

REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: January 9, 2017

Common Council Meeting Date: January 18, 2017

Item: Extraterritorial Final Plat – Edgewood Acres Third

Addition – Town of Grand Chute

Case Manager: David Kress

GENERAL INFORMATION

Owner: GCW Investments, LLC c/o Pat Kaster

Applicant: Mach IV Engineering & Surveying c/o Randy Oettinger

Address/Parcel #: West of North Richmond Street (S.T.H. "47") and south of West Edgewood Drive (C.T.H. "JJ") in the Town of Grand Chute – Parcel #102534704

Petitioner's Request: The applicant is proposing to subdivide property under the Town's RSF zoning district for residential development. The area is 36.26 acres, which will be divided into 34 lots and 4 outlots.

BACKGROUND

The Preliminary Plat of Edgewood Acres was approved by Common Council on March 2, 2011. The Final Plat for Edgewood Acres was approved by Common Council on January 16, 2013. The Final Plat for Edgewood Acres First Addition was approved by Common Council on November 5, 2014. The Final Plat for Edgewood Acres Second Addition was approved by Common Council on October 21, 2015.

The Final Plat for Edgewood Acres Third Addition must also be reviewed and approved by the Town of Grand Chute and Outagamie County.

STAFF ANALYSIS

Existing Conditions: The subject area consists of undeveloped land located in the Town of Grand Chute, south of West Edgewood Drive. Delineated wetlands exist on the property. Access to the development will be obtained from an extension of Indigo Lane, which will connect to West Edgewood Drive and West Elsner Road.

Comparison between Final Plat and Preliminary Plat: The Final Plat is similar to the Preliminary Plat in terms of its general configuration. However, several modifications have been made. The Final Plat features a horseshoe-style street (Milkweed Trail and Silk Wood Circle) instead of two cul-de-sacs. Also, the Final Plat includes additional lots east of Indigo Lane and north of Milkweed Trail.

Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the Town of Grand Chute, and the uses are generally residential and agricultural in nature. The surrounding zoning is RSF Single-Family Residential District and AGD General Agricultural District.

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Comprehensive Plan 2010-2030: Community & Economic Development staff has reviewed the City's *Comprehensive Plan 2010-2030* and determined this proposed subdivision is outside the City of Appleton's growth area.

Review Criteria: Community & Economic Development staff has reviewed the Extraterritorial Final Plat in accordance with the City of Appleton Subdivision Ordinance, as well as Zoning Ordinance requirements for single-family residential developments. The proposed lots range in size from 10,095 square feet to 264,291 square feet. Typical lot dimensions are 90 feet by 135 feet. The lot sizes and lot widths for the proposed lots in this Town of Grand Chute subdivision exceed minimum City of Appleton Zoning Ordinance requirements.

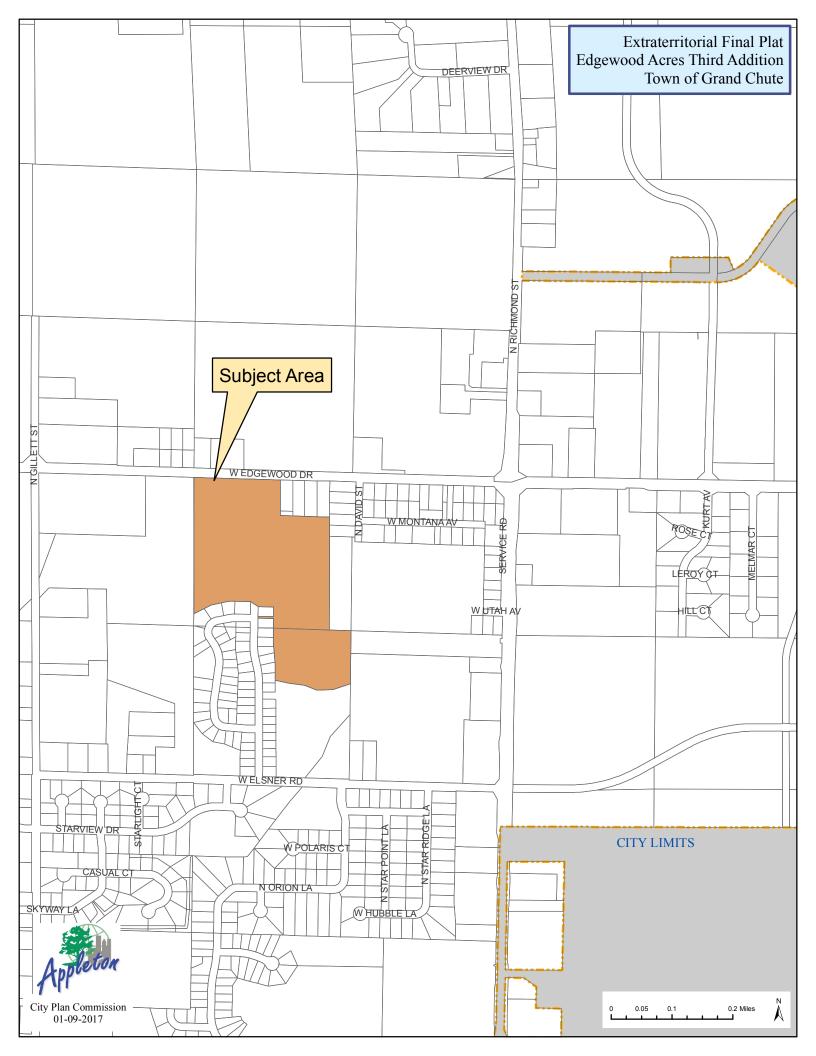
Additional Comments: Several issues do not impact the City, but may warrant consideration from the Town of Grand Chute and/or Outagamie County:

