



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: October 9, 2018

Common Council Meeting Date: October 17, 2018

Item: Final Plat – Apple Ridge

Prepared By: Don Harp

GENERAL INFORMATION

Owners: Goodness Grace, LLC c/o Jerome R. Koleske, Manager; Otto and Mary Ann Reetz; and M & J Weyenberg Properties, LLC c/o Gerald and Mary Ann Weyenberg, Members

Applicant: Apple Tree - Appleton Four, LLC c/o Jason Mroz

Consulting Civil Engineer: Davel Engineering & Environmental, Inc.

Plat Revision Date/Drafted By: 9-25-18/drafted by James R. Sehloff, P.L.S. No. S-2692

Location: Southeast corner of North Ballard Road and East Apple Creek Road

Tax Id Numbers: 31-1-8307-00, 31-1-8307-01, 31-1-8307-02, 31-1-8307-03, 31-1-8307-04, and 31-1-8307-05

Petitioner's Request: The applicant is proposing to subdivide the property in a multiphased single-family residential development. This request is for Phase 1 approval.

BACKGROUND

The subject property was included in the Apple Ridge Annexation that was approved by the Plan Commission on August 7, 2018 and by the Common Council on August 15, 2018. The subject property was officially annexed to the City on August 22, 2018 at 12:01 a.m.

Rezoning #9-18 for the subject site (temporary AG Agricultural District to R-1B Single-Family District) was approved by the Plan Commission on August 21, 2018 and by the Common Council on September 19, 2018.

The Preliminary Plat for Apple Ridge consisting of 79 lots and 6 outlots was approved with conditions by the Plan Commission on August 21, 2018 and by the Common Council on September 19, 2018.

STAFF ANALYSIS

Existing Conditions: The subject lot to be subdivided is currently undeveloped. The area to be platted for single-family residential development totals 63.3706 acres, which will be divided into 78 lots and 6 outlots.

Comparison between Final Plat and Preliminary Plat: The Final Plat is consistent with the Preliminary Plat except for the following: 1. The Preliminary Plat showed 59.8577 total acres of platted land compared to 63.3706 total acres of platted land per Final Plat. 2. The Preliminary Plat showed 79 lots compared to 78 lots per Final Plat. 3. Outlot 1 shown on the Preliminary Plat was merged into Lot 1 per Final Plat. 4. Additional land is being platted for Outlot 3 per Final Plat. 5. Harrier Lane was extended to east by approximately 238 feet per Final Plat.

Zoning Ordinance Review Criteria: Lot development standards (Section 23-93 R-1B Single-family district of the Municipal Code) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed lots range in size from 7,832 square feet to 268,332 square feet. Outlot 2 (921 square feet) does not meet the lot area requirement. All other lots satisfy this requirement.*
- Minimum lot width: Fifty (50) feet.
 - *The typical lot dimensions for the proposed lots are 58 feet X 200 feet. Lot 8 (25 feet) and Outlot 5 (30 feet) do not meet the lot width requirement. All other lots satisfy this requirement.*
- Minimum front, side, and rear yard setbacks: Twenty (20) foot front yard [twenty-five (25) foot minimum on arterial street], Six (6) foot side yard, and Twenty-five (25) foot rear yard. There is a 55 foot Highway setback illustrated on the plat.
 - *Required setbacks for buildings and structures 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: This subdivision complies with the Appleton Subdivision Regulations, except for the following:

- Proposed lot area for Outlot 2 is 921 square feet; 6,000 square feet is required per Section 17-3(c)(6) and Section 23-93(g)(1) of the Municipal Code. The modification allows for a reduction of lot area from 6,000 square feet to 921 square feet. *Note: Per Final Plat Note #2, this outlot will be owned by the Home Owners Association and used for landscaping. The reference to Outlot 3 in this note does not match the Outlot numbering on the plat.*
- Proposed lot width for Outlot 5 is 30 feet, 50 feet is required per Section 17-3(c)(6) and Section 23-93(g)(3) of the Municipal Code. The modification allows for a reduction of lot width from 50 square feet to 30 square feet. *Note: Per Final Plat Note #3, this outlot will be used for storm water management.*
- Proposed lot width for Lot 8 is 25 feet; 50 feet is required per Section 17-3(c)(6) and Section 23-93(g)(3) of the Municipal Code. The modification allows for a reduction of lot width from 50 square feet to 25 square feet on a temporary basis. *Note: When Phase 2 or 3 is platted, this lot will satisfy the minimum lot width requirement.*

In recognition of the environmental features (floodplain, wetlands, navigable stream, and topography) located on this site and its location with respect to the existing roads and adjacent parcel configurations results in a layout with curvilinear street patterns, stream crossings, narrower lot widths and stormwater management areas. Therefore, per Section 17-3(f) of the Municipal Code, when the Common Council finds that extraordinary hardship or injustice will result from strict compliance with this ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief to the above-referenced items, provided that the modification meets the following three standards:

- (1) The modification is due to physical features of the site or its location. *Yes, staff concludes the existing environmental features located on this site (topography, floodplain, wetlands, navigable stream) and its location with respect to the existing roads connections and parcel lines influence the location and layout of proposed lots, roads, stream crossings and stormwater ponds within the development. These features contribute to challenges of designing Outlots 2 and 5 and Lot 8 in accordance with the applicable requirements of the Zoning and Subdivision Ordinance.*
- (2) The modification is the least deviation from this ordinance which will mitigate the hardship. *Yes, staff concludes the modifications are minimal deviations and necessary to achieve the residential density shown on the final plat.*
- (3) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance. *Yes, staff concludes public safety should not be adversely affected by granting the above-referenced modifications for Outlots 2 and 5 and Lot 8.*

