



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Meeting Date:** August 21, 2018

**Common Council Meeting Date:** September 19, 2018

**Item:** Preliminary Plat – Apple Ridge

**Prepared By:** Don Harp

### GENERAL INFORMATION

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**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 Reviewed Dated/Drafted By:** 7-27-18 and 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:**

Town #10-1-1567-00 (all) = City #31-1-8307-00

Town #10-1-1567-01 (all) = City #31-1-8307-01

Town #10-1-1561-00 (part) = City #31-1-8307-02

Town #10-1-1569-00 (part) = City #31-1-8307-03

Town #10-1-1570-00 (part) = City #31-1-8307-04

Town #10-1-1571-08 (all) = City #31-1-8307-05

**Petitioner's Request:** The applicant is proposing to subdivide the property for single-family residential development (Phase 1).

### BACKGROUND

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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 21, 2018 at 12:01 a.m.

Rezoning #9-18 is also being presented at this August 21, 2018 Plan Commission meeting. Rezoning #9-18 will need to be approved in order for the Preliminary Plat to be approved.

## **STAFF ANALYSIS**

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**Existing Conditions:** The subject lot to be subdivided is currently undeveloped. The area to be platted for single-family residential development totals 59.8577 acres, which will be divided into 79 lots and 6 outlots.

**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 1 (785 square feet) and Outlot 3 (921 square feet) do 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.
  - *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 1 is 785 square feet, minimum 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 785 square feet. *Note: Per Preliminary Plat Note #8, this outlot will be owned by the Home Owners Association and used for landscaping.*

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- Proposed lot area for Outlot 3 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 Preliminary Plat Note #8, this outlot will be owned by the Home Owners Association and used for landscaping.*
- Proposed Outlot 4 does not abut a dedicated public street in Phase 1 of this development per Section 17-26 (c)(1) of the Municipal Code requires all lots shall abut on a public street or an approved access. The modification allows for a lot not to abut a dedicated public street temporarily, unless a temporary access easement is proposed. *Note: When Phase 2 is platted, this outlot will abut a dedicated public street. Also, per Preliminary Plat Note #1, this outlot will be used for storm water management.*
- 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 Preliminary Plat Note #1, 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 is platted, this lot will satisfy the minimum lot width requirement.*
- Proposed Lot 42 is a double frontage lot. Section 17-26(c)(2) of the Municipal Code states, “Double frontage lots shall not be permitted except as required by the Common Council where they are desirable to provide separation of development from traffic arterials or inharmonious uses, or to overcome disadvantages of topography or situation. A planting screen easement of at least 20 feet, and across which there shall be no right of access, may be required along the line of lots abutting such traffic arteries or other inharmonious use.” *Note: This parcel configuration is necessary to have uniform property lines and avoid unnecessary bend/jogs in the property lines, which lead to ownership confusion in the future. Staff will request a no access restriction note to Harrier Court be placed on the Plat for Lot 42.*

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:

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- (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 1, 3, 4, 5, and Lots 8 and 42 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 preliminary 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 1, 3, 4, 5, and Lots 8 and 42.*
- 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: Lots 8, 11, 12, 23-28, 57-60, 75-79, Outlots 4 and 6 are located in floodfringe areas and will be removed from floodplain by filling per Preliminary Plat Note #6. 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.*
  - Any lot containing slopes of 20% or greater will require compliance with Section(s) 23-26(i)(2) and 23-26(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% and greater shown on the plat. *Compliance with Section(s) 23-26(i)(2) and 23-26(i)(2) a. will be verified through the building permit review process for new home construction on the applicable lots.*

**Stormwater Regulations:** The Department of Public Works, Engineering Division indicated a Stormwater Permit Application with Stormwater Management Plan has not been submitted for review. Additional Engineering comments that may affect the plat, drainage plan, and sewer/water feasibility plan are anticipated to result from that review process.

**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.

**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 July 17, 2018 Technical Review Group Report meeting.

- Per Engineering Division, a Stormwater Permit application with Stormwater Management Plan (SWMP) pursuant to Chapter 20, Article VI of the Municipal Code is required but has not been submitted for review and approval. Revisions to the plat, drainage plan, and storm sewer design may be required based on that review.