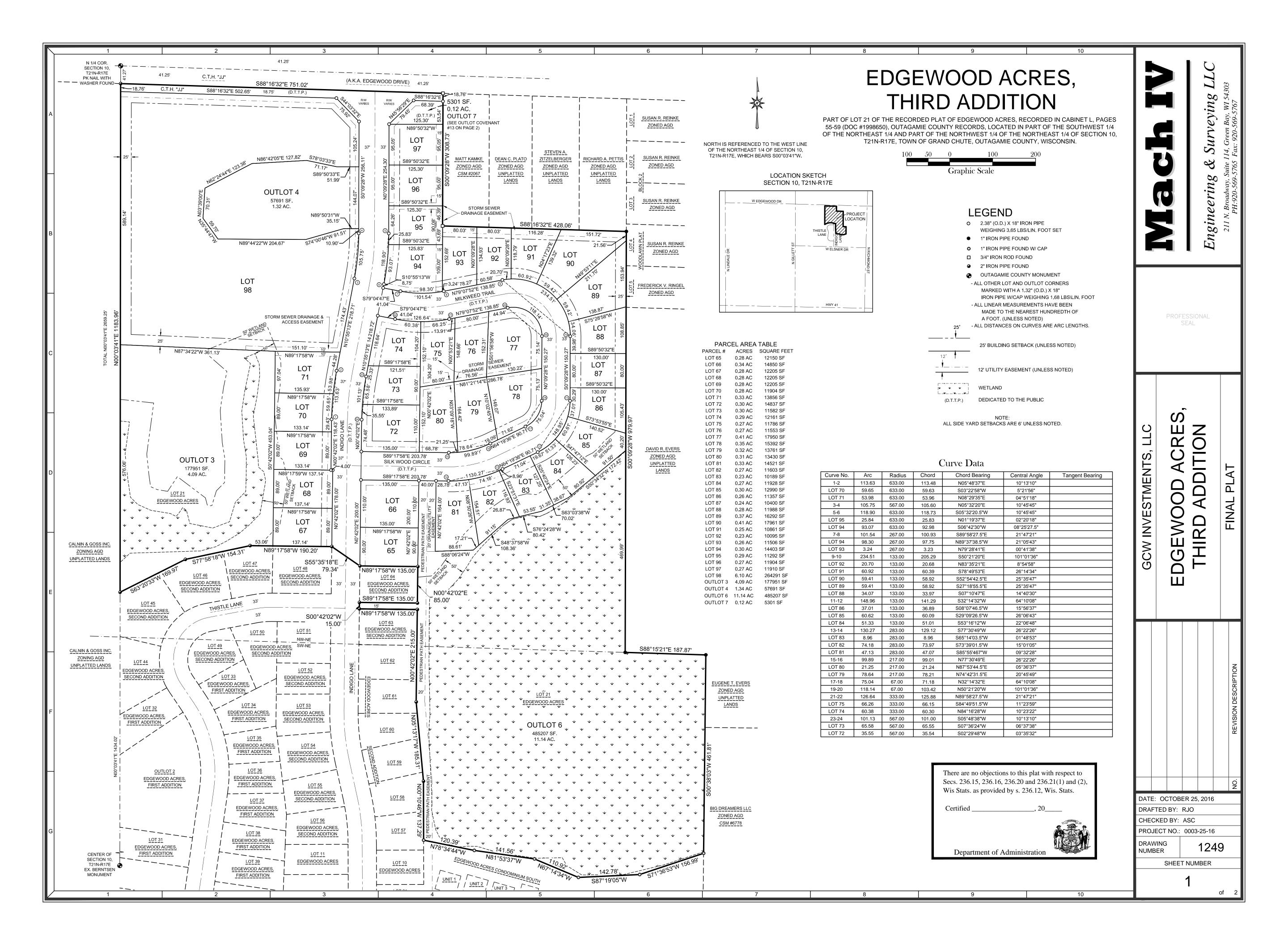
- The front yard setback is not shown for Lots #65 and #66, as well as Outlots #6 and #7.
- Aerial photography and the Preliminary Plat identify ponds on the property, but these features are not shown on the Final Plat. Per Section 17-12(b)(10) of the Appleton Municipal Code, the Final Plat shall show normal and high-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat.
- Outlots #3, #4, #6, and #7 are not consecutively numbered.
- The street name Silk Wood Circle does not meet the City's one word street name standard. Also, using two street names, Milkweed Trail and Silk Wood Circle, does not meet the City's street name standard for horseshoe-style streets that have a T intersection.

