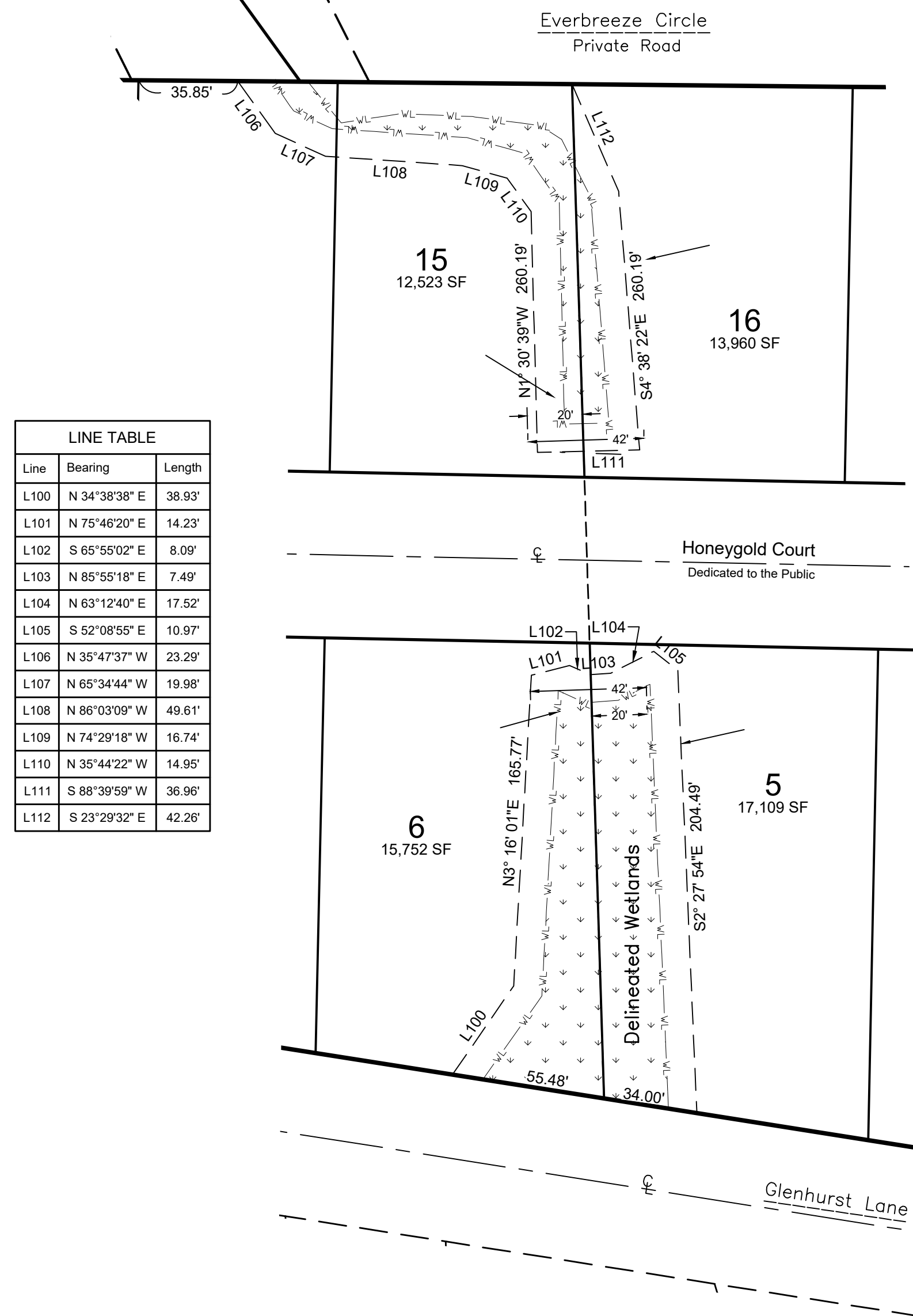
These exhibits are a representation of current conditions and regulations, at the time of platting. Per the City's current interpretation of City of Appleton code 17.12(b)(2) dimensioned location of these lines is required. Due to changing nature of environmental conditions and regulatory nature of wetlands, flood plain and ordinary high water mark these dimensions should only act as a guide and actual field conditions and/or legislative regulations are held over dimensions shown on this map.