### **RECOMMENDATION**

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

1. The following information is to be provided on the Final Plat:
  - a. A separate exhibit showing 50' Shoreland Zoning Setbacks.
  - b. A separate exhibit showing Wetland Protective Areas.
  - c. A separate exhibit showing Flood Fringe and Floodway, as well as any areas that have been removed from the floodplain via placement of fill.
  - d. On each exhibit, the appropriate line work shall be defined by a metes & bounds description. Each exhibit shall include a statement referencing the corresponding section of the Appleton Municipal Code. The floodplain exhibit shall include a statement that for any structures with basements located within areas removed from the floodplain via fill placement, a Professional Engineer registered in Wisconsin shall submit a statement prior to occupancy that the structure is reasonably safe from flooding, per FEMA Technical Bulletin 10-01, Figure 1.
  - e. Label the meander lines or place in the legend identification for the meander lines.
  - f. Label the watercourse.
  - g. The Public Trust statement shall be included with all Plats that have a navigable stream, revise as necessary.
  - h. The location map does not appear to match the plat limits, revise as necessary.
  - i. Clarify the Easterly limits of Outlot 5, revise line type as necessary.

- j. Outlot 4 does not have public access, revise as necessary or provide a temporary access easement.
  - k. List the outside diameter of iron pipes found.
  - l. Provide an Ordinary High Water Mark (OHWM) Statement. At a minimum, the statement shall provide the source of the determination and if it is approximate. See State Statute 236.025 for additional detail.
  - m. Renumber Lot 619 to Lot 75.
  - n. Add a note indicating there is no access allowed from Harrier Court to Lot 42.
  - o. Add a separate category identifying slopes of 20% and greater to the final plat and add affected lot numbers to Note #5.
2. The Stormwater Management Plan and Stormwater Permit Application pursuant to Chapter 20, Article VI shall be submitted to the City of Appleton Engineering Division for review and approval prior to the Final Plat being scheduled for Plan Commission or Common Council approval.
  3. Grant all modifications listed in the staff report for Outlots 1, 3, 4, 5, and Lots 8 and 42.
  4. 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.
  5. Park fees pursuant to the Development Agreement shall be paid to the City of Appleton Finance Department prior to City signatures being affixed to the Final Plat.
  6. The Preliminary Plat and Rezoning #9-18 being acted on at the same Common Council meeting.
  7. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.

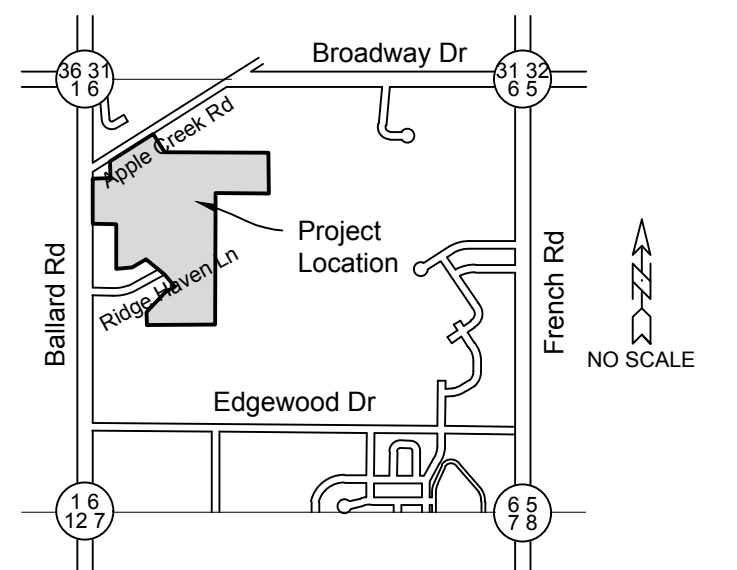


# Preliminary Plat of Apple Ridge

Part of the Northwest 1/4 of the Fractional Northwest 1/4; part of Southwest 1/4 of the Fractional Northwest 1/4; part of Southeast 1/4 of the Fractional Northwest 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

## LOCATION MAP

SEC 6, T 21 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, based on the Outagamie County Coordinate System.

