



City of Appleton

100 North Appleton Street
Appleton, WI 54911-4799
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.*

Tuesday, October 27, 2020

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order
2. Roll call of membership
3. Approval of minutes from previous meeting
[20-1378](#) City Plan Minutes from 10-13-20

Attachments: [City Plan Minutes 10-13-20.pdf](#)

4. Public Hearings/Appearances

5. Action Items

- [20-1379](#) Request to approve the Sixth and Seventh Additions to Emerald Valley Preliminary Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_PreliminaryPlat_6-7thAddEmeraldValley_For10-27-20.pdf](#)

- [20-1380](#) Request to approve the Trail View Estates South Final Plat as shown on the attached maps and subject to the conditions in the attached staff report

Attachments: [StaffReport_TrailViewEstatesSouth_FinalPlat_For10-27-20.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.



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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.*

Tuesday, October 13, 2020

4:00 PM

Council Chambers, 6th Floor

1. Call meeting to order

Meeting called to order at 4:01 p.m.

2. Roll call of membership

Present: 4 - Robins, Mayor Woodford, Fenton and Buetow

Excused: 1 - Rabec

Absent: 1 - Palm

Others present:

Alderperson Corey Otis, District #15

Ron LaPlante, 319 E. Coolidge Avenue

Ken Schmidt, 307 E. Coolidge Avenue

Will Faucett, Malcore Foods

Mike Faucett, Malcore Foods

Chris Faucett, Malcore Foods

Ryan Dietrich, 312 E. Coolidge Avenue

Jill Hendricks, Emerald Valley Estates LLC

3. Approval of minutes from previous meeting

[20-1318](#)

City Plan Minutes from 9-22-20

Attachments: [City Plan Minutes 9-22-20.pdf](#)

Buetow moved, seconded by Fenton, that the Minutes be approved. Roll Call.

Motion carried by the following vote:

Aye: 4 - Robins, Mayor Woodford, Fenton and Buetow

Excused: 1 - Rabec

Absent: 1 - Palm

4. Public Hearings/Appearances

[20-1319](#)

Special Use Permit #6-20 for the manufacturing of dairy products (light manufacturing) located at 300 E. Coolidge Avenue (Tax Id #31-9-0030-00), 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 and approve attached Resolution (Associated with Action Item #20-1320)

Attachments: [ClassIIPublicHearingNoticeNewspaper_MalcoreFoods_SUP.pdf](#)
[PublicHearingNoticeNeighborhood_Malcore Foods_SUP.pdf](#)

This public hearing was held, and Ron LaPlante, Ken Schmidt, Will Faucett, Ryan Dietrich, and Alderperson Corey Otis spoke on the item.

[20-1321](#)

Rezoning #8-20 to rezone the area generally located along the east and west sides of Providence Avenue for the 6th Addition to Emerald Valley (part of Tax Id #31-1-7600-00), as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District (Associated with Action Item #20-1322)

Attachments: [InformalPublicHearingNotice_6thAddEmeraldValley_Rezoning#8-20.pdf](#)

This public hearing was held, and no one spoke on the item.

[20-1323](#)

Rezoning #9-20 to rezone the area generally located west of Providence Avenue for the 7th Addition to Emerald Valley (part of Tax Id #31-1-7600-00), as shown on the attached maps, from AG Agricultural District to R1-B Single-family District (Associated with Action Item #20-1324)

Attachments: [InformalPublicHearingNotice_7thAddEmeraldValley_Rezoning#9-20.pdf](#)

This public hearing was held, and no one spoke on the item.

5. Action Items

[20-1320](#)

Request to approve Special Use Permit #6-20 for the manufacturing of dairy products (light manufacturing) located at 300 E. Coolidge Avenue (Tax Id #31-9-0030-00), 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 and approve attached Resolution (2/3 vote of Common Council required for approval)

Attachments: [StaffReport_Malcore Foods_SUP_For10-13-20.pdf](#)
 [Neighbor Petition_10-09-20.pdf](#)
 [Kris Krause Email_10-13-20.pdf](#)

Staff stated an email was received today by Kris Krause, and it is now attached to this file.

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

Aye: 4 - Robins, Mayor Woodford, Fenton and Buetow

Excused: 1 - Rabec

Absent: 1 - Palm

[20-1322](#)

Request to approve Rezoning #8-20 to rezone the area generally located along the east and west sides of Providence Avenue for the 6th Addition to Emerald Valley (part of Tax Id #31-1-7600-00), as shown on the attached maps, from AG Agricultural District to R-1B Single-Family District

Attachments: [StaffReport_Rezoning_6thAddEmeraldValley_For10-13-20.pdf](#)

Proceeds to Council on November 4, 2020.

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

Aye: 4 - Robins, Mayor Woodford, Fenton and Buetow

Excused: 1 - Rabec

Absent: 1 - Palm

[20-1324](#)

Request to approve Rezoning #9-20 to rezone the area generally located west of Providence Avenue for the 7th Addition to Emerald Valley (part of Tax Id #31-1-7600-00), as shown on the attached maps, from AG Agricultural District to R1-B Single-family District

Attachments: [StaffReport_Rezoning_7thAddEmeraldValley_For10-13-20.pdf](#)

Proceeds to Council on November 4, 2020.

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

Aye: 4 - Robins, Mayor Woodford, Fenton and Buetow

Excused: 1 - Rabec

Absent: 1 - Palm

[20-1325](#)

Request to approve the Sequoia Drive (Right-of-Way) Annexation consisting of approximately 3.3251 acres, currently in the Towns of Grand Chute and Vandebroek, in order to extend Sequoia Drive north from the North Edgewood Estates Phase II subdivision to Broadway Drive as shown on the attached maps and establish a temporary zoning classification of AG Agricultural District

Attachments: [StaffReport_SequoiaDrive_Annexation_For10-13-20.pdf](#)
 [DOA Annexation Review Letter 14337 10-13-20.pdf](#)

Staff stated the review letter from the State was received today, and it is now attached to this file.

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

Aye: 4 - Robins, Mayor Woodford, Fenton and Buetow

Excused: 1 - Rabec

Absent: 1 - Palm

6. Information Items

7. Adjournment

Buetow moved, seconded by Fenton, that the meeting be adjourned at 4:55 p.m. Roll Call. Motion carried by the following vote:

Aye: 4 - Robins, Mayor Woodford, Fenton and Buetow

Excused: 1 - Rabec

Absent: 1 - Palm



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: October 27, 2020

Common Council Meeting Date: November 4, 2020

Item: Preliminary Plat – Sixth and Seventh Addition to Emerald Valley

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Robert DeBruin, Emerald Valley Estates, LLC – owner/applicant

Parcel #: Part of #31-1-7600-00

Petitioner's Request: The owner/applicant is proposing to subdivide property under a multi-phased approach.

BACKGROUND

Rezoning #8-20 and #9-20 (AG Agricultural District to R-1B Single-family District) for both subdivision phases were recommended for approval by the Plan Commission on October 13, 2020. The public hearing and final Common Council action on the rezoning is scheduled for November 4, 2020.

The Final Plat for the Fifth Addition to Emerald Valley consisting of 23 residential lots was approved by the Common Council on April 4, 2018.

The Final Plat for the Fourth Addition to Emerald Valley consisting of 15 residential lots was approved by the Common Council on March 21, 2018.

The Final Plat for the Third Addition to Emerald Valley consisting of 11 residential lots was approved by the Common Council on May 3, 2017.

The Final Plat for the Second Addition to Emerald Valley consisting of 28 residential lots was approved by the Common Council on September 17, 2014.

The Final Plat for the First Addition to Emerald Valley consisting of 3 residential lots was approved by the Common Council on June 2, 2010.

The Final Plat for Emerald Valley consisting of 50 residential lots was approved by the Common Council on June 6, 2007.