Technical Review Group (TRG) Report: This item was discussed at the December 20, 2016 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Based on the above, staff recommends that the Extraterritorial Final Plat – Edgewood Acres Third Addition located in the Town of Grand Chute, as shown on the attached maps, **BE APPROVED**.





EDGEWOOD ACRES, THIRD ADDITION

PART OF LOT 21 OF THE RECORDED PLAT OF EDGEWOOD ACRES, RECORDED IN CABINET L, PAGES 55-59 (DOC #1998650), OUTAGAMIE COUNTY RECORDS, LOCATED IN PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, T21N-R17E, TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY, WISCONSIN.

UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR ELECTRICAL AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY GCW INVESTMENT'S LLC.

GRANTOR TO: WE-ENERGIES-ELECTRIC, WE-ENERGIES-GAS OPERATIONS, SBC-AMERITECH, TIME WARNER CABLE AND TOWN OF GRAND CHUTE UTILITIES GRANTEES. TO 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 FOR SUCH PURPOSES AS THE SAME IS NOW OR MAY HEREAFTER BE USED FOR SOUNDS AND SIGNALS, 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, WETHER PUBLIC OR PRIVATE, TOGETHER WITH THE RIGHTS 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 CAUSED TO HAVE RESTORED, THE PROPERTY, AS NEARLY AS IS REASONABLY POSSIBLE, TO THE CONDITIONS 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 OR COMMUNICATIONS FACILITIES OR TO ANY TREES, BRUSH OR ROOTS WHICH MAY BE REMOVED AT ANY TIME PURSUANT TO THE RIGHTS HEREIN GRANTED. BUILDINGS SHALL NOT BE PLACED OVER GRANTEES FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "UTILITY EASEMENT" 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 4 INCHES WITHOUT THE 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.

NO UTILITY POLES, PEDESTALS, TRANSFORMERS OR BURIED CABLES ARE TO BE PLACED WITHIN 2 FEET OF A SURVEY STAKE OR OBSTRUCT VISION ALONG ANY LOT LINE OR STREET LINE.

THE DISTURBANCE OF A SURVEY STAKE BY ANYONE IS A VIOLATION OF SECTION 236.32 OF THE WISCONSIN STATUTES. UTILITY EASEMENTS AS HEREIN SET FORTH ARE FOR THE USE OF PUBLIC BODIES AND PRIVATE PUBLIC UTILITIES HAVING THE RIGHT TO SERVE THE AREA.

