



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Agenda - Final City Plan Commission

*Any questions about items on this meeting are to be directed to  
the Community and Economic Development Department,  
920-832-6468.*

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Monday, August 22, 2016

4:00 PM

Council Chambers, 6th Floor

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1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting

[16-1319](#) City Plan Minutes from 8-8-16

Attachments: [City Plan Minutes 8-8-16.pdf](#)

### 4. Public Hearings/Apearances

[16-1320](#) Special Use Permit #4-16 for a brewpub and restaurant with outdoor seating with alcohol sales and service at 1216 E. Wisconsin Avenue, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report (Associated with Action Item #16-1321)

### 5. Action Items

[16-1321](#) Request to approve Special Use Permit #4-16 for a brewpub and restaurant with outdoor seating with alcohol sales and service at 1216 E. Wisconsin Avenue, as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report (2/3 vote required)

Attachments: [StaffReport\\_DairylandBrewing\\_SpecialUsePermit#4-16.pdf](#)

[16-1232](#) Request to approve the dedication of land for public right-of-way generally located south of E. Werner Road and west of N. Ballard Road, part of Tax ID #31-1-9300-01, as shown on the attached maps

Attachments: [StaffReport\\_StreetDedication\\_SouthofWernerRd.pdf](#)

### 6. Information Items

7. Adjournment

*Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.*

*Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.*



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
[www.appleton.org](http://www.appleton.org)

## Meeting Minutes - Final City Plan Commission

*Any questions about items on this meeting are to be directed  
to the Community and Economic Development Department,  
920-832-6468.*

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Monday, August 8, 2016

4:00 PM

Council Chambers, 6th Floor

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1. Call meeting to order

**Meeting called to order at 4:00 p.m.**

2. Roll call of membership

*Director Vandehey acted in Commissioner Buetow's place.*

**Present:** 5 - Mayor Hanna, Buetow, Lobner, Uslabar and Rabec

**Excused:** 1 - Dukelow

*Others present:  
Nancy Mills, 1617 W. Reid Drive*

3. Approval of minutes from previous meeting

[16-1230](#)

City Plan Minutes from 6-6-16

**Attachments:** [City Plan Minutes 6-6-16.pdf](#)

**Lobner moved, seconded by Uslabar, that the Minutes be approved. Roll Call.  
Motion carried by the following vote:**

**Aye:** 5 - Mayor Hanna, Buetow, Lobner, Uslabar and Rabec

**Excused:** 1 - Dukelow

4. Public Hearings/Apearances

5. Action Items

[16-1231](#)

Request to approve the dedication of land for public right-of-way for E.  
Broadway Drive, as shown on the attached maps

**Attachments:** [StaffReport\\_StreetDedication\\_BroadwayDrive.pdf](#)

**Lobner moved, seconded by Buetow, that the Report Action Item be  
recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Mayor Hanna, Buetow, Lobner, Usabar and Rabec

**Excused:** 1 - Dukelow

[16-1233](#)

Request to approve Certified Survey Map #11-16, which crosses a plat boundary, for Nancy Mills to combine 17 River Front Court (Tax Id #31-3-1732-00) and Pierce Court (Tax Id #31-3-0311-00), subject to the conditions in the attached staff report (including the creation of a double frontage lot) and as shown on the attached maps

**Attachments:** [StaffReport\\_RiverFrontCt\\_DoubleFrontage&PlatBoundary\\_For08-08-16.pdf](#)

**Usabar moved, seconded by Lobner, that the Report Action Item be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Mayor Hanna, Buetow, Lobner, Usabar and Rabec

**Excused:** 1 - Dukelow

**6. Information Items**

**7. Adjournment**

**Lobner moved, seconded by Usabar, that the meeting be adjourned at 4:05 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 5 - Mayor Hanna, Buetow, Lobner, Usabar and Rabec

**Excused:** 1 - Dukelow



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Hearing Meeting Date:** August 22, 2016

**Common Council Meeting Date:** September 7, 2016

**Item:** Special Use Permit #4-16 for a brewpub and restaurant with outdoor seating with alcohol sales and service

**Case Manager:** Don Harp

### GENERAL INFORMATION

**Owner/Applicant:** Bernard and Dorri Schmidt (owners/applicants)

**Address/Parcel #:** 1216 East Wisconsin Avenue / 31-1-2791-00

**Petitioner's Request:** The applicant is requesting a Special Use to permit the sale and service of alcohol for on-site consumption in conjunction with a brewpub and restaurant with outdoor seating.

### BACKGROUND

Building permit B16-0503 was issued on July 11, 2016 for interior alternations to this building.

On December 2, 2015, the Safety and Licensing Committee held taking action on the "Class B" Beer/Liquor license for the subject site (4,200 square foot bar/restaurant including a 300 square foot patio on the west side of the building).

### STAFF ANALYSIS

**Previous Occupant:** The existing building was previously occupied by the Moose Lodge 367 which was issued a "Class B" Beer/Liquor License for on-site consumption of alcohol.

**Existing Site Conditions:** The property is developed with an existing building and off-street surface parking. This request will not increase building footprint or tenant capacity and, therefore, does not require additional off-street parking spaces because the intensity of the use remains the same.

**Operational Information:** See attached Plan of Operation and Locational Information.

**Proposed Outdoor Seating Area:** The proposed outdoor seating area with alcohol sales and service is located on the west side of the building. Access to the outdoor seating area will be from inside the building only. The outdoor seating area is enclosed with a six (6) feet high decorative fence.