All of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin



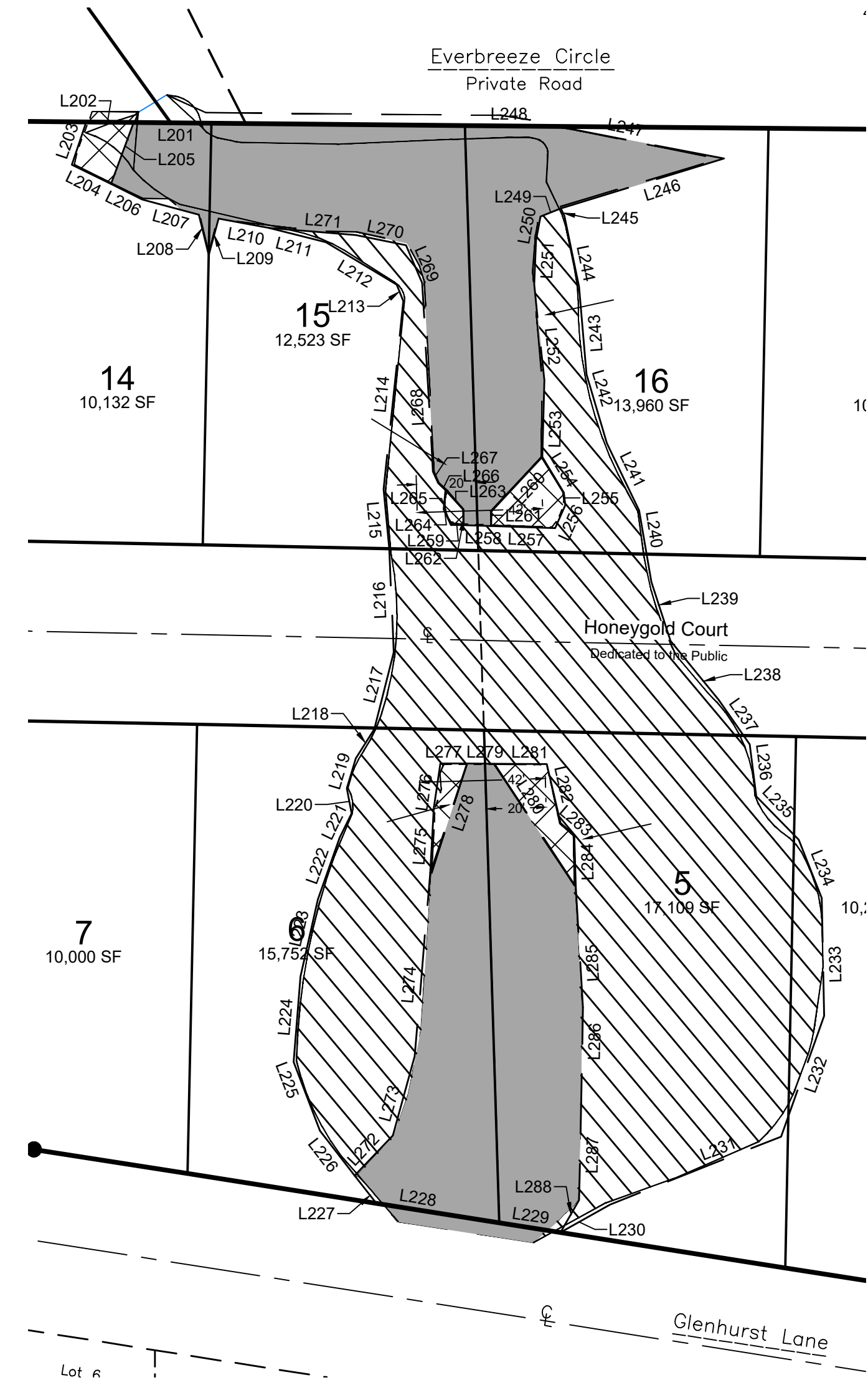
Bearings are referenced to the West line of the Northwest 1/4, Section 07, T21N, R17E, bearing N00°02'21"W, base on the Outagamie County Coordinate System.