- Floodlands. Subdivided lots shall have at least fifty (50) percent of the minimum required lot area (3,000 square feet), based upon the respective zoning district, at least two (2) feet above the elevation of the one hundred (100) year reoccurrence interval flood per Section 17-26(i)(1) of the Subdivision Ordinance. *Note: It appears Lots 8, 11, 12, 23-28, 57-59, 74-78, Outlots 4 and 6 are located in floodfringe areas and will be removed from floodplain by filling per Final Plat notes. This requirement and placement of fill will be reviewed and verified through the building permit review process for new home construction on the applicable lots. See condition of approval #11.*
- Any lot containing slopes of 20% or greater will require compliance with Section(s) 17-26(i)(2) and 17-26(i)(2) a. of the Subdivision Ordinance prior to the issuance of a building permit. The intent of this section is to have slopes of 20% or greater shown on the plat. *Compliance with Section(s) 17-26(i)(2) and 17-26(i)(2) a. will be verified through the building permit review process for new home construction on the applicable lots.*
- Conditions 1. (o.) and 4 of the preliminary plat approval were not completely addressed by the consulting civil engineer pursuant to the Final Plat submittal materials. Condition number 1 (o.) read: “Add a separate category identifying slopes of 20% and greater to the final plat and add affected lot numbers to Note #5.” Condition number 4. read: “The calculation of land area for each lot (pre-filled condition) that is at least two (2) feet above the one hundred (100) year reoccurrence interval flood elevation shall be submitted with the Final Plat materials.” As a result, Conditions #3 and #11 are added under the recommendation section of the staff report.
- *Per Chapter 23, Zoning of the Municipal Code, Lot width* means the maximum horizontal distance between the side lot lines of a lot measured along the front lot line. On a cul-de-sac, or curved street, the front setback line shall be used to determine minimum lot width. Based upon the information submitted, Staff is unable to determine if the 50 foot minimum lot width requirement is met for Lots 14, 46, 47 and 48. As a result, Condition #5 is added under the recommendation section of the staff report.

Access and Traffic:

- Vehicular access to the subject lots is provided by existing Apple Creek Road (C.T.H. E) and Ridge Haven Lane, which connects to proposed Peregrine Boulevard and Osprey Drive.
- Outagamie County approval is required for the access connection from proposed Peregrine Boulevard to East Apple Creek Road (C.T.H. E)

Surrounding Zoning Classification and Current Land Uses:

North: City Zoning: R-1B Single-Family District
Current Land Use – Single-family residential
Town of Grand Chute Zoning: AGD General Agricultural District
Current Land Uses – Residential and Agricultural

South: Town of Grand Chute Zoning: AGD General Agricultural District
Current Land Uses – Residential and Agricultural

East: Town of Grand Chute Zoning: AGD General Agricultural District
Current Land Use – Agricultural

West: City Zoning: R-1B Single-Family District
Current Land Use – Single-family residential

Town of Grand Chute Zoning: AGD General Agricultural District
Current Land Uses – Residential and Agricultural

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 5.3 Housing and Neighborhoods:

Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

Policy 5.3.3 Plan for a supply of developable land suitable for residential development.

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.

Technical Review Group Report (TRG): This item was discussed at the September 18, 2018 Technical Review Group Report meeting.

- Per Engineering Division, all engineering comments must be addressed prior to the City affixing signatures on the Final Plat.