Preliminary Plat – Sixth and Seventh Add to Emerald Valley
October 27, 2020
Page 2

The subject property was annexed to the City in 2004 as part of the French Road Annexation, and a zoning classification of AG Agricultural District was assigned at that time. On September 29, 2020, a concept plan for future phases of Emerald Valley subdivision showing future roads, lots and park land was presented to the City, which called for the creation of an additional 57 residential lots and 4 outlots.

STAFF ANALYSIS

Existing/Proposed Conditions: The subject area to be subdivided is currently undeveloped. Emerald Valley Sixth Addition consists of 6.905 acres and will be divided into fifteen (15) single-family lots. Emerald Valley Seventh Addition consists of 12.680 acres and will be divided into thirty-five (35) single-family lots.

Future Actions: Rezoning #8-20 and #9-20 for subject site is also being presented at the November 4, 2020 Common Council meeting to rezone the subject site from AG Agricultural District to R-1B Single-family District.

Zoning Ordinance Review Criteria: R-1B Single-Family Residential District lot development standards (Section 23-93) are as follows:

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed average lots size ranges from 12,670 square feet to 13,750 square feet. All lots exceed this minimum requirement.*
- Minimum lot width: Fifty (50) feet.
 - *The proposed lots average lot width is 100 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 had been shown on the Preliminary 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: This subdivision complies with the Appleton Subdivision Regulations, except for the code section listed below.

Per Section 17-26(g) of the Municipal Code, “Excessive lot depth in relation to width shall be avoided. A proportion of two (2) length to one (1) width shall normally be considered a desirable maximum for lot widths of sixty (60) feet or more.”

Analysis: Lot 154 of Emerald Valley Sixth Addition slightly exceeds the 2 depth to 1 width ratio (2.5 to 1). This lot is situated on a curve in the road and is slightly deeper than the other proposed lots because the side lot lines form a point at the rear of lot.

Pursuant to 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, provided that the modification meets the following three standards:

- (1) The modification is due to physical features of the site or its location.
- (2) The modification is the least deviation from this ordinance which will mitigate the hardship.
- (3) The modification is not detrimental to the public interest and is in keeping with the general spirit and intent of this ordinance.

Based upon the above analysis, it would appear the standards established by Section 17-3(f) Modification of Regulations have been met.

Access and Traffic: The primary vehicular access to the Emerald Valley Sixth and Seventh Addition is via Providence Avenue and Aquamarine Avenue. Turquoise Trail, Jasper Lane and Sunstone Road form a U-shaped road which will intersect with Providence Avenue. The full 60 and 66 foot road right-of-way widths for the proposed streets will be dedicated to the City with the Final Plat.

Surrounding Zoning and Land Uses:

North: AG Agricultural District – undeveloped land
South: R-1B Single-Family District – residential uses
East: Proposed R-1B Single-Family District – residential uses
West: P-I Public Institutional District – City drainage corridor

2010-2030 Comprehensive Plan: Community Development staff has reviewed this proposed subdivision and determined it is compatible with the One and Two-Family Residential uses shown on the City’s 2010-2030 Comprehensive Plan Future Land Use Map.

Parks and Open Space: The Appleton Subdivision Regulations do require parkland dedication or fee in lieu for residential subdivisions. The parkland fees pursuant to Chapter 17 of the Appleton Municipal Code have been waived in exchange for parkland as illustrated in the current Emerald Valley Development Agreement and on the concept plan submitted to City staff on September 29, 2020.

Technical Review Group Report (TRG): This item appeared on the October 6, 2020 TRG Agenda. No negative comments were received from participating departments.

City Surveyor Comments: Emerald Valley 6th and 7th Addition Preliminary Plats list benchmark data as being on City of Appleton Datum. The statement should be corrected as the City of Appleton does not have a datum. Currently, City benchmark monuments are referenced to either NGVD 1929 or NAVD 88 datum or both. Proposed subdivisions within the City limits, at this time, should be referenced to NAVD 88 datum.

The benchmarks listed on the preliminary plat appear to reference 1929 datum. The difference between 1929 and 88 datum in this geographical area is approximately 0.05’.

All street and utility design should be revised if necessary and referenced to NAVD 88 datum.

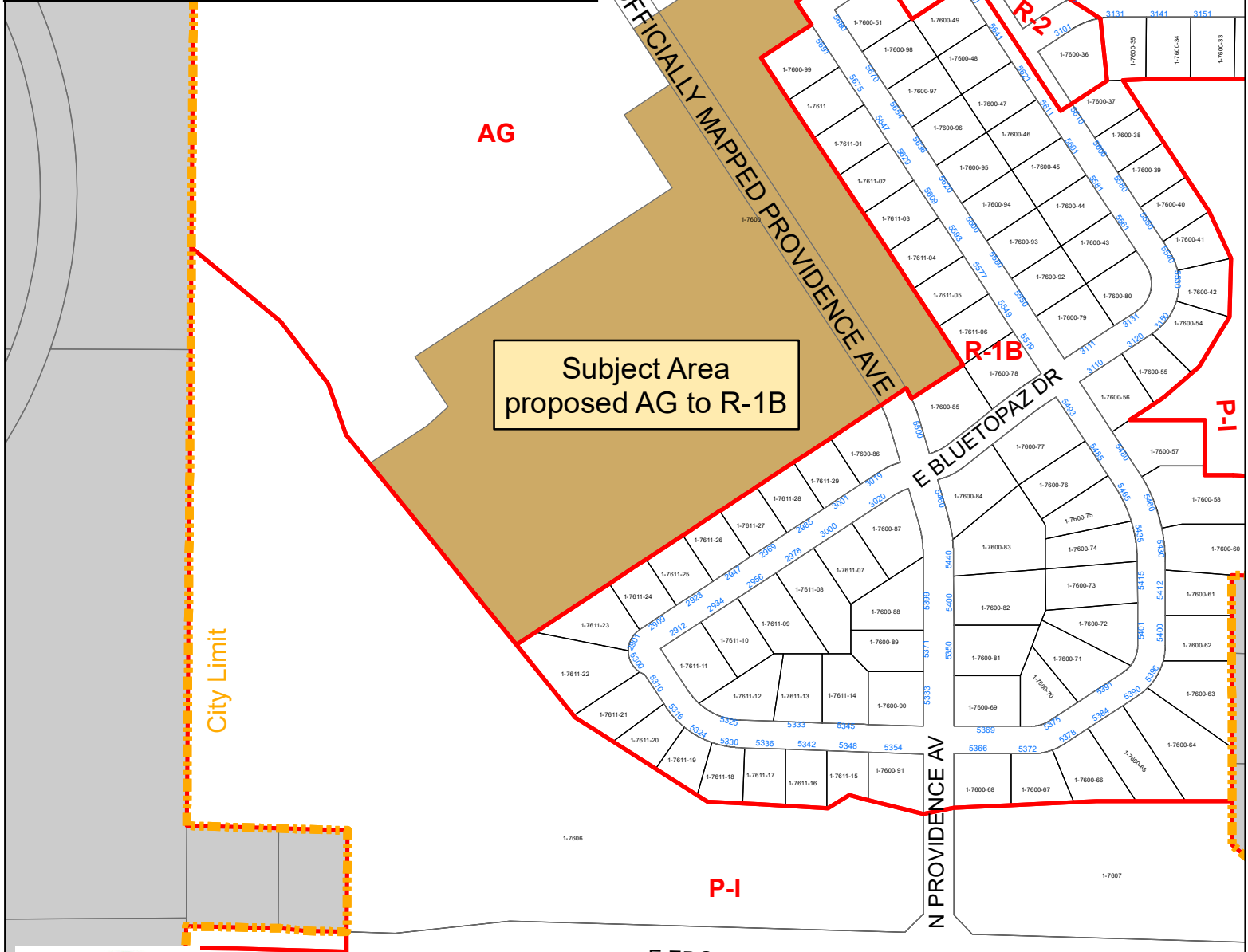
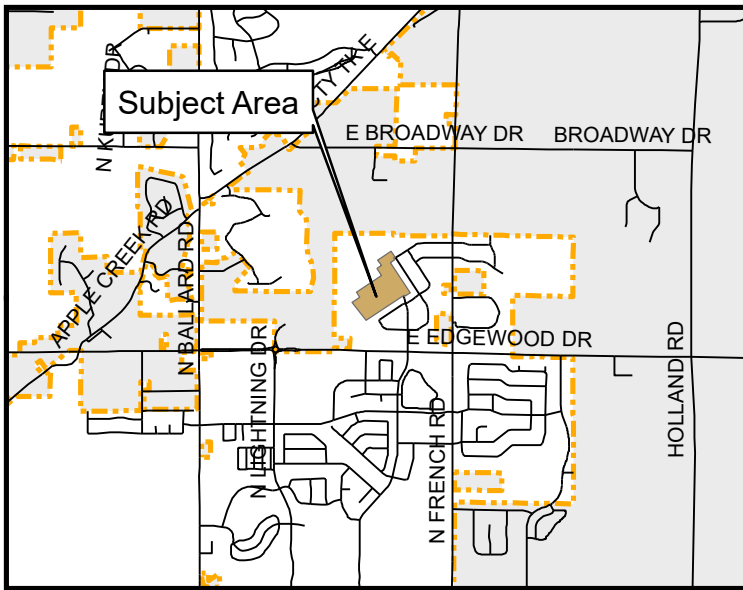
RECOMMENDATION