**Off-Street Parking Requirements:** The off-street parking requirements for a bar/restaurant is one (1) parking space for each three (3) persons allowed based on maximum capacity. Based upon the development plan, the building will be posted for a maximum of 90 occupants. The development plan shows 32 off-street parking spaces; therefore, the minimum off-street parking requirements are met.

**Ordinance Requirements:** In order to permit the sale of alcohol for on-site consumption in conjunction with a brewpub and restaurant with outdoor seating, the Plan Commission makes a recommendation to the Common Council who will make the final decision on the Special Use Permit. A 2/3 vote of the Common Council is required for approval.

**Surrounding Zoning and Land Uses:**

North: R-1B Single-Family District – Residential uses  
South: C-2 General Commercial District – Commercial uses  
West: M-2 General Industrial District – Industrial use  
East: C-2 General Commercial District – Commercial uses

**2010-2030 Comprehensive Plan:** The 2010-2030 Future Land Use Map currently represents the subject site as commercial. The subject parcel is currently zoned C-2 General Commercial District. The proposed use is consistent with the purpose of the C-2 General Commercial District and goals and objectives of the City's Comprehensive Plan:

**Sec. 23-113. C-2 General Commercial District.**

- **Purpose.** This district is intended to provide for businesses which serve city and regional markets, provide goods and services to other businesses, as well as consumers, provide services to automobiles and serve the traveling public.

**Overall Community Goals**

- **Goal 1 – Community Growth** (Chapter 10 – Land Use)  
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 8 – Economic Development** (Chapter 9)  
Appleton will pursue economic development that brings good jobs to the area and supports the vitality of its industrial areas, downtown, and neighborhood business districts.

**Economic Development Element**

- 9.1 OBJECTIVE: Grow Appleton's business community through recruitment, expansion, and retention programs that ensure a diverse business mix and jobs that pay well.
- 9.1.2 Work with the existing business community to help identify and tap opportunities for expansion.

**Finding of Fact:** Prior to the granting of any special use permit, the Plan Commission may recommend and the Common Council may place such conditions and restrictions upon the establishment, location, construction, maintenance and method, or hours of operation of the special use as is deemed necessary for the protection of the public interest and to secure compliance with the standards specified in 23-66 (e)(1-6).

This proposed use appears to be consistent with the above-mentioned findings of fact and goals and objectives and is located along a major corridor of the City that contains existing industrial, retail, personal and professional services. This proposed use serves to expand the range of goods and services provided in the area and facilitates viability of the commercial corridor.

**Technical Review Group Report (TRG):** This item was discussed at the August 2, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

### **RECOMMENDATION**

Staff recommends, based on the above, that Special Use Permit #4-16 for a brewpub and restaurant with outdoor seating with alcohol sales and service, **BE APPROVED**, as shown on the attached maps and per attached plan of operation, to run with the land, subject to the following conditions:

1. Any deviations from the approved Development Plan may require a major or minor amendment request to this Special Use Permit pursuant to Section 23-66(g) of the Zoning Ordinance.
2. Compliance with the Operational Plan is required at all times. Changes to the Operational Plan shall be submitted to the Community and Economic Development Department for review and approval.
3. The use shall conform to the standards established in Chapter 9, Article III, Alcoholic Beverages, of the Appleton Municipal Code.
4. All applicable Codes, Ordinances and regulations, including but not limited to, Fire, Building and Health Codes and the Noise Ordinance, shall be complied with.

TAVERN AND/OR RESTAURANT WITH ALCOHOL SALES  
PLAN OF OPERATION AND LOCATIONAL INFORMATION

**Business Information:**

Name of business: Dairyland Brew Pub

Years in operation: 0

Percentage of business derived from restaurant service: 45 %

Type of proposed establishment (detailed explanation of business):

Brew Pub with 24 craft beers draft,  
serving food to our patrons.

**Proposed Hours of Operation for Indoor Uses:**

Day	From	To
Week Day	11 AM	2:00 AM
Friday	11 AM	2:30 AM
Saturday	11 AM	2:30 AM
Sunday	11 AM	2:00 AM

**Building Capacity and Area:**

Maximum number of persons permitted to occupy the building or tenant space as determined by the International Building Code (IBC) or the International Fire Code (IFC), whichever is more restrictive: \_\_\_\_\_ persons

Gross floor area of the existing building(s): 4200 sq building

Gross floor area of the proposed building(s): 4200 sq building

**Describe Any Potential Noise Emanating From the Proposed Use:**

Describe the noise levels anticipated from all equipment or other mechanical sources:

Acoustic tiles and carpet to reduce noise  
from music entertainment.



Describe how the crowd noise will be controlled inside and outside the building:

Staff + security cameras will monitor this.

If off-street parking is available for the business, describe how noise from the parking lot will be controlled:

Staff + security cameras

#### Outdoor Uses:

Location, type, size and design of outdoor facilities:

~~12 x 20~~ 12 x 20 patio

Type and height of screening of plantings/fencing/gating:

6 ft high fence

Is there any alcohol service incorporated in this outdoor facility proposal? Yes ☒ No ☐

Are there plans for outdoor music/entertainment? Yes ☒ No ☐ future event

If yes, describe how the noise will be controlled:

Staff + security managed.

Is there any food service incorporated in this outdoor facility proposal? Yes ☒ No ☐

eating dinners outside

#### Proposed Hours of Operation for Outdoor Uses:

Day	From	To
Week Day	11 AM	2:00 AM
Friday	11 AM	2:30 AM
Saturday	11 AM	2:30 AM
Sunday	11 AM	2:00 AM

**Outdoor Lighting:**

Type: Wall mounted lights on Outside building

Location: outside a fix all parking lights.