RECOMMENDATION

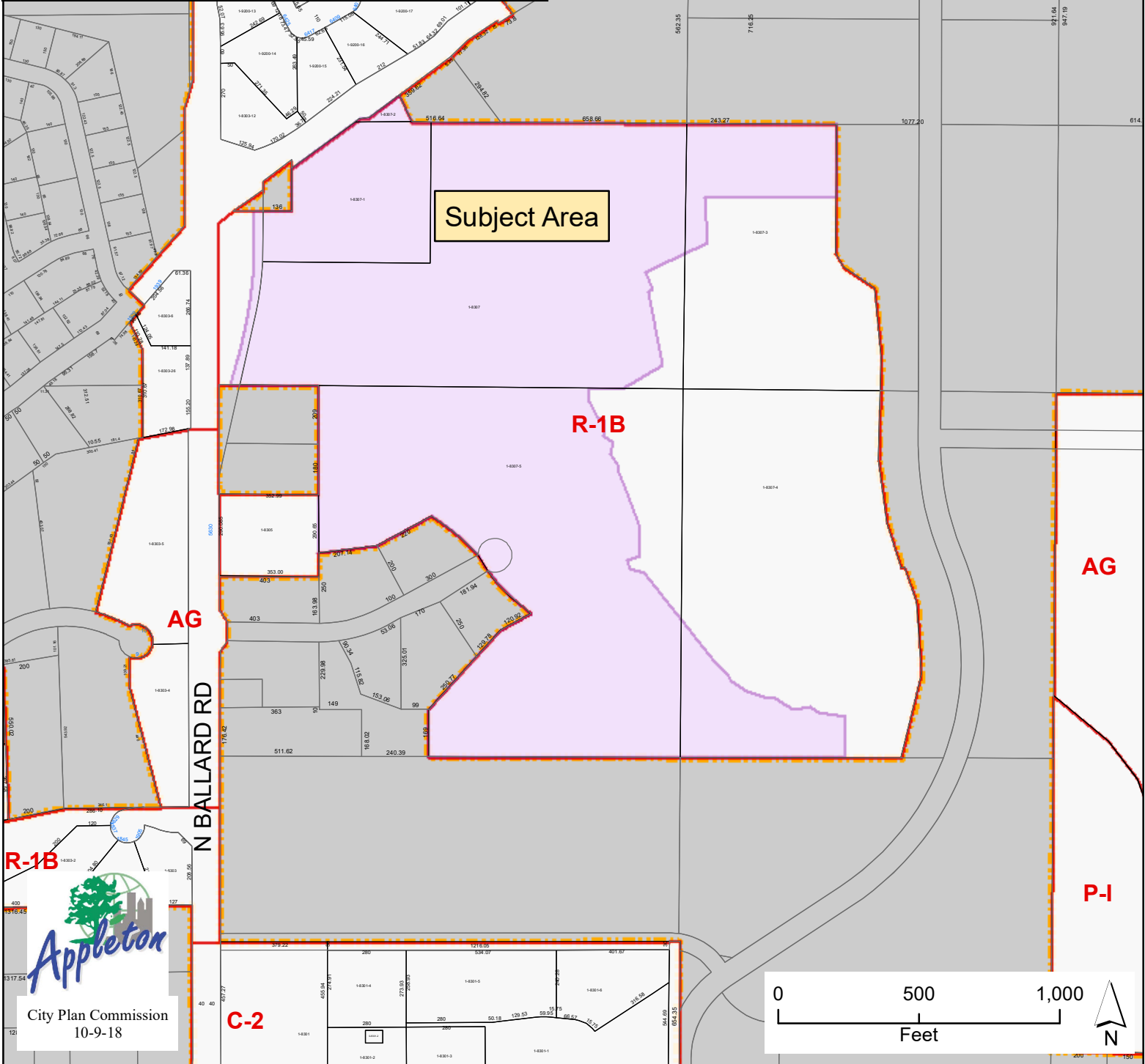
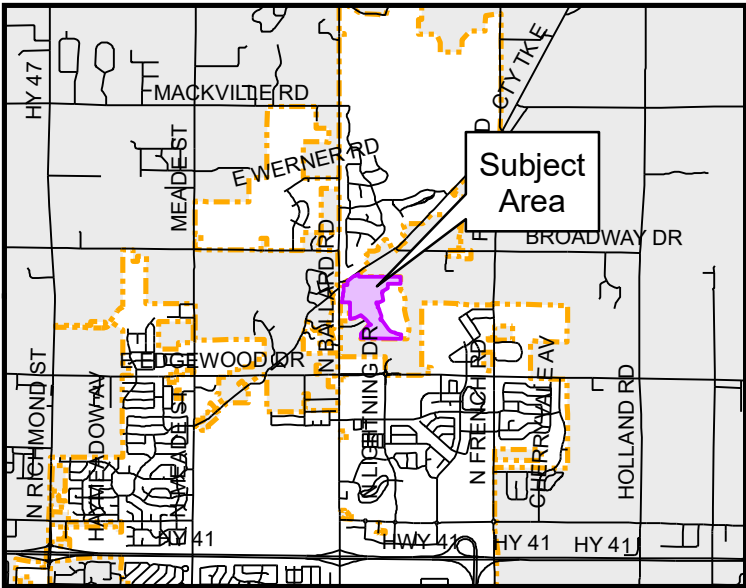
The Apple Ridge Final Plat dated September 25, 2018, as shown on the attached maps, **BE APPROVED** subject to the following conditions:

1. This approval is conditioned upon satisfactory resolution of all stormwater management comments as outlined in the October 4, 2018 review letter issued by RA Smith. If significant modifications to the Final Plat are needed in order to address the stormwater comments, the City may require a second submittal of a modified Final Plat for review and approval by the City Plan Commission and Common Council.
2. This approval is conditioned upon satisfying all requirements of the Outagamie County Highway Department for the proposed new roadway connection to Apple Creek Road and the existing connection to Ballard Road through Ridgehaven Lane. If significant modifications to the Final Plat are needed in order to address the County access requirements, the City may require a second submittal of a modified Final Plat for review and approval by the City Plan Commission and Common Council.
3. Grant all modification listed in the staff report for Outlots 2 and 5 and Lot 8. If significant modifications to the Final Plat are needed in order to address the stormwater comments management comments as outlined in the October 4, 2018 review letter issued by RA Smith and additional waivers to the Subdivision Ordinance are required, the City Plan Commission and Common Council must review and approve all additional modification and/or waivers not stated in the staff report.