The Preliminary Plat for the Sixth and Seventh Addition to Emerald Valley, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

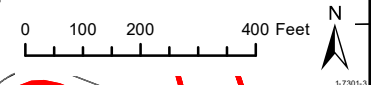
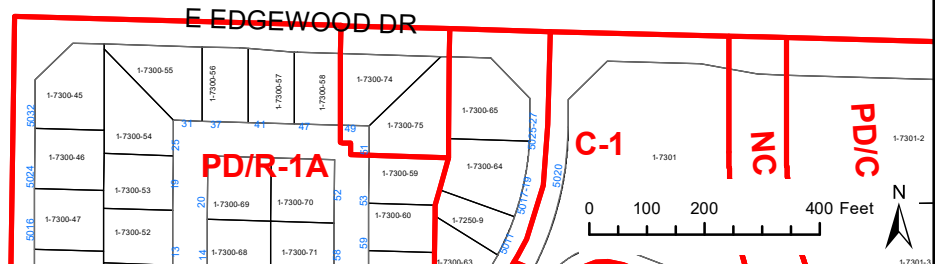
1. The listed benchmarks monument, street and utility design to match the City of Appleton records NAVD 88 datum not NGVD 1929, revise both preliminary plats as necessary.
2. Utilize a different street suffix on the Final Plat, as the City’s street name policy does not allow for the street suffix “Trail” shown in the proposed Turquoise Trail and the street suffix “Road” shown in the proposed Sunstone Road. Use any of the following street suffixes for these street names “Drive”, “Lane”, “Place”, or “Way”.
3. Grant relief from the two (2) length to one (1) width ratio, per Section 17-26(g) of the Municipal Code as stated in the staff report for Lot 154.
4. 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. A Development Agreement is required between the City and applicant that identifies the duties and responsibilities with respect to development of the subject land.
6. The owner/applicant shall submit to the City the Final Plat within 36 months after the last required approval of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the City (and any other approving authority) may refuse to approve the Final Plat and shall recommence the procedure for Preliminary Plat approval or may extend the time for submission of the Final Plat.

NOTE: If approved, the Preliminary Plat for the Sixth and Seventh Addition to Emerald Valley and Rezoning #8-20 and #9-20 from AG Agricultural District to R-1B Single-family District (October 13, 2020 Plan Commission agenda item) will be reported out at the same Common Council meeting on November 4, 2020.

Preliminary Plat 6th and 7th Addition to Emerald Valley Zoning Map



City Plan Commission
10-27-2020



Preliminary Plat
6th and 7th Addition to Emerald Valley
Aerial Map



Subject Area

OFFICIALLY MAPPED PROVIDENCE AVE

E AQUAMARINE

N AMETHYST DR

E BLUETOPEZ DR

VIDENCE AV



LOCATION MAP
SECTION 6, T 21 N, R 18 E
CITY OF APPLETON, OUTAGAMIE COUNTY

BEARINGS ARE REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM WHICH HAS THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SECTION 6, BEARING N 88°19'36" W

1" = 80'
SCALE IN FEET

NOT TO SCALE

BENCHMARK DATA

I.D.	DESCRIPTION:	ELEVATION:
BM1	HYDRANT ELEVATION ON TOP SHOULDER, CITY NO. 3026	755.97
BM2	HYDRANT ELEVATION ON TOP SHOULDER, CITY NO. 3860	757.94
BM3	HYDRANT ELEVATION ON TOP SHOULDER, CITY NO. 3866	757.13

BENCHMARKS ARE ON CITY OF APPLETON DATUM

OWNER AND DEVELOPER
BOB DEBRUIN
EMERALD VALLEY ESTATES, LLC
2100 FREEDOM ROAD
LITTLE CHUTE, WI 54140
PHONE: 920-731-8111

OBJECTING AND APPROVING AUTHORITIES
DEPARTMENT OF ADMINISTRATION
CITY OF APPLETON

SOIL TYPES LOCATED WITHIN THE SIXTH AND SEVENTH ADDITION TO EMERALD VALLEY
BIA - BRIGGSVILLE SILT LOAM
McA - MANAWA SILTY CLAY LOAM
MeB - MANISTEE LOAMY FINE SAND

TOPOGRAPHIC LEGEND

- MAPPED FLOODWAY
- MAPPED 100 YEAR FLOOD
- 800- CONTOUR W/ ELEVATION
- SOIL BORING
- EXIST. WOODS LINE
- DELINEATED WETLANDS
- OVERHEAD POWER LINES
- UNDERGROUND ELECTRIC
- UNDERGROUND TELEPHONE
- UNDERGROUND GAS
- CATV- UNDERGROUND CABLE TV
- EXIST. HYDRANT
- POWER POLE
- GUY
- LIGHT POLE
- TELEPHONE PEDESTAL
- ELECTRIC PEDESTAL
- GAS PEDESTAL
- WATER VALVE
- GAS VALVE
- WATER STOP BOX
- EXIST. STORM MANHOLE
- STORM INLET
- YARD DRAIN
- EXIST. SANITARY MANHOLE
- EXIST. SAN. SEWER
- EXIST. STO. SEWER
- EXIST. WATER MAIN
- 1" O.D. IRON PIPE FOUND
- 3/4" O.D. REBAR FOUND
- 1-1/4" O.D. REBAR FOUND
- LOT AREA IN SQ.FT.