**Off-Street Parking:**

Number of spaces existing: \_\_\_\_\_

Number of spaces proposed: \_\_\_\_\_

**Other Licensed Premises:**

The number of licensed premises within the immediate geographic area of the proposed location will be considered in order to avoid an undue concentration that may have the potential of creating public safety problems or deterring neighborhood development.

List nearby licensed premises:

Scuba's Pool House  
\_\_\_\_\_  
\_\_\_\_\_

**Number of Employees:**

Number of existing employees: 3

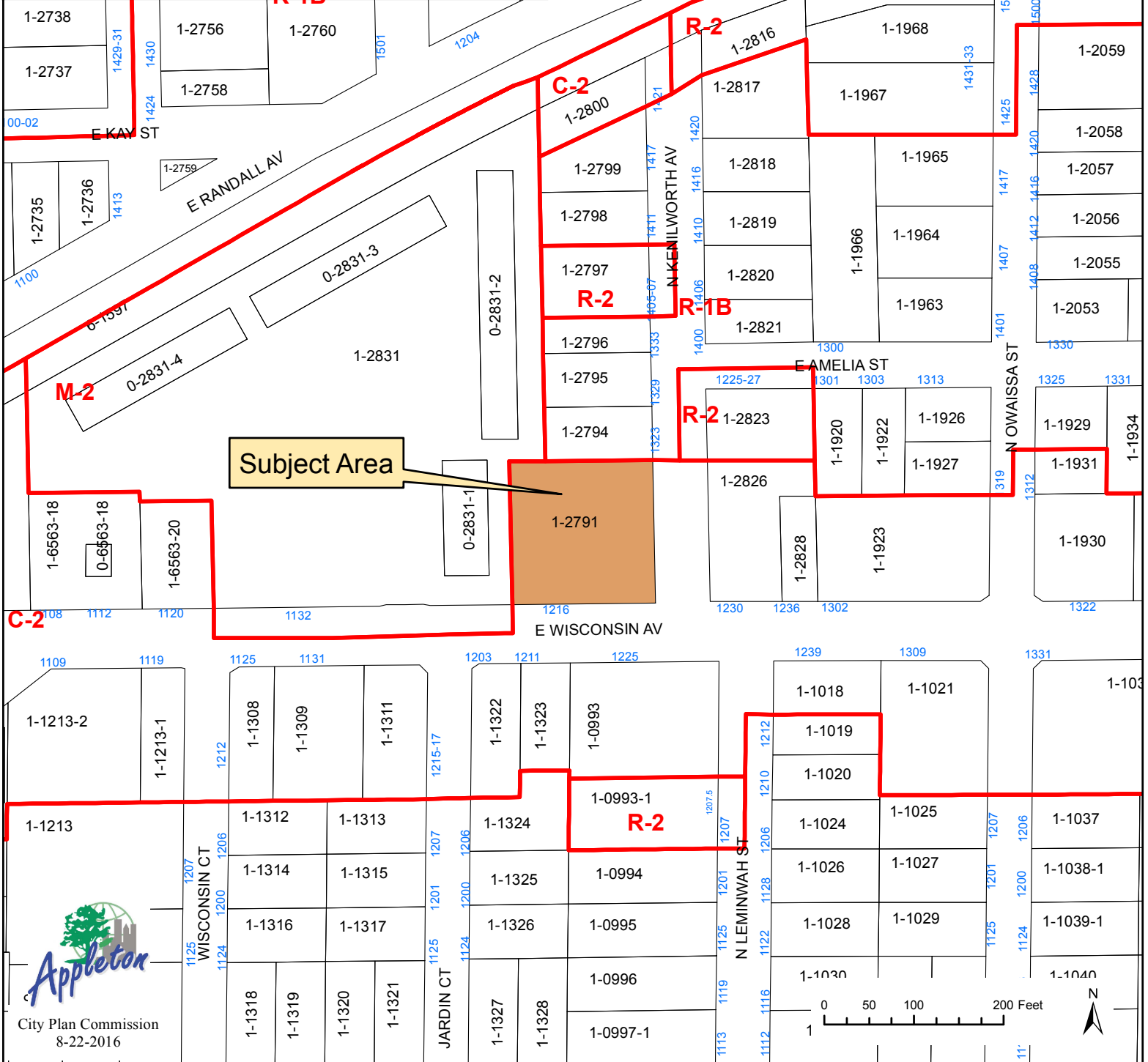
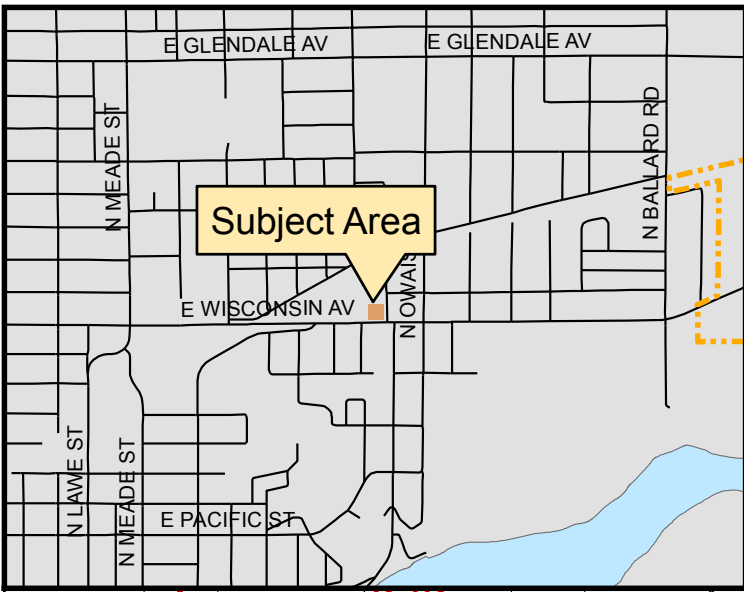
Number of proposed employees: 10-15