4. Prior to City Signatures being affixed to the Final Plat, the Appleton Municipal Code does not define term “severe slopes”. Therefore, remove the words “severe slopes” in Note #6 on the Final Plat. Amend Note #6 on Sheet 4 as follows in *(Italic)*: “*Lots (identify all affected lot numbers here) contain slopes of twenty percent (20%) and greater. Lands having a slope of twenty percent (20%) and greater shall be maintained in permanent open space use, unless the following items are submitted to the City of Appleton Public Works Department for review and approval prior to the issuance of a building permit: The application for a building permit shall be accompanied by a Drainage and Grading Plan, an Erosion Control Plan, a Plot Plan and a Building Foundation Design Plan prepared by a licensed professional civil engineer or structural engineer registered in the State of Wisconsin, trained and experienced in the practice of geotechnical engineering. The engineer shall provide the design and supervision such that, in the engineer’s opinion, the development does not and will not compromise in any way the stability of the soil on site or soil on lands which are adjacent and will not cause or contribute to such soils becoming susceptible to land slip, land slide, rock fall, mud flow, debris flow, erosion, slumping, settling or other such occurrence.*”
5. Prior to City Signatures being affixed to the Final Plat, on Sheet 2 extend the line work for the rear lot line on Lot 47 to the 1” inch iron pipe found. The paper copy of the Final Plat shows a gap in the rear lot line.
6. Prior to City Signatures being affixed to the Final Plat, on Sheet 1 and 2 identify the width dimension at the 20-foot building setback line between the side lot lines for Lots 14, 46, 47 and 48. If the width dimension does not equal 50 feet, then move the building setback line further away from the front line to establish a new building setback line dimension at a point where the horizontal distance between the side lot lines measures at least 50 feet wide.
7. Prior to City Signatures being affixed to the Final Plat, on Sheet 2 identify the Betty M. Plach property west of Lot 40 as being located within the City of Appleton corporate limits.
8. Prior to City Signatures being affixed to the Final Plat, on Sheet 4 in the notes section revise all applicable Outlot and Lot numbers to correspond with the lot numbering pattern on the Final Plat.
9. Prior to City Signatures being affixed to the Final Plat, on Sheet 1 and 2 show the wetland setback line work.
10. Prior to City signatures being affixed to the Final Plat, the applicant shall pay park fees of \$300 per lot to the City of Appleton Finance Department.
11. 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.

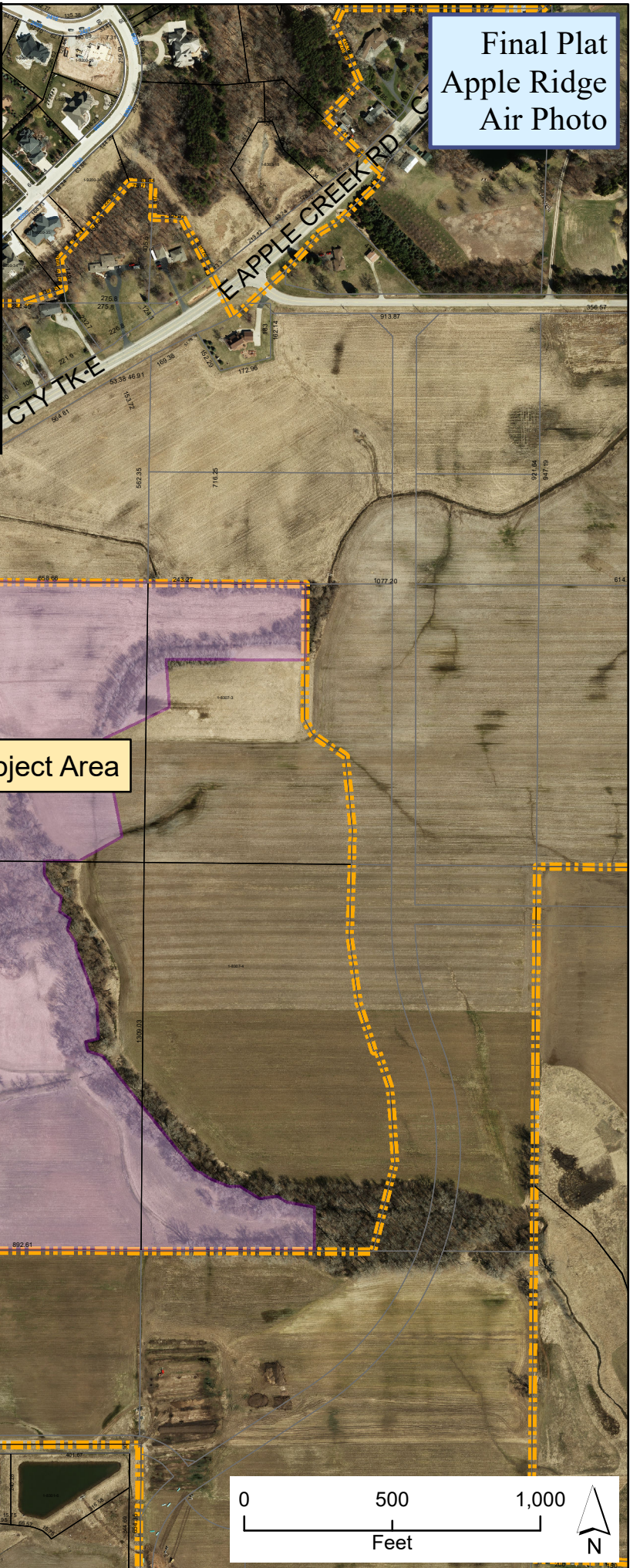
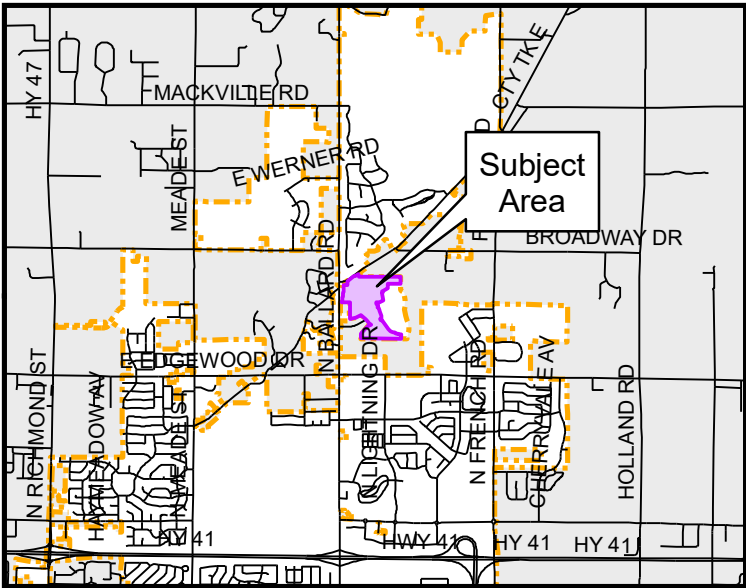
12. All lots shall have at least fifty (50) percent of the minimum required lot area based upon its zoning classification at least two (2) feet above the elevation of the one hundred (100) year reoccurrence interval flood per Section 17-26(i)(1) of the Subdivision Ordinance. The applicant applying for a building permit shall submit sufficient information to the Appleton Inspections Division for review and approval that the requirements of Section 17-26(i)(1) of the Subdivision Ordinance are satisfied prior to the issuance of building permit.
13. All approvals and permits for this development must be obtained from all appropriate regulatory agencies and be submitted to the City Engineer for review prior to the issuance of any City permit to commence construction of any public improvement for this development.
14. Proposed landscaping berm construction within the plat boundaries shall be subject to the provisions of Section 23-601(f)(15) a., b., and c. of the Appleton Municipal Code as well as the approved drainage and grading plan and stormwater management plan for Apple Ridge.
15. The following streets within the Final Plat are to be classified as follows:
 - Peregrine Boulevard: Local Street
 - Baldeagle Court: Local Street
 - Baldeagle Drive: Collector Street
 - Osprey Drive: Local Street
 - Harrier Court: Local Street
 - Harrier Lane: Local Street
16. A Development Agreement being made and entered into by and between the City of Appleton and the applicant/owner, and any amendments related thereto, prior to the issuance of any permit to commence construction of any public improvement.
17. 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.