## Wetland Protected Area Exhibit:



Line	Bearing	Length
L201	S 89°28'25" E	25.97'
L202	S 89°28'25" E	15.88'
L203	S 18°45'06" W	15.06'
L204	S 64°04'11" E	14.63'
L205	N 20°14'29" E	21.86'
L206	N 63°18'18" W	11.60'
L207	N 74°48'41" W	19.71'
L208	S 13°31'28" E	13.85'
L209	N 15°06'08" E	12.62'
L210	N 79°41'14" W	17.15'
L211	N 75°47'30" W	19.63'
L212	N 59°10'25" W	27.68'
L213	N 21°24'33" W	5.93'
L214	N 05°58'17" E	63.23'
L215	N 05°17'50" W	19.99'
L216	N 02°34'37" W	34.55'
L217	N 14°07'14" E	26.58'
L218	N 32°39'36" E	11.57'
L219	N 16°47'05" E	10.47'
L220	N 10°40'27" W	8.51'
L221	N 25°43'58" E	9.01'
L222	N 19°27'18" E	21.94'
L223	N 12°50'26" E	26.38'
L224	N 04°30'04" E	28.66'
L225	N 20°48'51" W	24.63'
L226	N 37°53'43" W	19.00'
L227	N 37°53'43" W	11.75'
L228	S 81°02'36" E	41.68'
L229	S 81°02'36" E	20.71'
L230	N 60°43'26" E	19.07'
L231	N 68°18'57" E	61.48'
L232	N 19°39'57" E	42.82'
L233	N 01°06'44" W	39.46'
L234	N 21°43'37" W	20.92'
L235	N 44°17'57" W	20.29'
L236	N 07°13'11" W	17.56'
L237	N 35°02'42" W	18.13'
L238	N 39°04'42" W	25.48'
L239	N 18°09'06" W	20.64'
L240	N 09°37'31" W	24.25'
L241	N 25°48'32" W	25.01'
L242	N 16°24'55" W	23.97'
L243	N 04°50'22" W	29.37'
L244	N 11°40'53" W	24.26'

Line	Bearing	Length
L245	N 25°50'20" W	2.76'
L246	S 73°00'04" W	57.09'
L247	S 79°07'55" E	57.02'
L248	S 89°28'25" E	30.68'
L249	S 68°24'28" W	7.28'
L250	S 10°27'49" W	8.19'
L251	S 02°33'09" W	14.65'
L252	S 06°01'37" E	32.21'
L253	S 01°28'51" W	25.66'
L254	S 31°11'06" E	13.91'
L255	S 06°35'38" E	4.29'
L256	S 23°56'05" W	8.41'
L257	N 88°07'40" W	21.35'
L258	N 88°07'40" W	9.34'
L259	N 88°07'40" W	4.20'
L260	S 43°04'48" W	24.92'
L261	S 00°25'34" W	4.95'
L262	N 00°47'49" W	5.23'
L263	N 40°19'56" W	8.32'
L264	N 25°06'54" W	5.71'
L265	N 05°48'06" E	6.48'
L266	N 47°24'41" W	3.31'
L267	N 24°18'34" W	4.31'
L268	N 03°18'26" W	63.14'
L269	N 23°04'33" W	13.77'
L270	N 78°32'49" W	17.13'
L271	N 85°18'37" W	29.15'
L272	N 43°35'54" E	18.55'
L273	N 15°23'34" E	27.44'
L274	N 04°48'56" E	61.43'
L275	N 03°18'13" E	21.84'
L276	N 08°16'18" E	15.05'
L277	S 89°45'58" E	8.93'
L278	N 18°37'15" E	38.68'
L279	S 89°32'39" E	9.15'
L280	S 33°31'04" E	49.29'
L281	S 89°45'45" E	17.56'
L282	S 12°56'49" E	20.27'
L283	S 49°11'49" E	6.06'
L284	S 01°44'31" E	17.31'
L285	S 03°22'15" E	40.48'
L286	S 01°06'36" W	64.40'
L287	S 01°06'36" W	64.40'
L288	S 30°03'17" W	12.44'



James R. Sehloff PLS 2692 Date

### LEGEND

- Floodway Area
- Floodplain Area
- Floodplain to be filled

## Wetland Protected Area Setback Exhibit:

Setback shown is per City of Appleton protective area in City of Appleton Code 20-312(f)

The following requirements apply as excerpted from City of Appleton Municipal Code 20-312(f):

- (3) The following requirements shall be met:
- Impervious surfaces shall be kept out of the protective area entirely or [as may be approved by the City of Appleton] to the maximum extent practicable.
  - Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining native vegetative cover of seventy percent (70%) or greater shall be established and maintained. The self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. [Subject to the issuance of all applicable permit], nonvegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
  - Best management practices such as filter strips, treatment swales, or wet detention basins, that are designed to control pollutants from nonpoint sources may be located in the protective area.
  - Protective areas do not apply to:
    - Post-construction sites from which runoff does not enter the surface water, including wetlands, without first being treated by a [Stormwater Management Practice that has been approved by the City of Appleton], except to the extent that vegetative ground cover is necessary to maintain bank stability.