SUPPLEMENTARY DATA FOR THE SIXTH ADDITION TO EMERALD VALLEY

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	333.00'	004°19'42"	25.16'	N 27°04'53.0" W	25.15'	N 24°55'02" W	N 29°14'44" W
2	333.00'	004°06'09"	23.84'	N 31°17'48.5" W	23.84'	N 29°14'44" W	N 33°20'53" W
3	333.00'	008°29'51"	49.00'	N 29°07'57.5" W	49.96'	N 24°55'02" W	N 33°20'53" W
4	267.00'	005°07'09"	23.86'	N 30°47'18.5" W	23.85'	N 28°13'44" W	N 33°20'53" W
5	270.00'	001°39'06"	7.78'	S 32°31'20.0" E	7.78'	S 31°41'47" E	S 33°20'53" E
6	30.00'	090°00'00"	47.12'	S 78°20'53.0" E	42.43'	S 33°20'53" E	N 56°39'07" E
7	90.00'	090°00'00"	141.37'	S 78°20'53.0" E	127.28'	S 33°20'53" E	N 56°39'07" E
8	90.00'	022°38'26"	35.56'	S 82°56'37.5" E	35.33'	N 79°17'33" E	N 56°39'07" E
9	90.00'	035°31'31"	55.81'	S 82°56'37.5" E	54.92'	S 65°10'48" E	N 79°17'33" E
10	90.00'	031°49'55"	50.00'	S 49°15'50.5" E	49.36'	S 33°20'53" E	S 65°10'48" E

SUPPLEMENTARY DATA FOR THE SEVENTH ADDITION TO EMERALD VALLEY

GROSS AREA	ROAD AREA	NET SUBDIVISION AREA	LINEAL FEET OF ROAD	AVERAGE LOT SIZE	TYPICAL LOT SIZE	NUMBER OF LOTS	PRESENT ZONING	FUTURE ZONING
300,775 SQ.FT.	6,905 ACRES	12,680 ACRES	1,477 LINEAL FT.	100' x 135'	100' x 135'	35	AG	LOT AREA MINIMUM = 6,000 SQ.FT.
94,500 SQ.FT.	2.169 ACRES	2,499 ACRES	1,477 LINEAL FT.	100' x 135'	100' x 135'	35	AG	LOT AREA MINIMUM = 6,000 SQ.FT.
1206,275 SQ.FT.	4.736 ACRES	10.181 ACRES	1,477 LINEAL FT.	100' x 135'	100' x 135'	35	AG	LOT AREA MINIMUM = 6,000 SQ.FT.

NOTES
THE OWNER/SUBDIVIDER HAS NOTICE OR KNOWLEDGE OF ANY ENVIRONMENTAL PROBLEM (THE EXISTENCE OF HAZARDOUS OR TOXIC SUBSTANCES) OF ANY SORT ON THE PROPERTY BEING TRANSFERRED. THE OWNER/SUBDIVIDER UNDERSTANDS THAT IT WILL PAY FOR ANY COSTS TO REMEDY ANY ENVIRONMENTAL PROBLEMS ENCOUNTERED DURING CONSTRUCTION OF ANY OF THE PUBLIC IMPROVEMENTS REQUIRED BY THE CITY ON THE PLAT OR IN THE DEVELOPER'S AGREEMENT. THE OWNER/SUBDIVIDER UNDERSTANDS THAT THEY SHALL BE INDIVIDUALLY RESPONSIBLE FOR ANY ENVIRONMENTAL PROBLEM FOUND ON THE LAND, TRANSFERRED TO THE CITY ON THE PLAT DURING THE CONSTRUCTION OF ROADS OR OTHER DEDICATIONS AND AGREE TO HOLD THE CITY HARMLESS UNTIL CONSTRUCTION, INSTALLATION OR GRADING IS COMPLETE.

A DRAINAGE PLAN HAS BEEN FILED WITH THE DEPARTMENT OF PLANNING, ZONING & SANITATION OFFICE. MAINTENANCE OF ALL DRAINAGE WAYS AND ASSOCIATED STRUCTURES WITHIN THE SUBDIVISION OR SERVING THE SUBDIVISION IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS OF THE SUBDIVISION.

UPON FAILURE OF THE PROPERTY OWNERS TO PERFORM MAINTENANCE OF THE DRAINAGE WAYS AND ASSOCIATED STRUCTURES, THE CITY RETAINS THE RIGHT TO PERFORM MAINTENANCE AND/OR REPAIRS WHICH SHALL BE EQUALLY ASSESSED AMONGST THE PROPERTY OWNERS OF THE SUBDIVISION WITH A DRAINAGE COVENANT.

LOT LINE GRADES ESTABLISHED BY THE DRAINAGE PLAN FOR THE SIXTH AND SEVENTH ADDITIONS TO EMERALD VALLEY ARE MANDATORY. IT IS THE RESPONSIBILITY OF THE LOT OWNER TO COMPLY WITH THESE ESTABLISHED ELEVATIONS.

UTILITY EASEMENTS, LOCATIONS AND WIDTHS WILL BE SHOWN ON THE FINAL PLAT.

CONTOURS ARE ONE FOOT INTERVALS AND BASED ON CITY OF APPLETON DATUM.

SIXTH ADDITION TO EMERALD VALLEY LEGAL DESCRIPTION
PART OF THE NORTHWEST 1/4, NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE EAST 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 00 DEGREES 02 MINUTES 25 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 1131.30 FEET; THENCE SOUTH 89 DEGREES 57 MINUTES 35 SECONDS WEST, A DISTANCE OF 676.42 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE SECOND ADDITION TO EMERALD VALLEY, A DISTANCE OF 321.00 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTH LINE OF THE THIRD ADDITION TO EMERALD VALLEY, A DISTANCE OF 134.60 FEET; THENCE 25.16 FEET ALONG AN ARC OF A CURVE TO THE LEFT, ALONG THE EASTERLY RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, SAID CURVE HAVING A RADIUS OF 333.00 FEET AND A CHORD THAT BEARS NORTH 27 DEGREES 04 MINUTES 53 SECONDS WEST, 25.15 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHERLY RIGHT-OF-WAY LINE OF PROVIDENCE AVENUE, A DISTANCE OF 66.21 FEET; THENCE 23.86 FEET ALONG AN ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 267.00 FEET AND A CHORD THAT BEARS NORTH 30 DEGREES 47 MINUTES 18 SECONDS WEST, 23.85 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 171.18 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, 110.00 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 353.00 FEET TO THE NORTHWEST CORNER OF LOT 53 OF THE FIRST ADDITION TO EMERALD VALLEY; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE WESTERLY LINE OF SAID LOT 53, A DISTANCE OF 145.00 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHWESTERLY RIGHT-OF-WAY LINE OF AQUAMARINE AVENUE, A DISTANCE OF 25.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY RIGHT-OF-WAY LINE OF AQUAMARINE AVENUE, A DISTANCE OF 60.00 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHWESTERLY LINE OF LOT 99 OF THE FOURTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 131.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, ALONG THE SOUTHWESTERLY LINE OF THE FOURTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 800.00 FEET TO THE POINT OF BEGINNING. CONTAINING 300,775 SQUARE FEET (6.905 ACRES).

SEVENTH ADDITION TO EMERALD VALLEY LEGAL DESCRIPTION
PART OF THE NORTHWEST 1/4, NORTHEAST 1/4 AND THE SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:
COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 6; THENCE SOUTH 88 DEGREES 19 MINUTES 36 SECONDS EAST, ALONG THE SOUTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 6, A DISTANCE OF 700.09 FEET; THENCE NORTH 01 DEGREES 40 MINUTES 24 SECONDS EAST, A DISTANCE OF 677.57 FEET TO THE POINT OF BEGINNING; THENCE NORTH 39 DEGREES 00 MINUTES 29 SECONDS WEST, ALONG THE NORTHERLY LINE OF CERTIFIED SURVEY MAP NO. 6311, A DISTANCE OF 507.47 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 150.33 FEET; THENCE NORTH 47 DEGREES 11 MINUTES 22 SECONDS EAST, 60.83 FEET; THENCE NORTH 33 DEGREES 20 MINUTES 53 SECONDS WEST, 122.22 FEET; THENCE 7.78 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 270.00 FEET AND A CHORD THAT BEARS NORTH 32 DEGREES 31 MINUTES 20 SECONDS WEST, 7.78 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 669.89 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 130.00 FEET; THENCE SOUTH 42 DEGREES 48 MINUTES 38 SECONDS EAST, 60.83 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 260.00 FEET; THENCE NORTH 56 DEGREES 39 MINUTES 07 SECONDS EAST, 110.00 FEET; THENCE SOUTH 33 DEGREES 20 MINUTES 53 SECONDS EAST, 171.18 FEET; THENCE 23.86 FEET ALONG AN ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 267.00 FEET AND A CHORD THAT BEARS SOUTH 30 DEGREES 47 MINUTES 18 SECONDS EAST, 23.85 FEET; THENCE SOUTH 56 DEGREES 39 MINUTES 07 SECONDS WEST, ALONG THE NORTHERLY LINES OF THE THIRD ADDITION TO EMERALD VALLEY AND FIFTH ADDITION TO EMERALD VALLEY, A DISTANCE OF 949.22 FEET THE POINT OF BEGINNING. CONTAINING 552,321 SQUARE FEET (12.680 ACRES).