Final Plat Apple Ridge Zoning Map

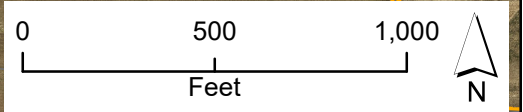


Appleton
City Plan Commission
10-9-18

Final Plat
Apple Ridge
Air Photo

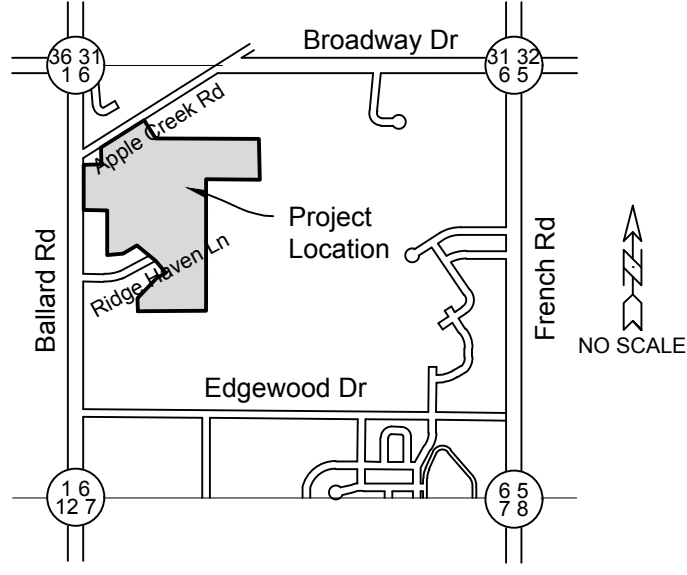


City Plan Commission
10-9-18



LOCATION MAP

SEC 6, T21 N, R 18 E,
OUTAGAMIE COUNTY, WI



Bearings are referenced to the West line of the Southwest 1/4, Section 06, T21N, R18E, assumed to bear N00°09'08"W, base on the Outagamie County Coordinate System.