Number of employees scheduled to work on the largest shift: 6-7

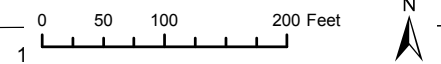
1216 E. Wisconsin Ave - Special Use Permit  
Brewpub/Restaurant and outdoor patio  
with Alcohol Sales  
Zoning/Vicinity Map

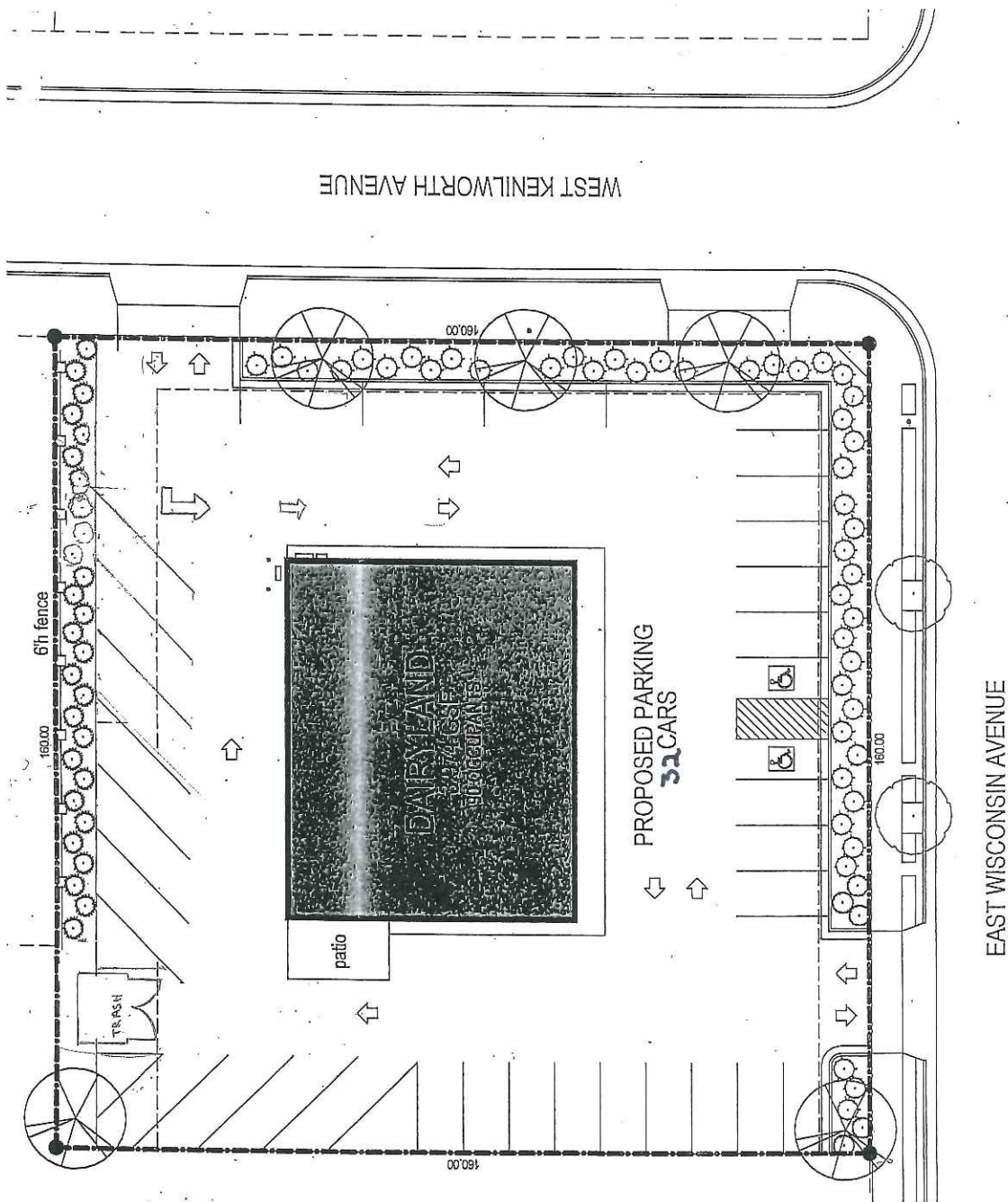
Subject Area

Subject Area



City Plan Commission  
8-22-2016





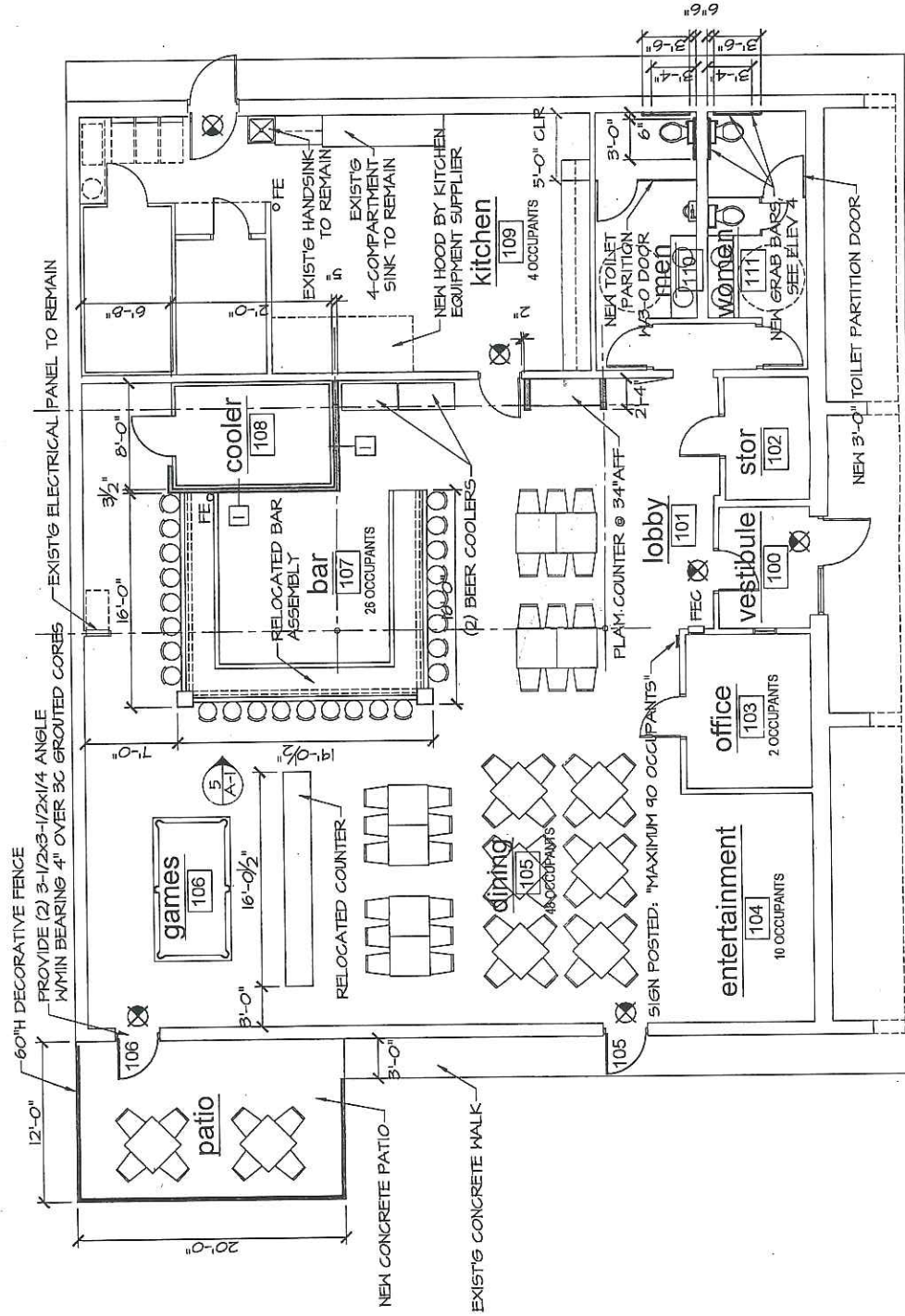
1 SITE PLAN  
A-1  
SCALE: 1" = 20'-0"

Special Use Permit for a Brewpub/Restaurant  
with Alcohol Sales  
1216 E Wisconsin Ave



City Plan Commission  
8-22-16





**MAIN FLOOR PLAN**  
 SCALE: 1/8" = 1'-0"

Special Use Permit for a Brewpub/Restaurant  
 with Alcohol Sales  
 1216 E Wisconsin Ave





## REPORT TO CITY PLAN COMMISSION

**Plan Commission Public Meeting Date:** August 22, 2016

**Common Council Meeting Date:** September 7, 2016

**Item:** Dedication of Public Right-of-Way

**Case Manager:** Jeff Towne

### GENERAL INFORMATION

**Owner/Applicant:** Kurey Ridge, LLC, Robert DeBruin; Owner  
Schuler & Associates, Michael Frank; Applicant

**Location:** Generally located south of East Werner Road and west of North Ballard Road, part of Tax ID 31-1-9300-01

**Petitioner's Request:** Right-of-way dedication

### BACKGROUND

The applicant has submitted a Certified Survey Map subdividing the adjacent property to the south of the proposed dedication area into two lots. The applicant is dedicating the subject area to the City for roadway purposes. The CSM is currently under review which is subject to the acceptance of the subject land for dedicated public right-of-way by the Plan Commission and Common Council.

### STAFF ANALYSIS

**Public Right-of-Way Dedication:** Approximately .02856 acre (1,244 square feet) of land is included in the proposed right-of-way dedication.

**Street Classification:** The proposed street will be classified as a local street.

**Street Name:** Outagamie County staff has made comments regarding the proposed street name of "Ptarmigan Court" and is recommending that it be changed. This will not affect the area to be dedicated.

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

North: R-1B – Residence  
Town of Center – Undeveloped agricultural land  
South: P-I – City of Appleton Detention Pond  
East: Town of Grand Chute – Residence  
West: P-I – City of Appleton Detention Pond  
R-1B – Residence

**Dedication of Public Right-of-Way**  
**August 22, 2016**  
**Page 2**

**2010-2030 Comprehensive Plan:** The City of Appleton 2010-2030 Comprehensive Plan identifies this area for future Multi-Family Residential uses. The proposed public land dedication is consistent with the following goal of the 2010-2030 Comprehensive Plan:

- **Goal 4 – Transportation** (Chapter 6)