SURVEYOR'S CERTIFICATE
I, GARY A. ZAHNINGER, HEREBY CERTIFY THAT THIS PRELIMINARY PLAT IS A CORRECT REPRESENTATION OF ALL EXISTING LAND DIVISIONS AND FEATURES, AND THAT I HAVE COMPLIED WITH THE PROVISIONS OF THE CITY OF APPLETON SUBDIVISION ORDINANCE.

DATED THIS THE 28TH DAY OF SEPTEMBER, 2020

GARY A. ZAHNINGER, PROFESSIONAL LAND SURVEYOR NO. S-2098

EXISTING UTILITY SCHEDULE

STRUCTURE I.D.#	RIM ELEVATION	INVERT ELEVATION	STRUCTURE DEPTH (FT.)
SAN MH 23	753.24	INV 8" N.S. 739.32 INV W. 739.42	13.50
69-21	752.44	INV 8" N.S. 738.58	13.44
SAN MH 53	755.77	INV 8" NE 741.72 INV 8" NW SW 741.84	14.05
48-386	753.20	INV 8" NE 740.16 INV 8" SW 740.30 INV 8" SE 740.25	13.04
STO MH B19	753.08	INV 36" S. 743.14 INV 24" N.W. 743.94 INV 12" E. 744.55	9.94
B2-30	751.54	INV 36" SE NW 742.94	8.90
STO MH A12	755.77	INV 24" SE NW 746.32 INV 24" W. 746.32	9.45
STO MH A13	755.61	INV 36" NE 745.30 INV 24" NW 746.10 INV 15" SW 746.70	10.31

TOPOGRAPHIC LEGEND

- MAPPED FLOODWAY
- MAPPED 100 YEAR FLOOD
- 800- CONTOUR W/ ELEVATION
- SOIL BORING
- EXIST. WOODS LINE
- DELINEATED WETLANDS
- OVERHEAD POWER LINES
- UNDERGROUND ELECTRIC
- UNDERGROUND TELEPHONE
- UNDERGROUND GAS
- CATV- UNDERGROUND CABLE TV
- EXIST. HYDRANT
- POWER POLE
- GUY
- LIGHT POLE
- TELEPHONE PEDESTAL
- ELECTRIC PEDESTAL
- GAS PEDESTAL
- WATER VALVE
- GAS VALVE
- WATER STOP BOX
- EXIST. STORM MANHOLE
- STORM INLET
- YARD DRAIN
- EXIST. SANITARY MANHOLE
- EXIST. SAN. SEWER
- EXIST. STO. SEWER
- EXIST. WATER MAIN
- 1" O.D. IRON PIPE FOUND
- 3/4" O.D. REBAR FOUND
- 1-1/4" O.D. REBAR FOUND
- LOT AREA IN SQ.FT.

Martenson & Eisele, Inc.
1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

SIXTH ADDITION AND SEVENTH ADDITION TO EMERALD VALLEY

PART OF THE NORTHWEST 1/4, NORTHEAST 1/4, SOUTHWEST 1/4 AND SOUTHEAST 1/4 OF THE SOUTHEAST 1/4, SECTION 6, TOWNSHIP 21 NORTH, RANGE 18 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

PRELIMINARY PLAT

SCALE 1" = 80'
DATE SEPT 2020
COMPUTER FILE
1-0534-010pp.dwg

DRAWING NO. 1-0534-010



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: October 27, 2020

Common Council Meeting Date: November 4, 2020

Item: Final Plat – Trail View Estates South

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

Owners/Applicants: Emerald Valley Estates, LLC and B&H Properties, Inc. c/o Robert De Bruin

Address/Parcel #: Generally located between French Road and Cherryvale Avenue, south of the creek/trail corridor (part of Tax Id #31-1-6410-00 and #31-1-7513-00).

Petitioner's Request: The applicant is proposing to subdivide the property into 25 lots for single-family residential development.

BACKGROUND

Parcel #31-1-7513-00 was annexed to the City in 1997 with the Northeast Annexation, and parcel #31-1-6410-00 was annexed in 2011 with the North French Road Annexation.

On September 2, 2020, Common Council approved Comprehensive Plan Amendment #1-20 and Rezoning #6-20. Comprehensive Plan Amendment #1-20 amended the City's Future Land Use Map from the Multi-Family Residential designation to the One and Two-Family Residential designation for parcels #31-1-6410-00 and #31-1-6411-00. Rezoning #6-20 rezoned parcels #31-1-6410-00, #31-1-7513-00, and #31-1-6411-00 from R-3 Multi-Family District, R-2 Two-Family District, and temporary AG Agricultural District to R-1B Single-Family District.

The Trail View Estates South Preliminary Plat, to subdivide all of parcels #31-1-6410-00, #31-1-7513-00, and #31-1-6411-00, was approved by Common Council on September 2, 2020.

On September 2, 2020, Common Council approved the Trail View South Development Agreement to set forth the City of Appleton, Village of Little Chute, and developer duties and responsibilities with respect to development of the subject land.

STAFF ANALYSIS

Existing Conditions: The subject property consists of vacant, undeveloped land. The area to be platted for single-family development totals approximately 7.2827 acres, which will be divided into 25 lots.

Comparison between Final Plat and Preliminary Plat: The Preliminary Plat covered a larger area (32.0110 acres), whereas the Final Plat is for part of Tax Id #31-1-6410-00 and #31-1-7513-00 (7.2827 acres). However, the Final Plat is generally consistent with the Preliminary Plat layout in terms of the shape, size, and location of the lots. This is the first phase of lots for the broader subdivision development area.

Final Plat – Trail View Estates South

Page 2

October 27, 2020

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: 6,000 square feet.
 - *The proposed lots range in size from 7,500 square feet to 15,746 square feet. All lots exceed this requirement.*
- Minimum lot width: 50 feet.
 - *The proposed lots range in width from approximately 51 feet to approximately 225 feet. All lots exceed this requirement.*
- Minimum front, side, and rear yard setbacks: 20 feet front yard (25 feet on arterial street), 6 feet side yard, and 25 feet rear yard.
 - *Required front yard setback is shown on the Final Plat. Setbacks will be reviewed through the building permit review process.*
- Maximum building height: 35 feet.
 - *This will be reviewed through the building permit review process.*
- Maximum lot coverage: 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, and no modification of regulations has been requested for this phase of development.

Access and Traffic: Vehicular access to the subject lots is provided by an existing collector street, Cherryvale Avenue, which connects to Gladiolus Place and an extension of Golden Gate Drive. The street right-of-way for Golden Gate Drive, Callalilly Lane, Gladiolus Place, and Begonia Drive will be dedicated to the public with the Final Plat. All streets are shown as 60-foot wide right-of-way. Outagamie County has no objections to the proposed street names. The City's street name policy would not typically allow for two words (Golden Gate Drive), but this is a street extension from the Village of Little Chute. The newly-established street names appear to comply with the City's street name policy.

Surrounding Zoning Classification and Land Uses:

North: R-1B Single-Family District and NC Nature Conservancy District. The adjacent land uses to the north are currently a mix of single-family residential and public open space uses, including the Apple Creek corridor and recreational trail.