- Notes:**
- All Outlots within the boundary of this plat will be owned and maintained by the Apple Ridge Home Owners Association. Outlots 4-6 shall be used for storm water management.
  - All elevations shown are NVD 29, per City Datum.
  - Utility and Drainage Easements will be shown on the final plat.
  - Outlot 1 and 2 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.

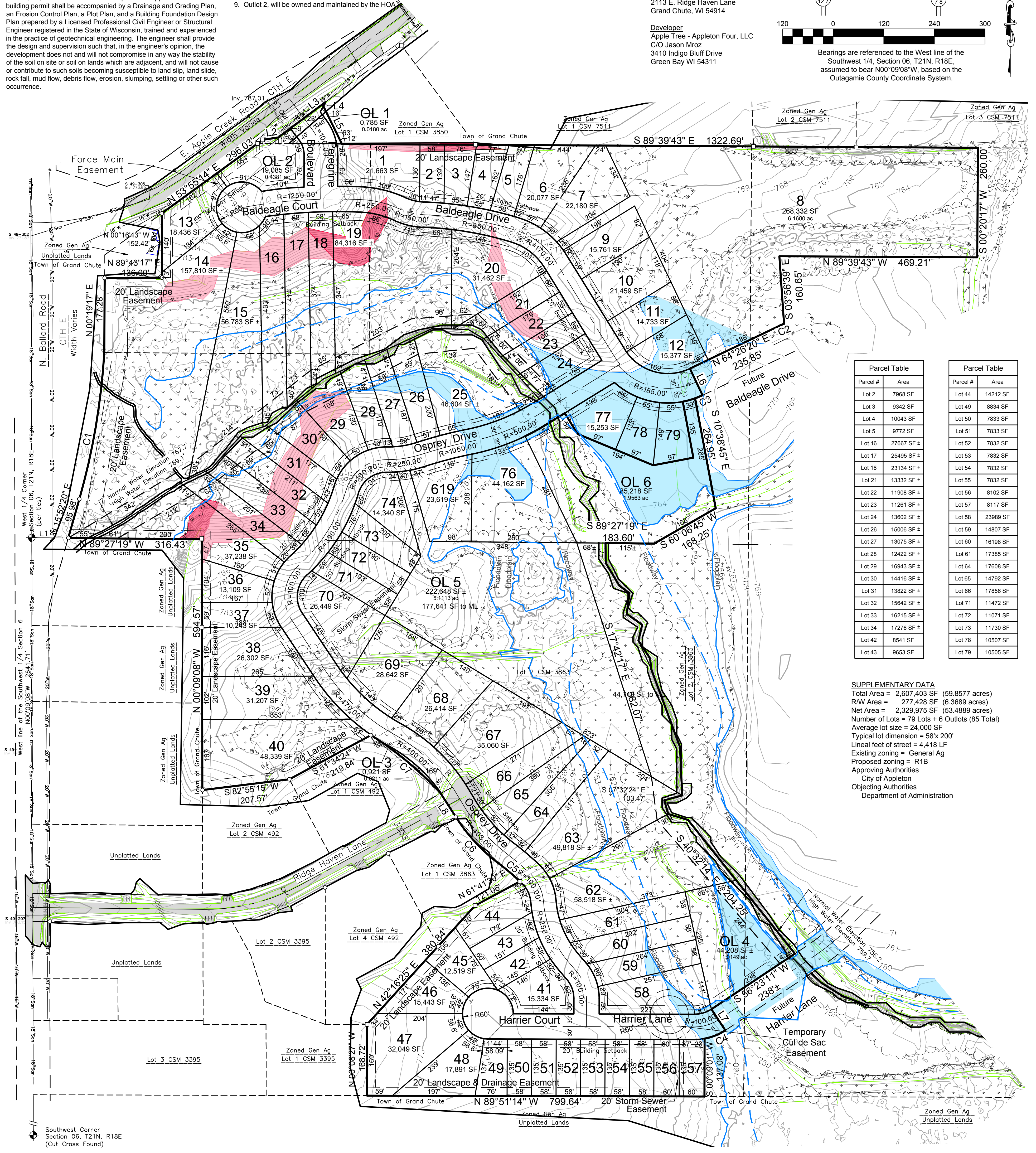
- Lots 8, 11, 12, 23-28, 57-60, 75-79, OL 4, and OL 6 are located in flood fringe areas to be removed from flood plain by filling. A Wisconsin Professional Engineer shall provide a certification prior to occupancy that the structure is reasonably safe from flooding per FEMA Technical Bulletin 1001 Figure 1.
- Impervious structures/areas may be in wetland protective areas if the impervious area is made to drain away from the wetland.
- Outlots 1 and 3 are to be owned by the HOA and utilized for Landscaping areas.
- Outlot 2, will be owned and maintained by the HOA.