## Flood Plain Area Exhibit:

Floodplain is shown per a pending flood study submitted to FEMA, and is subject to change based on the approval of the Flood Study.

The floodplain is regulated by City of Appleton Municipal Code Chapter 23 Article X (Floodplain Zoning). A City of Appleton floodplain zoning official map revision is pending, dependent upon issuance of a FEMA LOMR. The following activities are prohibited within the floodplain unless a City of Appleton Floodplain Permit has been issued authorizing the activity: grading, placement of fill material, and/or the placement or construction of any structures that occupy volume above the existing ground surface.

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



File: 5629Final.dwg  
Date: 08/25/2021  
Drafted By: Jim  
Sheet: 2 of 3  
Revision Date: Aug 25, 2021

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# Apple Fields

All of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

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 City of Appleton, and under the direction of Doctors Properties, LLC, owner of said land, I have surveyed divided and mapped Apple Fields; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is all of Lot 3 and Lot 4, Apple Creek Center, being located in part of the Fractional Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 of Section 7, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 279,377 Square Feet (6.4136 Acres) of land more or less, subject to all easements, and restrictions of record.

Given under my hand this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

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

Owner's Certificate

Doctors Properties, 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.

Doctors Properties, 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:

City of Appleton  
Department of Administration

Dated this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

In the presence of: Doctors Properties, LLC

\_\_\_\_\_  
Sign

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

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.

\_\_\_\_\_  
My Commission Expires \_\_\_\_\_  
Notary Public, Wisconsin

Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by:

Doctors Properties, LLC, Grantor, 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.

Doctors Properties, LLC

\_\_\_\_\_  
Sign \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

City of Appleton Approval

Resolved, that the plat of Apple Fields, in the City of Appleton, Outagamie County, Doctors Properties, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

\_\_\_\_\_  
Jacob A. 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 \_\_\_\_\_

Treasurer's Certificate

We, being the duly elected, qualified and acting Treasurer's of the City of Appleton 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.

\_\_\_\_\_  
City Treasurer \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
County Treasurer \_\_\_\_\_ Date \_\_\_\_\_

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

The property owner of record: Doctors Properties, LLC	Recording Information: Doc No. 2146383	Parcel Number(s): 311-6501-03 311-6501-04
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Water Main and Storm Sewer Easement Provisions

An easement for Water Main and Storm Sewer is hereby granted by:

Doctors Properties, LLC, Grantor, to:

THE CITY OF APPLETON, Grantee,

- Purpose:** The purpose of this easement is for the Grantee to access, install, regrade, replace, relocate, operate, maintain, resize and repair watermain, storm sewer, and associated appurtenances. Grantee does hereby agree to compensate Grantor fully for any damage caused directly or indirectly from said maintenance, repair, replacement or relocation of said watermain, storm sewer, and associated appurtenances that occur outside of the easement area. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with grantee's use of the easement area.
- Access:** Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area.
- Buildings or Other Structures:** Buildings or any other type of structure shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Drainage, Storm Sewer or Watermain Easement".
- Elevation:** The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered without the written consent of grantee.
- Restoration:** Grantee agrees that it will restore subsurface materials on grantor's land, as nearly as is reasonably possible, to the prior existing condition when conducting all future maintenance, resizing or repair activities. Grantor shall be responsible for all surface restoration. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, sidewalks, structures, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein.
- Notification:** Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. Grantee and Grantor agree to cooperate in good faith to minimize interference or disruption to the normal facility operations. Grantee shall provide advance notice to Grantor (except in emergency situations, in which event notice shall be provided as soon as is practical) of any activity with a reasonable likelihood of interfering or disrupting the operation Grantor's facility, and to conduct such activities at mutually agreeable times.

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


\_\_\_\_\_  
Sign \_\_\_\_\_ Date \_\_\_\_\_

\_\_\_\_\_  
Print Name

\_\_\_\_\_  
Title

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 

Revision Date: Sep 01, 2021  
File: 5629Final.dwg  
Date: 09/01/2021  
Drafted By: Jim  
Sheet: 3 of 3



**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
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