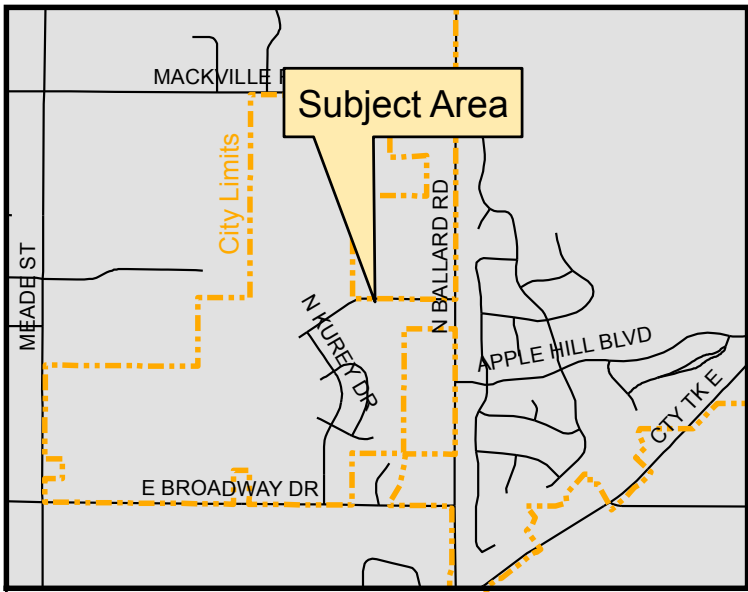
Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.

**Technical Review Group Report (TRG):** This item was discussed at the August 2, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

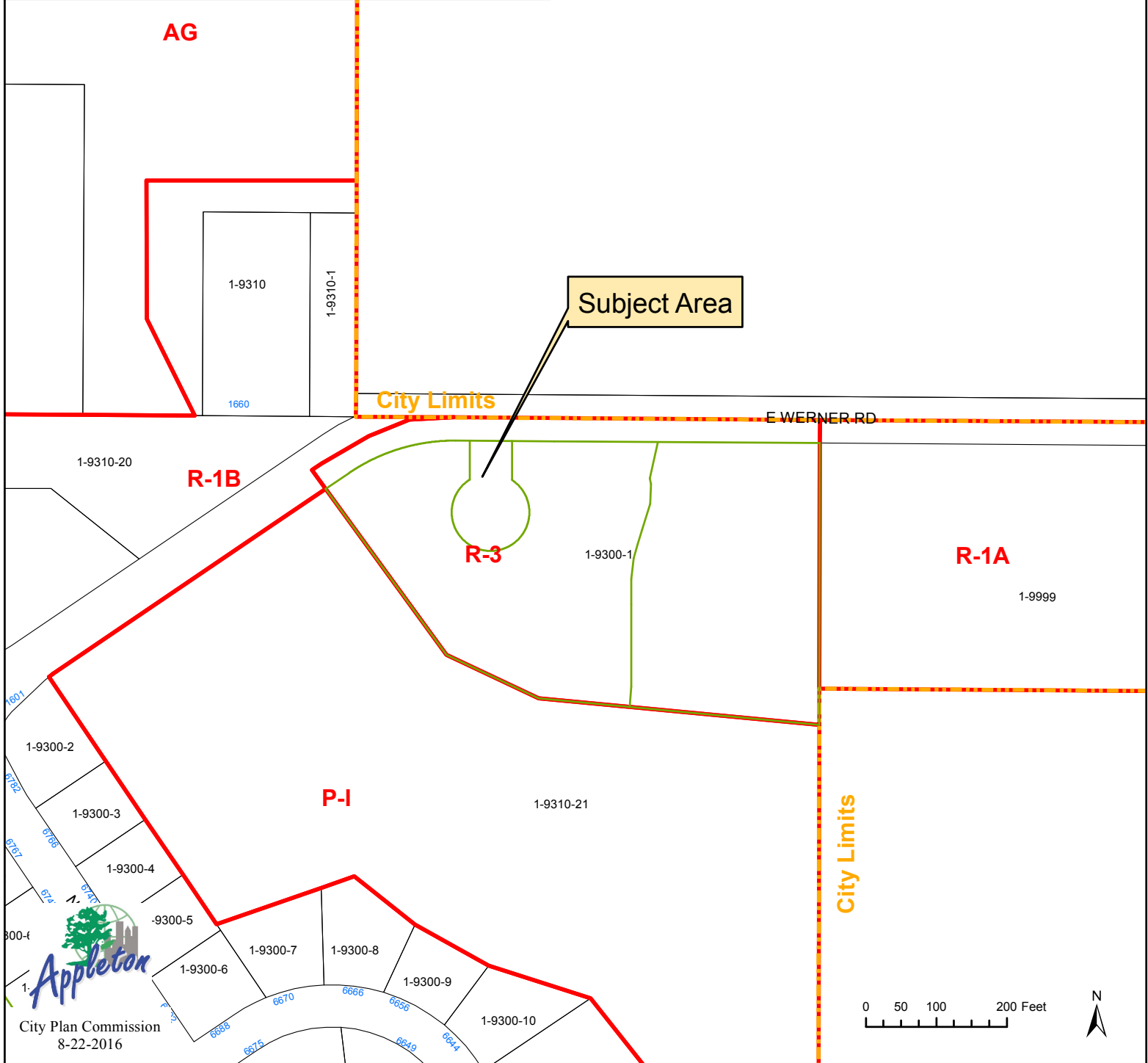
**RECOMMENDATION**

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Staff recommends the dedication of land for public right-of-way, as shown on the attached maps, **BE APPROVED**.