South: Village of Little Chute. The adjacent land uses to the south are currently single-family residential.

East: R-3 Multi-Family District and R-1B Single-Family District. The adjacent land to the east is currently vacant, undeveloped land.

West: R-1B Single-Family District. The adjacent land to the west is currently vacant, undeveloped land.

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.

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, which is consistent with the Trail View South Development Agreement. For lots zoned R-1B Single-Family District, park fees are \$300 per lot.

Technical Review Group (TRG) Report: This item appeared on the October 6, 2020 TRG agenda. Comments were received from participating departments and captured in the stipulations found below.

RECOMMENDATION

The Trail View Estates South 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.

Final Plat – Trail View Estates South

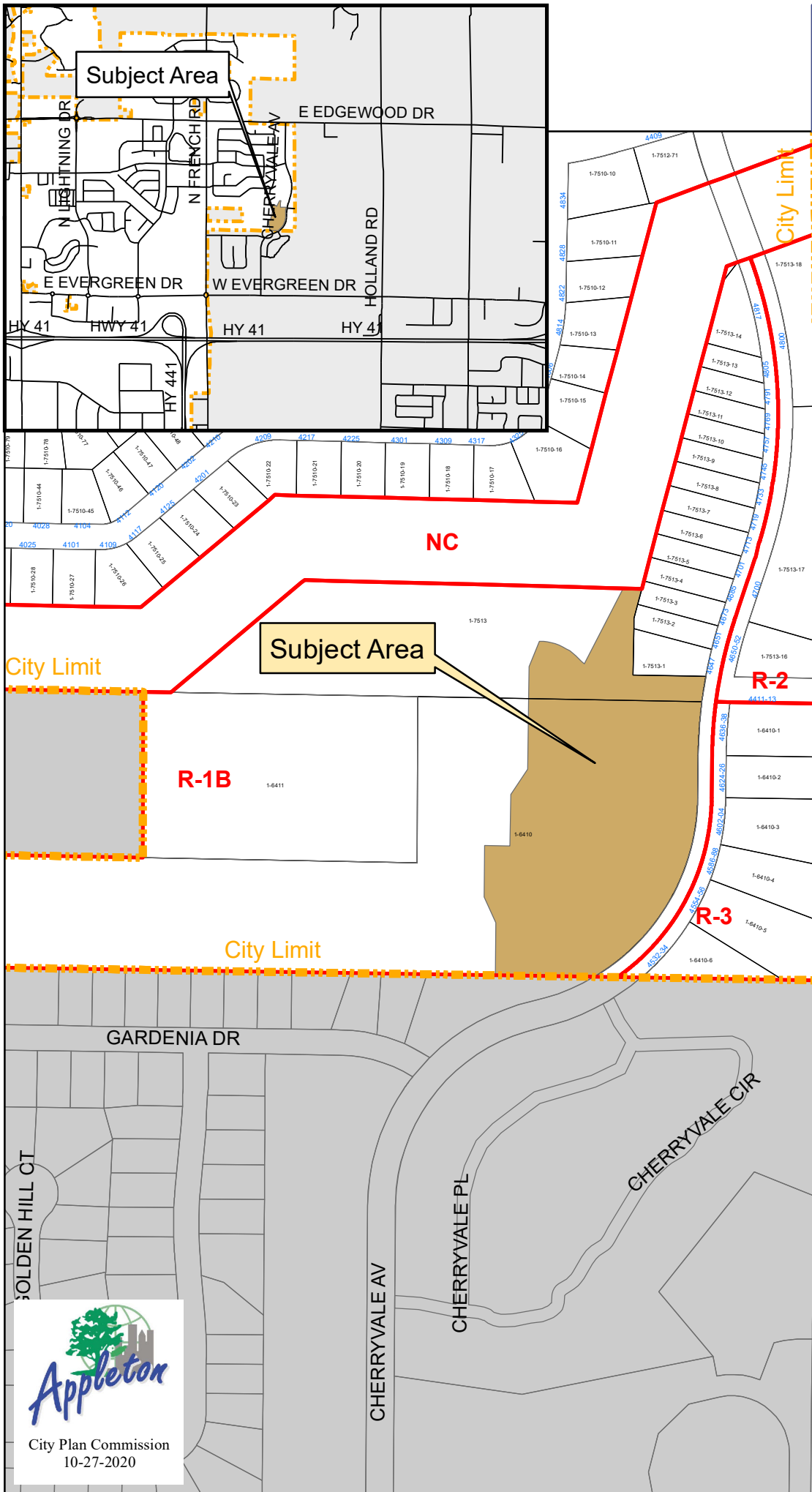
Page 4

October 27, 2020

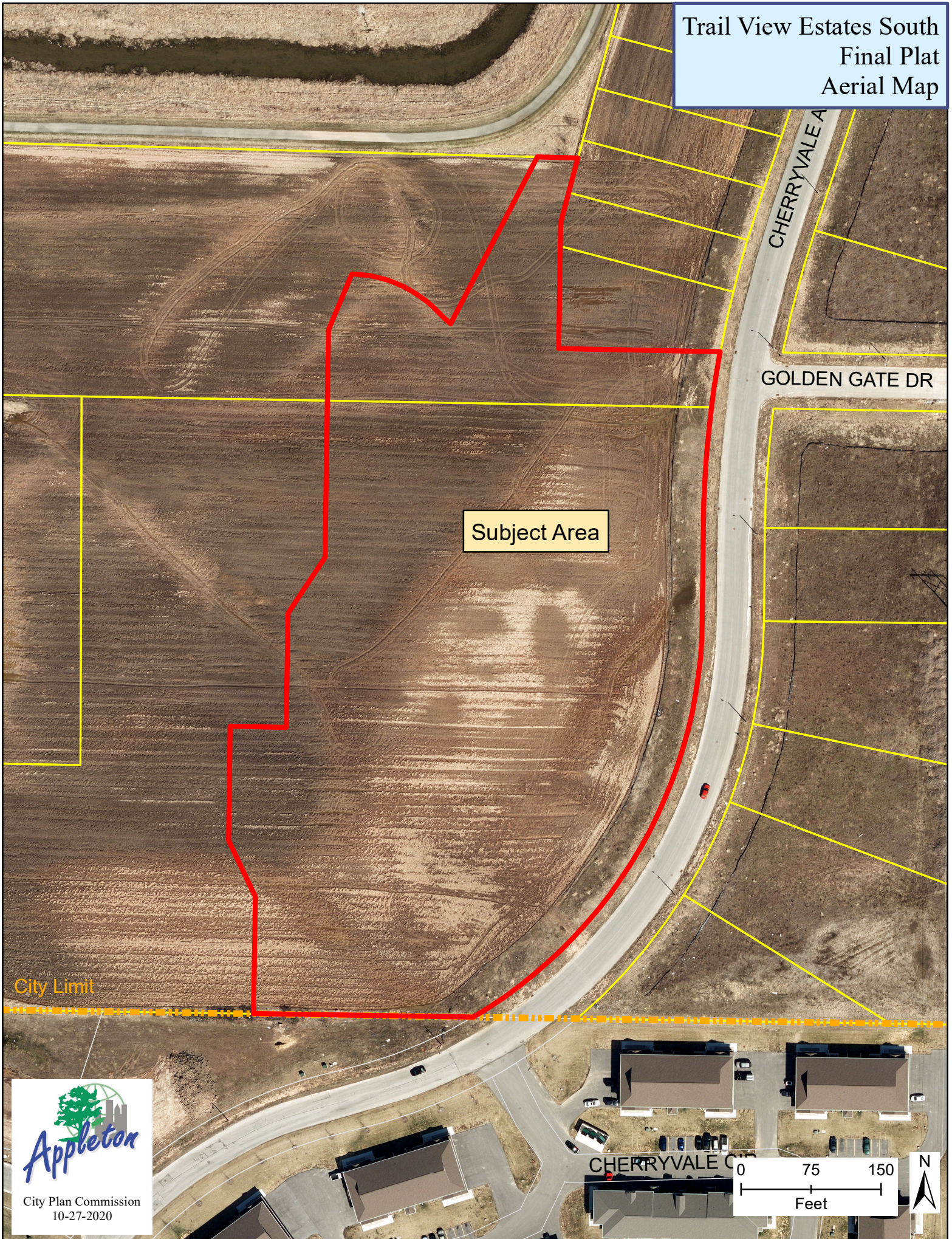
2. For lots zoned R-1B Single-Family District, park fees are \$300 per lot. Park fees of \$7,500 shall be paid to the City of Appleton Finance Department prior to City signatures being affixed to the Final Plat.
3. The description at the top of sheet 1 reads "... being part of of the Southeast ..." This typo is also found in the Surveyor's Certificate. Delete the duplicate "of" as needed.
4. Per Section 17-12(b)(1) of the Municipal Code, identify the corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto. On sheet 1, include a "City of Appleton" label at the south end of the subject area.
5. Along the southeast lot lines of Lots 11-13, the total dimension listed (92.52') is incorrect. Along the west lot lines of Lots 20-21, the total dimension listed (122.00') is incorrect. Revise as necessary.
6. The location map in the upper right corner of sheet 1 needs to be updated.
7. There are currently two different property owners, but only Emerald Valley Estates LLC is listed under the Owner's Certificate. A deed is needed from B&H Properties Inc. to Emerald Valley Estates LLC for that portion of parcel #31-1-6410-00 included in the plat (or the entire parcel). This appears to be anticipated, since there is a blank Doc No. _____ on sheet 2.
8. The legend should be revised to reflect minimum monument lengths which are 24" and 30" based on their relationship to the Plat boundary and or road alignment.
9. Lot 25 and Lot 23 are missing monument symbols.
10. A Stormwater Permit with Stormwater Management Plan (SWMP) is required. An application was submitted for review on July 13, 2020. Review comments were issued to the engineer by City on 7/30/2020, which involved revisions to the SWMP and Engineering Plans, and may require revisions to the Plat. Revisions to the SWMP and Engineering Plans were received on 10/13/2020. A formal review by the City's stormwater review consultant is ongoing. Additional comments are expected pending the results of that review, which may impact the Final Plat and any subsequent submittals.
11. For stormwater flows tributary to the Village of Little Chute, provide written approval from the Village for all flows directed to the Village, and provide written confirmation from the Village that the Village's North French Pond is in place and suitable for meeting the applicable stormwater management requirements for the development.
12. Show the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood. Per Section 17-26(i)(1) of the Municipal Code, subdivided lots shall have at least 50% of the minimum required lot area, based upon the respective zoning district, at least two feet above the elevation of the 100-year recurrence interval flood.