Apple Ridge

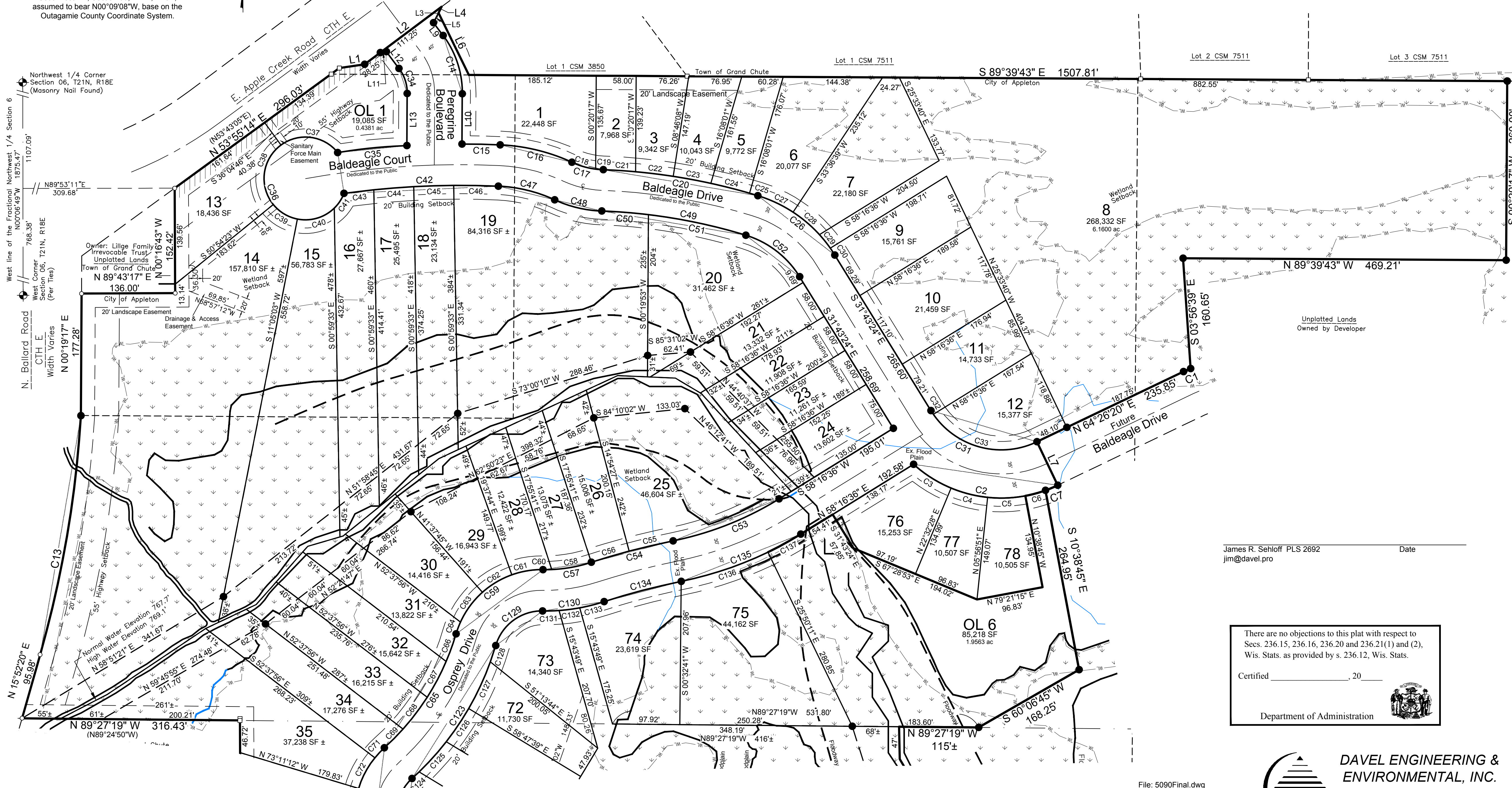
Part of Lot 1 CSM 3850 located in the Northwest 1/4 of the Fractional Northwest 1/4; part of the Southwest 1/4 of the Fractional Northwest 1/4; part of the Southeast 1/4 of the Fractional Northwest 1/4; part of Northeast 1/4 of the Fractional Southeast 1/4 and part of Lot 2 CSM 3863, located in part of the Northwest 1/4 of the fractional Southwest 1/4 all located in Section 06, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

NOTES

- All linear measurements have been made to the nearest one hundredth of a foot.
- All angular measurements have been made to the nearest 20 seconds and computed to the nearest half seconds.

LEGEND

- 3/4" Rebar Found
- 1" Iron Pipe Found
- 1/4" 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
- 12 Utility Easement Typical



James R. Sehlhoff PLS 2692 Date
jim@davel.pro

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

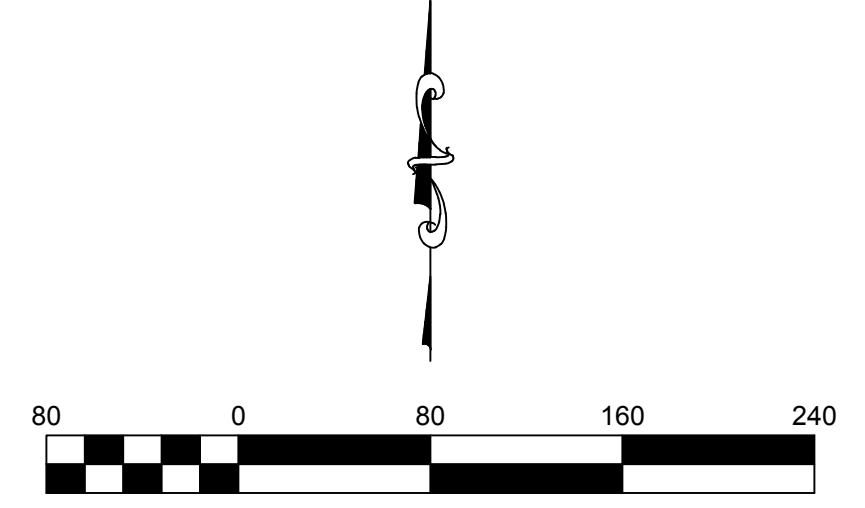
Apple Ridge

Part of Lot 1 CSM 3850 located in the Northwest 1/4 of the Fractional Northwest 1/4; part of the Southwest 1/4 of the Fractional Northwest 1/4; part of the Southeast 1/4 of the Fractional Northwest 1/4; part of Northeast 1/4 of the Fractional Southeast 1/4 and part of Lot 2 CSM 3863, located in part of the Northwest 1/4 of the fractional Southwest 1/4 all located in Section 06, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

West 1/4 Corner Section 06, T21N, R18E (per ties)
 West line of the Southwest 1/4, Section 6
 N00°09'08"W 2641.71'

Southwest Corner Section 06, T21N, R18E (Cut Cross Found)
 N00°09'08"W 594.57'