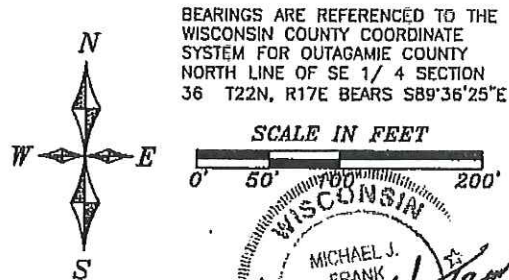
Street Right of Way Dedication  
Zoning/Vicinity Map





# CERTIFIED SURVEY MAP NO. \_\_\_\_\_

ALL OF LOT ONE (1), GLACIER RIDGE, BEING LOCATED IN THE NORTHEAST OF THE SOUTHEAST 1/4 AND NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 22 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



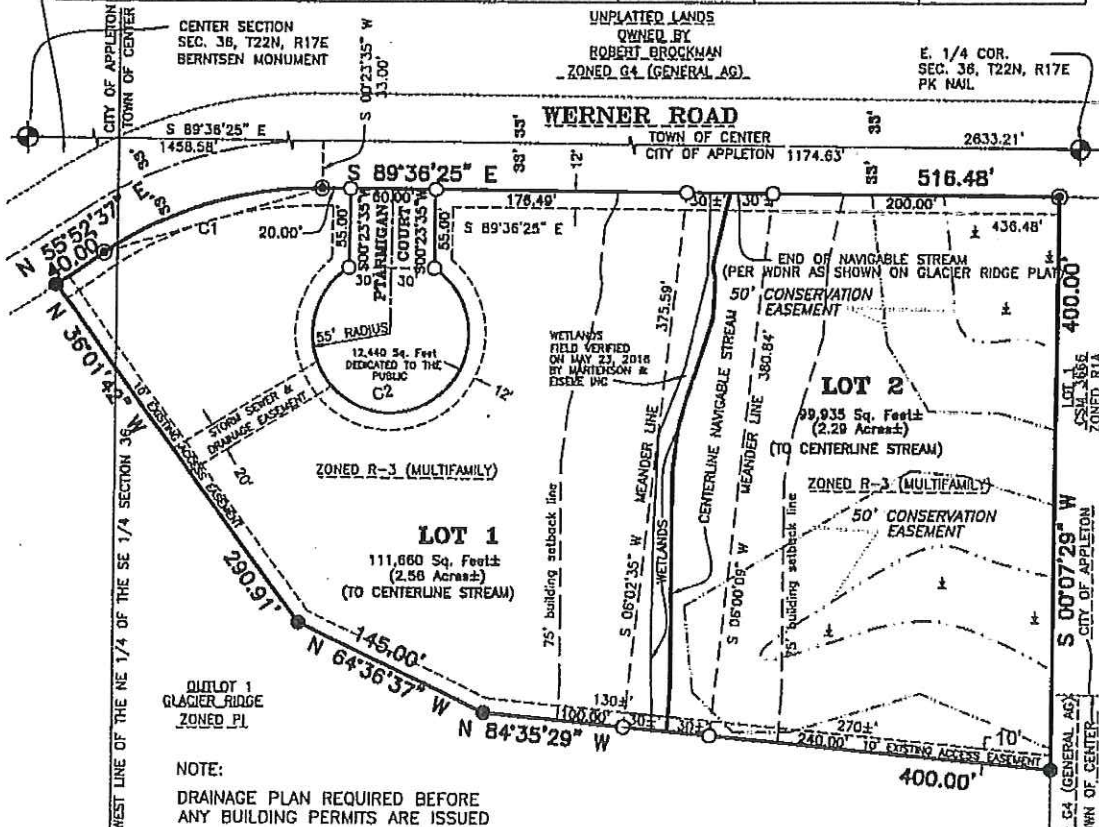
BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM FOR OUTAGAMIE COUNTY NORTH LINE OF SE 1/4 SECTION 36 T22N, R17E BEARS S89°36'25"E

## LEGEND

- = 1" DIA. IRON PIPE FOUND
- = 1" DIA. ROUND x 24" LONG IRON PIPE WEIGHING 1.13 LBS./LIN. FOOT SET
- ⊙ = 1 1/4" DIA. ROUND STEEL REBAR FOUND
- = 10' EXISTING ACCESS EASEMENT
- - - = 12' UTILITY EASEMENT
- ± = WETLAND PER GLACIER RIDGE PLAT

CURVE DATA TABLE

NUMBER	DELTA ANGLE	CHORD DIRECTION	RADIUS	ARC LENGTH	CHORD LENGTH	TANGENT IN	TANGENT OUT
C1	34°30'58"	S73°08'05"W	267.00'	160.85'	158.42'	N55°52'37"E	S 89°36'25"E
C2	293°53'18"	S89°36'25"E	55.00'	282.11'	60.00'	S 56°33'04"E	N57°20'14"E