SURVEYOR'S CERTIFICATE

I. RANDALL J. OETTINGER, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT IN FULL COMPLIANCE WITH THE PROVISIONS OF CHAPTER 236, WISCONSIN STATUTES, AND THE SUBDIVISION REGULATIONS OF THE TOWN OF GRAND CHUTE AND OUTAGAMIE COUNTY AND UNDER THE DIRECTION OF THE OWNERS LISTED HEREON, I HAVE SURVEYED, DIVIDED AND MAPPED "EDGEWOOD ACRES, THIRD ADDITION", AND THAT SUCH PLAT CORRECTLY REPRESENTS ALL EXTERIOR BOUNDARIES AND THE SUBDIVISION OF THE LAND SURVEYED AND IS PART OF LOT 21 OF THE PLAT OF "EDGEWOOD ACRES", RECORDED IN CABINET L, PAGES 55-56 (DOC. #1998650), OUTAGAMIE COUNTY RECORDS, SAID PLAT LOCATED IN PART OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 AND PART OF THE NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10, TOWNSHIP 21 NORTH, RANGE 17 EAST, TOWN OF GRAND CHUTE, OUTAGAMIE COUNTY WISCONSIN MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTH 1/4 CORNER OF SECTION 10, T21N-R17E; THENCE S00°03'41"W, 41.27 FEET ALONG THE NORTH-SOUTH 1/4 OF SAID SECTION 10, SAID LINE ALSO BEING THE WEST LINE OF LOT 21 OF THE PLAT OF EDGEWOOD ACRES, RECORDED IN CABINET L, PAGES 55-56 (DOC. #1998650), OUTAGAMIE COUNTY RECORDS TO THE SOUTH RIGHT OF WAY LINE OF C.T.H. JJ (A.K.A. EDGEWOOD DRIVE) AND THE POINT OF BEGINNING; THENCE S88°16'32"E, 751.02 FEET ALONG SAID SOUTH RIGHT-OF-WAY: THENCE S00°09'28"W, 308.73 FEET ALONG THE WEST LINE OF CERTIFIED SURVEY MAP NO. 2067 AND IT'S EXTENSION THEREOF; THENCE S88°16'32"E, 428.06 FEET TO THE WEST LINE OF THE RECORDED "WOODLAWN PLAT": THENCE S00°09'28"W 979 97 FEET ALONG SAID WEST LINE AND IT'S EXTENSION THEREOF: THENCE S88°15'21"E 187.87 FEET ALONG THE NORTH LINE OF THE SOUTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 10; THENCE S00°38'03"W, 461.81 FEET ALONG THE FAST LINE OF THE WEST 1/2 OF THE NORTHEAST 1/4 OF SAID SECTION 10: THENCE S71°36'53"W 156.99 FEET ALONG THE NORTH LINE OF EDGEWOOD ACRES CONDOMINIUM SOUTH PLAT, RECORDED IN CABINET M, PAGE 178 AS DOCUMENT # 2088047, OUTAGAMIE COUNTY RECORDS; THENCE S87°19'05"W, 142.78 FEET ALONG SAID PLAT; THENCE N67°14'34"W, 110.92 FEET ALONG SAID PLAT; THENCE N81°53'37"W, 141.56 FEET ALONG SAID PLAT; THENCE N78°34'44"W, 120.39 FEET ALONG SAID PLAT; THENCE N00°10'46"W, 137.29 FEET ALONG THE EAST LINE OF LOTS 57 AND 58 OF THE PLAT OF EDGEWOOD ACRES, SECOND ADDITION, RECORDED IN CABINET M, PAGES 39 AND 40 (DOC. #2072672), OUTAGAMIE COUNTY RECORDS: THENCE N05°13'17"W. 185.31 FEEAT ALONG THE EAST LINE OF LOTS 58, 59.60 AND 61 OF SAID PLAT: THENCE N00°42'02"E, 215.00 FEET ALONG THE EAST LINE OF LOTS 61, 62 AND 63 OF SAID PLAT; THENCE N89°17'58"W, 135.00 FEET ALONG THE NORTH LINE OF SAID LOT 63 TO THE EAST RIGHT OF WAY LINE OF INDIGO LANE; THENCE N00°42'02"E, 15.00 FEET ALONG SAID LINE; THENCE S89°17'58"E, 135.00 FEET LONG THE SOUTH LINE LOT LOT 64 OF SAID PLAT; THENCE N00°42'02"E. 85.00 FEET ALONG THE EAST LINE OF SAID LOT 64: THENCE N89°17'58"W. 135.00 FEET ALONG THE NORTH LINE OF SAID LOT 64 TO SAID EAST RIGHT OF WAY LINE OF INDIGO LANE; THENCE N55°35'18"W, 79.34 FEET TO THE WEST RIGHT OF WAY OF SAID LANE; THENCE N89°17'58"W, 190.20 FEET ALONG THE NORTH LINE OF LOTS 47 AND 48 OF SAID EDGEWOOD ACRES, SECOND ADDITION PLAT: THENCE S77°58'18"W. 154.31 FEET ALONG THE NORTH LINE OF LOTS 46 AND 47 OF SAID PLAT; THENCE S63°20'33"W, 169.97 FEET ALONG THE NORTH LINE OF LOTS 45 AND 46 OF SAID PLAT; THENCE N00°03'41"E, 1183.96 FEET ALONG THE WEST LINE OF LOT 21 OF THE PLAT OF EDGEWOOD ACRES, TO THE POINT OF BEGINNING.