PN: 101156100  
Owner  
Otto H & Mary Ann Reetz  
2223 E Apple Creek Road  
Appleton, WI 54913

PN: 101156701, 101156700 & 101156900  
Owner  
Goodness Grace LLC  
2611 North Summit Street  
Appleton, WI 54914

PN: 101157108  
Owner  
M&J Weyenberg Properties LLC  
2113 E. Ridge Haven Lane  
Grand Chute, WI 54914

Developer  
Apple Tree - Appleton Four, LLC  
C/O Jason Mroz  
3410 Indigo Bluff Drive  
Green Bay WI 54311



Parcel #	Area	Parcel #	Area
Lot 2	7968 SF	Lot 44	14212 SF
Lot 3	9342 SF	Lot 49	8834 SF
Lot 4	10043 SF	Lot 50	7833 SF
Lot 5	9772 SF	Lot 51	7833 SF
Lot 6	27667 SF ±	Lot 52	7832 SF
Lot 7	25495 SF ±	Lot 53	7832 SF
Lot 8	23134 SF ±	Lot 54	7832 SF
Lot 9	15377 SF	Lot 55	7832 SF
Lot 10	21,459 SF	Lot 56	8102 SF
Lot 11	14,733 SF	Lot 57	8117 SF
Lot 12	15,377 SF	Lot 58	23989 SF
Lot 13	18,436 SF	Lot 59	14807 SF
Lot 14	157,810 SF ±	Lot 60	16198 SF
Lot 15	56,783 SF ±	Lot 61	17385 SF
Lot 16	84,316 SF ±	Lot 64	17608 SF
Lot 17	31,462 SF ±	Lot 65	14792 SF
Lot 18	46,604 SF ±	Lot 66	17856 SF
Lot 19	23,619 SF ±	Lot 71	11472 SF
Lot 20	14,340 SF	Lot 72	11071 SF
Lot 21	22,648 SF ±	Lot 73	11730 SF
Lot 22	177,641 SF to ML	Lot 78	10507 SF
Lot 23	23,619 SF ±	Lot 79	10505 SF
Lot 24	26,449 SF		
Lot 25	26,414 SF		
Lot 26	35,060 SF		
Lot 27	32,049 SF		
Lot 28	15,443 SF		
Lot 29	15,334 SF		
Lot 30	17,891 SF		
Lot 31	15,443 SF		
Lot 32	15,334 SF		
Lot 33	15,443 SF		
Lot 34	15,334 SF		
Lot 35	15,443 SF		
Lot 36	15,334 SF		
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Lot 76	15,334 SF		
Lot 77	15,443 SF		
Lot 78	15,334 SF		
Lot 79	15,443 SF		

**SUPPLEMENTARY DATA**  
 Total Area = 2,607,403 SF (59.8577 acres)  
 R/W Area = 277,428 SF (6.3689 acres)  
 Net Area = 2,329,975 SF (53.4889 acres)  
 Number of Lots = 79 Lots + 6 Outlots (85 Total)  
 Average lot size = 24,000 SF  
 Typical lot dimension = 58' x 200'  
 Lineal feet of street = 4,418 LF  
 Existing zoning = General Ag  
 Proposed zoning = R1B  
 Approving Authorities  
 City of Appleton  
 Objecting Authorities  
 Department of Administration

Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	1628.65'	N 09°39'57" E	352.14'	352.83'	12°24'45"	N 15°52'19" E	N 03°27'35" E
C2	130.00'	S 66°56'21" W	11.34'	11.34'	5°00'00"	S 64°26'20" W	S 69°26'21" W
C3	190.00'	N 67°21'15" E	19.33'	19.33'	5°49'49"	N 70°16'10" E	N 64°28'20" E
C4	130.00'	N 68°09'21" E	53.03'	53.41'	23°32'22"	N 79°55'32" E	N 56°23'11" E
C5	677.00'	S 49°54'04" E	65.75'	65.78'	5°34'00"	S 52°41'04" E	S 47°07'04" E
C6	433.00'	S 42°41'06" E	150.37'	151.14'	19°59'56"	S 32°41'09" E	S 52°41'04" E
C7	800.00'	S 50°09'58" E	215.72'	216.38'	15°29'48"	S 57°54'52" E	S 42°25'04" E

Line	Bearing	Length
L1	S 89°27'19" E	86.53'
L2	N 81°23'34" E	37.00'
L3	N 53°15'39" E	111.25'
L4	S 27°06'22" W	10.06'
L5	N 26°03'45" W	100.16'
L6	S 25°33'40" E	70.00'
L7	N 33°36'49" W	60.00'
L8	S 32°41'14" E	66.19'

- BENCHMARKS** (City of Appleton)
- BM 1 Fire Hydrant, Shoulder (top of cast) ±72 ft North of Int of Ridge Haven Ln and Ballard West Right-of-way of Ballard Road (City of Appleton BM# 2801) Elev 785.03'
  - BM 2 Fire Hydrant, Shoulder (top of cast) ±145 ft East of Int of Ballard Rd and Apple Creek Rd (CTH E) South Right-of-way of Apple Creek Road (City of Appleton BM# 2987) Elev 781.77'
  - BM 3 Fire Hydrant, Shoulder (top of cast) ±460 ft East/Northeast of BM 2 Southeast Right-of-way of Apple Creek Road (City of Appleton BM# 2986) Elev 792.58'
  - BM 4 Fire Hydrant, Shoulder (top of cast) ±710 ft Northeast of BM 3 Southeast Right-of-way of Apple Creek Road (City of Appleton BM# 2984) Elev 787.39'

**LEGEND**

- CATV
- CATV
- Undergroud Cable TV
- FO
- Undergroud Fiber Optic
- OH
- OH
- Overhead Electric Lines
- UG
- UG
- Utility Guy Wire
- San
- San
- Sanitary Sewer
- Sto
- Sto
- Storm Sewer
- E
- E
- Undergroud Electric
- G
- G
- Undergroud Gas Line
- T
- T
- Undergroud Telephone
- W
- W
- Water Main
- Wetlands
- Treeline
- 800
- 799
- Index Contour
- Intermediate Contour
- Wetland Setback line
- Sanitary MH / Tank / Base
- Clean Out / Curb Stop / Pull Box
- Storm Manhole
- Inlet
- Water MH / Well
- Catch Basin / Yard Drain
- Hydrant
- Utility Valve
- Utility Meter
- Utility Pole
- Light Pole / Signal
- Guy Wire
- Electric Pedestal
- Electric Transformer
- Utility Pole
- Air Conditioner
- Telephone Pedestal
- Telephone Manhole
- CATV Pedestal
- Gas Regulator
- Sign
- Soil Boring
- Benchmark
- 1/2" Rebar Found
- 1" Pipe Found
- Government Corner
- Recorded As
- Asphalt Pavement
- Concrete Pavement
- Gravel
- Steep Slopes (12 - 20%)
- Severe Slopes (> 20%)
- Floodplain to be Filled
- Proposed 100-Year Floodplain
- Proposed 100-Year Floodway

**SURVEYOR'S CERTIFICATE**

I, James R. Sehloff, hereby certify that this Preliminary Plat is a correct representation of all existing land divisions and features, and that I have complied with the preliminary plat requirements for the City of Appleton.

James R. Sehloff, P.L.S. No. S-2692 Date

**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
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