SCHULER & ASSOCIATES, INC.  
LAND SURVEYORS & ENGINEERS  
2711 N. MASON ST., SUITE F, APPLETON, WI 54914

PREPARED FOR:  
MEIERS BUILDERS  
4875 MELMAR CT.  
APPLETON, WI 54913

L-16-4433  
SHEET 1 OF 3

CERTIFIED SURVEY MAP NO. \_\_\_\_\_

**SURVEYOR'S CERTIFICATE:**

I, MICHAEL J. FRANK, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY:  
THAT I HAVE SURVEYED, DIVIDED, MAPPED, UNDER THE DIRECTION OF THE OWNERS OF SAID LAND, ALL OF LOT ONE (1),  
GLACIER RIDGE, BEING LOCATED IN THE NORTHEAST 1/4 OF THE SOUTHEAST 1/4 AND THE NORTHWEST 1/4 OF THE  
SOUTHEAST 1/4 OF SECTION 36, TOWNSHIP 22 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COITY,  
WISCONSIN AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE EAST 1/4 OF SAID SECTION 36; THENCE NORTH 89 DEGREES 38 MINUTES 25 SECONDS WEST,  
ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 36, A DISTANCE OF 1174.83 FEET; THENCE SOUTH 00  
DEGREES 23 MINUTES 35 SECONDS WEST 33.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 36  
MINUTES 25 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF WERNER ROAD, 518.48 FEET; THENCE SOUTH  
00 DEGREES 07 MINUTES 29 SECONDS WEST, ALONG THE EAST LINE OF SAID LOT 1, 400.00 FEET; THENCE NORTH 84  
DEGREES 35 MINUTES 29 SECONDS WEST, ALONG THE SOUTH LINE OF SAID LOT ONE (1), A DISTANCE OF 400.00 FEET;  
THENCE NORTH 64 DEGREES 38 MINUTES 37 SECONDS WEST, ALONG THE WESTERLY LINE OF SAID LOT ONE (1), A  
DISTANCE OF 145.00 FEET; THENCE NORTH 36 DEGREES 01 MINUTES 42 SECONDS WEST, ALONG THE WESTERLY LINE  
OF SAID LOT ONE (1), A DISTANCE OF 280.91 FEET; THENCE NORTH 55 DEGREES 52 MINUTES 37 SECONDS EAST, ALONG  
THE SOUTHERLY RIGHT-OF-WAY LINE OF WERNER ROAD, 40.00 FEET; THENCE NORTHEASTERLY, ALONG SAID  
SOUTHERLY RIGHT-OF-WAY LINE, 160.85 FEET ALONG THE ARC OF CURVE TO THE RIGHT, HAVING A RADIUS OF 287.00  
FEET AND A CHORD THAT BEARS NORTH 73 DEGREES 08 MINUTES 08 SECONDS EAST 158.42 FEET TO THE POINT OF  
BEGINNING, CONTAINING 224,034 SQUARE FEET (5.143 ACRES) OF LAND, MORE OR LESS AND SUBJECT TO ALL  
EASEMENTS AND RESTRICTIONS OF RECORD.

THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY LINES OF THE LAND SURVEYED AND  
THE DIVISION OF THAT LAND.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES AND THE  
SUBDIVISION REGULATIONS OF CITY OF APPLETON IN SURVEYING, DIVIDING, AND MAPPING THE SAME.

DATED THIS 25<sup>th</sup> DAY OF July, 2016

Michael J. Frank  
MICHAEL J. FRANK  
WISCONSIN PROFESSIONAL LAND SURVEYOR S-2123

**CITY OF APPLETON APPROVAL:**

APPROVED BY THE CITY OF APPLETON, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016

MAYOR \_\_\_\_\_ DATE \_\_\_\_\_ CITY CLERK \_\_\_\_\_ DATE \_\_\_\_\_

**TREASURER'S CERTIFICATE:**

WE HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR SPECIAL ASSESSMENTS ON ANY OF THE LANDS INCLUDED  
IN THIS CERTIFIED SURVEY MAP.

COUNTY TREASURER \_\_\_\_\_ DATE \_\_\_\_\_ CITY TREASURER \_\_\_\_\_ DATE \_\_\_\_\_

THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN THE FOLOWING RECORDED  
INSTRUMENTS:

THIS CERTIFIED SURVEY MAP IS PART OF TAX PARCEL NUMBER 311930001, THE PROPERTY OWNER OF RECORD IS  
KUREY RIDGE LLC.



L-16-4433  
SHEET 2 OF 3



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

**CORPORATE OWNER'S CERTIFICATE:**

KUREY RIDGE LLC, A LIMITED LIABILITY COMPANY DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER DOES HEREBY CERTIFY THAT SAID LIMITED LIABILITY COMPANY CAUSED THE LAND DESCRIBED ON THIS CERTIFIED SURVEY MAP TO BE SURVEYED, DIVIDED AND MAPPED AS REPRESENTED ON THIS CERTIFIED SURVEY MAP.

IN WITNESS WHERE OF, KUREY RIDGE LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY  
ROBERT A. DE BRUIN AT \_\_\_\_\_

WISCONSIN, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

\_\_\_\_\_  
ROBERT A. DE BRUIN, MANAGING MEMBER

STATE OF WISCONSIN)

\_\_\_\_\_  
ss.  
COUNTY)



PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016,  
ROBERT A DE BRUIN, OF KUREY RIDGE LLC, TO ME KNOWN TO BE THE PERSON WHO EXECUTED THE  
FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH MANAGING MEMBER, OF THE ABOVE NAMED  
LIMITED LIABILITY COMPANY AND ACKNOWLEDGE THAT HE EXECUTED THE FOREGOING INSTRUMENT AS  
SUCH OFFICER AS THE DEED OF SAID LIMITED LIABILITY COMPANY, BY ITS AUTHORITY.

\_\_\_\_\_  
NOTARY PUBLIC, \_\_\_\_\_, WISCONSIN

MY COMMISSION EXPIRES \_\_\_\_\_

**UTILITY EASEMENT PROVISIONS**

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY  
KUREY RIDGE LLC, GRANTOR, TO

WISCONSIN ELECTRIC POWER COMPANY, A WISCONSIN CORPORATION DOING BUSINESS AS WE ENERGIES,  
GRANTEE,  
WISCONSIN BELL, INC. D/B/A AT&T, A WISCONSIN CORPORATION, GRANTEE, AND TIME WARNER  
ENTERTAINMENT COMPANY, L.P., 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, THERON, 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 SIX 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.

\_\_\_\_\_  
ROBERT A. DE BRUIN, MANAGING MEMBER