LINE TABLE			
Line	Bearing	Length	
L1	N 81°23'34" E (N81°22'44"E)	37.00'	(37.08')
L2	N 53°15'39" E (N53°14'49"E)	111.25'	
L3	S 27°06'22" W	25.96'	
L4	S 27°06'22" W	10.06'	
L5	N 27°06'22" E	15.90'	
L6	N 26°03'45" W	100.16'	
L7	S 25°33'40" E	70.00'	
L8	S 32°41'14" E (N32°39'18"W)	66.19'	(66.17')
L9	N 36°44'21" W	23.22'	
L10	N 00°20'20" E	72.92'	
L11	N 80°11'42" E	8.91'	
L12	S 36°44'21" E	30.63'	
L13	S 00°20'20" W	75.76'	
L14	S 61°38'54" W	1.14'	
L15	S 40°24'45" E	29.66'	
L16	S 00°09'01" W	36.10'	
L17	N 00°09'01" E	36.10'	
L18	N 40°24'45" W	29.66'	
L19	N 30°28'49" W	21.10'	



Bearings are referenced to the West line of the Southwest 1/4, Section 06, T21N, R18E, assumed to bear N00°09'08"W, base on the Outagamie County Coordinate System.

LEGEND

- 3/4" Rebar Found
- 1" Iron Pipe 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
- 12 Utility Easement Typical

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. Sehlhoff PLS 2692 Date _____
 jim@davel.pro

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File: 5090Final.dwg
 Date: 09/25/2018
 Drafted By: jim
 Sheet: 2 of 4
 Revision Date: Sep 25, 2018

Sep 25, 2018 - 12:59pm: d:\Projects\5090app\dwg\Civil_3D\5090Final.dwg Printed by: jim

Apple Ridge

Part of Lot 1 CSM 3850 located in the Northwest 1/4 of the Fractional Northwest 1/4; part of Southwest 1/4 of the Fractional Northwest 1/4; part of the Southeast 1/4 of the Fractional Northwest 1/4; part of Northeast 1/4 of the Fractional Southeast 1/4 and part of Lot 2 CSM 3863, located in part of the Northwest 1/4 of the fractional Southwest 1/4 all located in Section 06, 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 Apple Tree Appleton Four, LLC, owner of said land, I have surveyed divided and mapped Apple Ridge; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is part of Lot 1 CSM 3850 located in the Northwest 1/4 of the Fractional Northwest 1/4; part of the Southwest 1/4 of the Fractional Northwest 1/4; part of the Southeast 1/4 of the Fractional Northwest 1/4; part of the Northeast 1/4 of the Fractional Southeast 1/4 and part of Lot 2 CSM 3863, located in part of the Northwest 1/4 of the Fractional Southwest 1/4 all located in Section 06, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 2,760.422 Square Feet (63.3706 Acres) of land more or less, including all lands between the meander line and the Ordinary High Water Mark of a tributary of Apple Creek, described as follows:

Commencing at the West 1/4 corner of Section 06; thence along the West line of the Fractional Northwest 1/4 of said Section 06, N00°06'49"W, 768.38 feet; thence N89°53'11"E, 309.68 feet to the Southeast right of way of E. Apple Creek Road/CTH E; thence, along said Southeast right of way of E. Apple Creek Road/CTH E, N53°55'14"E, 296.03 feet; thence, continuing along said Southeast right of way, N81°23'24"E, 37.00 feet; thence, continuing along said Southeast right of way, N53°15'39"E, 139.50 feet; thence, S27°06'22"W, 10.06 feet; thence S26°03'45"E, 100.16 feet to the South line of Lot 1 CSM 3850; thence, along said South line and the extension thereof, S89°39'43"E, 1507.81 feet; thence, S00°20'17"W, 260.00 feet; thence N89°39'43"W, 469.21 feet; thence, S03°56'39"E, 160.65 feet; thence 11.34 feet along the arc of a curve to the left with a radius of 130.00 feet and a chord of 11.34 feet which bears S66°56'21"W, thence S64°26'20"W, 235.85 feet; thence S25°33'40"E, 70.00 feet; thence 19.33 feet along the arc of a curve to the right with a radius of 130.00 feet and a chord of 19.33 feet which bears S67°21'15"W; thence S10°38'45"E, 264.95 feet; thence S60°06'45"W, 168.25 feet; thence N89°27'19"W, 183.60 feet to a meander point being N89°27'16"W, 68 feet more or less from the centerline of a navigable stream; thence, along a meander line S17°42'17"E, 582.07 feet to a meander point; thence, continuing along said meander line, S07°32'24"E, 103.47 feet; thence, continuing along said meander line, S40°32'14"E, 508.63 feet to a meander point; thence S64°33'15"E, 297.84 feet to a meander point; thence, continuing along said meander line, S79°15'22"E, 193.52 feet to a meander point being S00°08'46"W, 38 feet more or less from said centerline of a navigable stream; thence S00°08'46"W, 106.68 feet to the East/West 1/4 line of the Southwest 1/4 of said Section 06; thence, along said 1/4 line, N89°51'14"W, 1476.79 feet to the Southeast corner of Lot 1 CSM 3359; thence, along the East line of said Lot 1, N00°08'27"W, 168.72 feet to a point on the South line Lot 4 CSM 492; thence, along said South line and the extension thereof, N42°16'25"E, 380.84 feet to a point on the South line of Lot 1 CSM 3863; thence along said South line N61°41'30"E, 121.06 feet to the Southeast corner of Said Lot 1; thence 65.78 feet along the arc of a curve to the left with a radius of 677.00 feet and a chord of 65.75 feet which bears N49°54'04"W; thence 151.14 feet along the arc of a curve to the right with a radius of 433.00 feet and a chord of 150.37 feet which bears N42°41'07"W to the East right of way line of Ridge Haven Lane; thence, along said East right of way line, N32°41'14"W, 66.19 feet to the Southeast corner of Lot 1 of said CSM 492; thence, along the East line of said Lot 1, 216.38 feet along the arc of a curve to the left with a radius of 800.00 feet and a chord of 215.72 feet which bears N50°09'58"W to the Northeast corner of said Lot 1; thence, along the North line of said CSM 492, S61°34'24"W, 219.84 feet to the Northwest corner of said Lot 1 CSM 492; thence, continuing along said North line, S82°55'15"W, 207.57 feet to the Southwest corner of Lot 2 of said CSM 492; thence N00°09'08"W, 594.57 feet to said North line of the Fractional Southwest 1/4; thence along said North line, N89°27'19"W, 316.43 feet to the East right of way line of N. Ballard Road/CTH E; thence, along said right of way N15°52'20"E, 95.98 feet; thence, continuing along said right of way, 352.83 feet along the arc of a curve to the left with a radius of 1628.65 feet and a chord of 352.14 feet which bears N09°39'57"E; thence, continuing along said right of way, N00°19'17"E, 177.28 feet; thence N89°43'17"E, 136.00 feet; thence N00°16'43"W, 152.42 feet to the point of beginning.