13. The following streets within the Final Plat are to be classified as follows:
 - a. Golden Gate Drive: Local Street
 - b. Callalilly Lane: Local Street
 - c. Gladiolus Place: Local Street
 - d. Begonia Drive: Local Street
14. Development is subject to conditions of the Intergovernmental Cooperation Agreement between the Village of Little Chute and City of Appleton that was approved in 2013 and amended in 2020.
15. Development is subject to conditions of the Land Dedication Agreement between B&H Properties, Inc. and the City of Appleton that was approved by Common Council on June 5, 2013.
16. Development is subject to conditions of the Development Agreement between the City of Appleton, Village of Little Chute, and Emerald Valley Estates, LLC that was approved by Common Council on September 2, 2020.
17. 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.

Trail View Estates South Final Plat Zoning Map



Trail View Estates South
Final Plat
Aerial Map



Subject Area

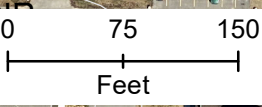
CHERRYVALE AVE

GOLDEN GATE DR

City Limit



CHERRYVALE CITY



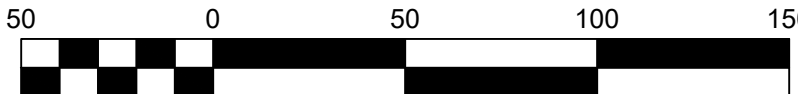
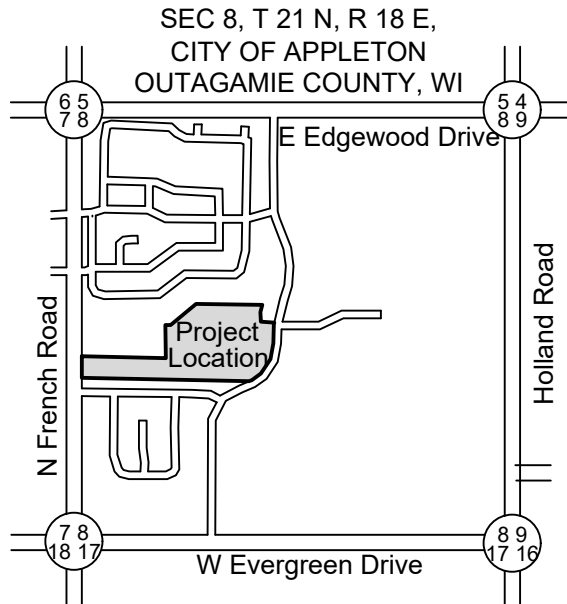
Trail View Estates South

Part of Outlot 1, Trail View Estates, being part of of the Southeast 1/4 of the Northwest 1/4 and part of Lot 2, Certified Survey Map 3566, being located in part of the Northeast 1/4 of the Southwest 1/4 of Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

Apple Creek Drainage Corridor
Unplatted Lands

(S88°29'25"E)
S 88°29'02" E

LOCATION MAP



Bearings are referenced to the East line of the Southwest 1/4, Section 08, T21N, R18E, bearing N00°36'25"E, base on the Outagamie County Coordinate System.

LINE TABLE		
Line	Bearing	Length
L1	S 89°07'03" E	24.01'

North Line of the Southwest 1/4
N88°59'32"W 2696.76'
2007.41'
West 1/4 Corner
Section 8, T21N, R18E
Masonry Nail W/Washer, Found

Center of Section
Section 8, T21N, R18E
1-1/4" Rebar, Found

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.
- North Line of Cross Wind Estates was determined by best fitting all monuments found along that line.

LEGEND

- △ 1 1/4" Rebar Found
- 3/4" Rebar Found
- 1 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

South 1/4 Corner
Section 8, T21N, R18E
Masonry Nail, Found

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 Emerald Valley Estates, LLC, owner of said land, I have surveyed divided and mapped North Edgewood Estates 2; that such plat correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is part of Outlot 1, Trail View Estates, being part of of the Southeast 1/4 of the Northwest 1/4 and part of Lot 2, Certified Survey Map 3566, being located in part of the Northeast 1/4 of the Southwest 1/4 of Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 317,236 Square Feet (7.2827 Acres) of land more or less, described as follows:

Commencing at the South 1/4 Corner of Section 8; thence, along the East line of the Southwest 1/4, N00°36'25"E, 2626.36 feet to the Center of Section; thence, along the North line of said Southwest 1/4, N88°59'32"W, 277.87 feet to a point on the West right of way line of N. Cherryvale Avenue, said point also being the point of beginning; thence, along the West right of way line, 128.63 feet, along the arc of a curve to the left with a radius of 1105.18 feet and a chord of 128.56 feet which bears S03°55'41"W; thence, continuing along said West right of way line, S00°35'37"W, 100.00 feet; thence, continuing along the West right of way line, 512.88 feet, along the arc of a curve to the right with a radius of 500.00 feet and a chord of 490.69 feet which bears S29°58'47"W to a point on the North line of Crosswinds Estates; thence, along said North line, N89°07'03"W, 235.58 feet; thence N00°52'57"E 125.00 feet; thence N25°31'08"W, 66.99 feet; thence N00°52'57"E, 122.50 feet; thence S89°07'03"E, 60.00 feet; thence N00°52'57"E, 122.50 feet; thence N33°41'16"E, 71.38 feet; thence N00°52'57"E, 244.00 feet; thence N22°41'34"E, 64.63 feet; thence, 104.44 feet, along the arc of a curve to the right with a radius of 130.00 feet and a chord of 101.66 feet which bears S66°06'05"E; thence, 17.54 feet, along the arc of a curve to the left with a radius of 120.00 feet and a chord of 17.53 feet which bears S47°16'23"E; thence N27°33'38"E, 201.43 feet to the North line of Outlot 1 of Trail View Estates; thence, along said North line, S88°29'02"E, 43.32 feet to the East line of said Outlot 1; thence, along said East line, S14°44'20"W, 71.95 feet; thence, continuing along said East line S01°00'28"W, 134.74 feet to the South line of Lot 1 of said Trail View Estates; thence, along said South line, S88°59'32"E 173.15 feet to said West right of way line of N. Cherryvale Avenue; thence, along the West right of way line, 60.57 feet, along the arc of a curve to the left with a radius of 1105.18 feet and a chord of 60.56 feet which bears S08°49'51"W the point of beginning, 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

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



DAVEL ENGINEERING & ENVIRONMENTAL, INC.
Civil Engineers and Land Surveyors

1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro

Trail View Estates South

Part of Outlot 1, Trail View Estates, being part of of the Southeast 1/4 of the Northwest 1/4 and part of Lot 2, Certified Survey Map 3566, being located in part of the Northeast 1/4 of the Southwest 1/4 of Section 8, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

Owner's Certificate

Emerald Valley Estates, 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.

Emerald Valley Estates, 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: Emerald Valley Estates, LLC

Robert A. DeBruin, Managing Member

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

Emerald Valley Estates, 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.

Emerald Valley Estates, LLC

Robert A. DeBruin, Managing Member

Date

City of Appleton Approval

Resolved, that the plat of Trail View Estates South, in the City of Appleton, Outagamie County, Emerald Valley Estates, 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:
Emerald Valley Estates, LLC

Recording Information:
Doc No. 2092715
Doc No. _____

Parcel Number(s):
311-7513-00
311-6410-00

Drainage Maintenance and Storm Sewer Easement Provisions

An easement for Drainage and Storm Sewer is hereby granted by:

Emerald Valley Estates, 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 storm sewer, drainage ditch/swale, 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 storm sewer, drainage ditch/swale 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 Easement" or "Storm Sewer & Drainage 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.
- Drainage Easements** are conveyance paths for storm water. The placement of fill in a drainage easement, which interferes with the flow or changes to the shape of the drainage easement by the lot owner or his agent, is prohibited. Upon failure of lot owner's to maintain said drainage ways and easements as designed, the City of Appleton retains the right to perform maintenance and or repairs. The payment of said maintenance and or repairs shall be equally assessed to the adjacent lot owners.

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

Emerald Valley Estates, LLC

Robert A. DeBruin, Managing Member

Date

CURVE TABLE							
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	1105.18'	S 05°29'50" W	188.94'	189.17'	9°48'26"	S 10°24'03" W	S 00°35'37" W
C2	1105.18'	S 08°49'51" W	60.56'	60.57'	3°08'25"	S 10°24'03" W	S 07°15'38" W
C3	1105.18'	S 03°55'41" W	128.56'	128.63'	6°40'08"	S 07°15'45" W	S 00°35'37" W
C4	1105.18'	S 05°18'39" W	75.20'	75.22'	3°53'58"	S 07°15'38" W	S 03°21'40" W
C5	1105.18'	S 01°58'39" W	53.38'	53.38'	2°46'03"	S 03°21'40" W	S 00°35'37" W
C6	500.00'	S 29°58'47" W	490.69'	512.88'	58°46'19"	S 00°35'37" W	S 59°21'56" W
C7	500.00'	N 26°29'34" E	436.79'	452.02'	51°47'53"	N 52°23'30" E	N 00°35'37" E
C8	500.00'	S 02°28'17" W	32.77'	32.77'	3°45'20"	S 00°35'37" W	S 04°20'57" W
C9	500.00'	S 08°13'43" W	67.66'	67.71'	7°45'32"	S 04°20'57" W	S 12°06'28" W
C10	500.00'	S 15°59'14" W	67.66'	67.71'	7°45'32"	S 12°06'28" W	S 19°52'00" W
C11	500.00'	S 23°44'46" W	67.66'	67.71'	7°45'32"	S 19°52'00" W	S 27°37'32" W
C12	500.00'	S 31°30'18" W	67.66'	67.71'	7°45'32"	S 27°37'32" W	S 35°23'04" W
C13	500.00'	S 39°15'50" W	67.66'	67.71'	7°45'32"	S 35°23'04" W	S 43°08'36" W
C14	500.00'	S 47°46'03" W	80.62'	80.71'	9°14'54"	S 43°08'36" W	S 52°23'30" W
C15	500.00'	S 55°52'43" W	60.82'	60.86'	6°58'26"	S 52°23'30" W	S 59°21'56" W
C16	130.00'	N 66°06'05" W	101.66'	104.44'	46°01'57"	S 43°05'06" E	S 89°07'03" E
C17	120.00'	N 66°02'19" W	93.60'	96.15'	45°54'26"	S 88°59'32" E	S 43°05'06" E
C18	120.00'	N 47°16'23" W	17.53'	17.54'	8°22'34"	S 51°27'40" E	S 43°05'06" E
C19	120.00'	N 70°13'36" W	77.21'	78.61'	37°31'53"	N 51°27'40" W	N 88°59'32" W
C20	130.00'	S 65°26'10" E	96.92'	99.31'	43°46'16"	S 87°19'19" E	S 43°33'02" E
C21	70.00'	N 24°45'42" E	10.78'	10.79'	8°50'05"	N 20°20'39" E	N 29°10'44" E
C22	180.00'	N 14°53'11" E	88.87'	89.80'	28°35'07"	N 29°10'44" E	N 00°35'37" E
C23	180.00'	N 28°04'24" E	6.95'	6.95'	2°12'41"	N 29°10'44" E	N 26°58'03" E
C24	180.00'	N 20°22'27" E	41.34'	41.43'	13°11'13"	N 26°58'03" E	N 13°46'50" E
C25	180.00'	N 07°11'14" E	41.34'	41.43'	13°11'13"	N 13°46'50" E	N 00°35'37" E
C26	70.00'	N 10°35'52" E	24.32'	24.44'	20°00'30"	N 00°35'37" E	N 20°36'07" E
C27	180.00'	S 78°21'49" E	66.40'	66.78'	21°15'26"	S 67°44'06" E	S 88°59'32" E
C28	70.00'	S 66°06'05" E	54.74'	56.24'	46°01'57"	S 89°07'03" E	S 43°05'06" E
C29	180.00'	S 45°42'47" E	16.51'	16.51'	5°15'21"	S 43°05'06" E	S 48°20'27" E
C30	130.00'	S 13°14'01" W	56.89'	57.36'	25°16'48"	N 25°52'25" E	N 00°35'37" E
C31	120.00'	S 19°24'10" W	40.75'	40.95'	19°33'10"	N 09°37'35" E	N 29°10'44" E
C32	120.00'	S 20°13'28" W	40.47'	40.63'	17°54'33"	N 29°10'44" E	N 11°16'12" E
C33	70.00'	S 66°20'03" E	54.21'	55.67'	45°34'01"	N 89°07'03" W	N 43°33'02" W

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: 6025Final.dwg
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