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

Apple Tree Appleton Four, 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.

Apple Tree Appleton Four, LLC

Jason Mroz, Authorized Representative Date

Owner's Certificate

Apple Tree Appleton Four, 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.

Apple Tree Appleton Four, 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: Apple Tree Appleton Four, LLC

Jason Mroz, Authorized Representative Date

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 _____

Storm Sewer Easement Provisions

An easement for Storm Sewer is hereby granted by:

Apple Tree Appleton Four, LLC, Grantor, to:

THE CITY OF APPLETON, Grantee,

The Grantor, their respective lessees, successors, heirs or assigns, shall have full use and enjoyment of the property referenced above provided that such use does not interfere with Grantee's right to install, replace, operate, maintain and repair said Storm Sewer and associated appurtenances. It is further agreed that after maintaining, repairing, replacing or relocating of said Storm Sewer and associated appurtenances Grantee shall restore unimproved surfaces such as grass, gravel and dirt on said property, as closely as possible, to the condition previously existing. Grantee shall not be required to restore or compensate for any improvements or improved surfaces such as, but not limited to, curb and gutter, hard pavements, trees, shrubs and landscaping, disturbed as a result of the maintenance activities described herein. Grantee does hereby agree to compensate fully for any damage caused directly or indirectly from said maintenance, repair, replacement or relocation of said Storm Sewer and associated appurtenances, that occur outside of the above described easement area. 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 "Storm Sewer Easement" Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

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

Apple Tree Appleton Four, LLC

Jason Mroz, Authorized Representative Date

City of Appleton Approval

Resolved, that the plat of Apple Ridge, in the City of Appleton, Outagamie County, Apple Tree Appleton Four, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

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.

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:	Recording Information:	Parcel Number(s):
Apple Tree Appleton Four, LLC	Doc No. _____	31-1-8307-00; 31-1-8307-02 & 31-1-8307-03
	Doc No. _____	31-1-8307-01
	Doc No. _____	31-1-8307-04 & 31-1-8307-05

Notes:

- Outlot 1, will be owned and maintained by the HOA
- Outlots 3 will be owned and maintained by the HOA and utilized for Landscaping areas.
- Outlots 4-6 shall be used for storm water management.
- All elevations shown are NVGD 29, per City Datum.
- Lot 1 and Outlot 1 are located along CTH E, there is no access is allowed from said lots onto CTH E.
- Lots 17, 18, and 19 contain severe slopes. The application for a building permit shall be accompanied by a Drainage and Grading Plan, an Erosion Control Plan, a Plot Plan, and a Building Foundation Design Plan prepared by a Licensed Professional Civil Engineer or Structural Engineer registered in the State of Wisconsin, trained and experienced in the practice of geotechnical engineering. The engineer shall provide the design and supervision such that, in the engineer's opinion, the development does not and will not compromise in any way the stability of the soil on site or soil on lands which are adjacent, and will not cause or contribute to such soils becoming susceptible to land slip, land slide, rock fall, mud flow, debris flow, erosion, slumping, settling or other such occurrence.
- Lots 8, 11, 12, 23-28, 57-60, 75-79, OL 4, and OL 6 are located in flood fringe areas to be removed from flood plain by filling. A Wisconsin Professional Engineer shall provide a certification prior to occupancy that the structure is reasonably safe from flooding per FEMA Technical Bulletin 1001 Figure 1.
- Impervious structures/areas may be in wetland protective areas if the impervious area is made to drain away from the wetland.
- Lots 14-35, 58-66 & 75-77 are subject to additional restrictions related to floodplain and wetlands. The wetland setback line as shown is the most restrictive setback. Impervious surfaces, including, but not limited to: buildings, patios, and sidewalks, are not allowed within the wetland protective setback area. Impervious surfaces may be allowed within the wetland protective setback area and outside the wetlands and floodway under the following conditions:
 - Runoff from the impervious surface is made to drain away from the wetland so that it enters the City storm sewer.
 - Written approval has been granted by Wisconsin Department of Natural Resources and submitted to City of Appleton Department of Public works for concurrence, to allow a lesser specified setback to the wetland, according to Maximum Extent Practicable (MEP) consideration.

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: 5090Final.dwg
Date: 09/25/2018
Drafted By: jim
Sheet: 4 of 4
Revision Date: Sep 25, 2018

 **DAVEL ENGINEERING & ENVIRONMENTAL, INC.**
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