SAID PARCEL CONTAINS 1,579,637 SQ. FT.\ 36.26 ACRES OF LAND, MORE OR LESS. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

ROAD DEDICATION CONTAINS 166,564 SQ. FT.\ 3.82 ACRES OF LAND, MORE OR LESS.

RANDALL J. OETTINGER PLS-2349

NOVFMBER 01, 2016 REVISED DECEMBER 07, 2016 (WIDEN R/W ON INDIGO LANE)

CONSENT OF CORPORATE MORTGAGEE

COMMUNITY FIRST CREDIT UNION, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF WISCONSIN, MORTGAGEE OF THE ABOVE DESCRIBED LAND, DOES HEREBY CONSENT TO THE SURVEYING, DIVIDING, MAPPING AND DEDICATION OF THE LAND DESCRIBED ON THIS PLAT AND DOES HEREBY CONSENT TO THE ABOVE CERTIFICATE OF GCW INVESTMENT'S LLC, OWNER. IN WITNESS WHEREOF, L.A. ENTERPRISES LLC HAS CAUSED THESE PRESENTS TO BE SIGNED BY

, ITS AND COUNTERSIGNED BY (PRINT NAME #1 ABOVE) (PRINT TITLE #1 ABOVE) (PRINT NAME #1 ABOVE) (PRINT TITLE #1 ABOVE)

(PRINT TITLE #2 ABOVE)

(PRINT TITLE #2 ABOVE)

(PRINT TITLE #2 ABOVE)

(CITY)

(STATE)

(DAY)

(MONTH) (PRINT NAME #1) (PRINT NAME #2)

PERSONALLY CAME BEFORE ME THIS __ DAY OF __ _____, ____, THE ABOVE NAMED OFFICERS OF SAID CORPORATION TO M KNOWN TO BE THE PERSONS WHO EXECUTED THE FOREGOING INSTRUMENT AND TO ME KNOWN TO BE SUCH OFFICERS OF SAID CORPORATION, AND ACKNOWLEDGED THAT THEY EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICERS AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

NOTARY PUBLIC

STATE OF WISCONSIN] COUNTY OF

Department of Administration

MY COMMISSION EXPIRES ____

- 1. DUE TO THIS MAP BEING BASED ON THE OUTAGAMIE COUNTY COORDINATE SYSTEM, THE BEARINGS MAY NOT MATCH PREVIOUSLY RECORDED BEARINGS OF RECORD.
- 2. ALL PUBLIC ROADS WITHIN THE PLAT BOUNDARY ARE DEDICATED TO THE PUBLIC.
- 3. SIDEYARD SETBACK IS 6 FEET UNLESS NOTED. 4. REARYARD SETBACK IS 25 FEET UNLESS NOTED.
- 5. WETLAND DELINEATION BY MACH IV ENGINEERING & SURVEYING DATED OCTOBER 2010. WETLAND DELINEATION

CONCURRENCE LETTER FROM WISCONSIN DEPARTMENT OF NATURAL RESOURCES DATED JUNE 11, 2012.

6. THE PROPERTY OWNER, AT THE TIME OF CONSTRUCTION, SHALL IMPLEMENT THE APPROPRIATE SOIL EROSION CONTROL METHODS OUTLINED IN THE WISCONSIN DEPARTMENT OF NATURAL RESOURCES. "WISCONSIN CONSTRUCTION SITE BEST MANAGEMENT PRACTICE HANDBOOK" TO PREVENT SOIL EROSION. HOWEVER, IF THE TOWN OF GRAND CHUTE, AT THE TIME OF CONSTRUCTION, HAS ADOPTED A SOIL EROSION CONTROL ORDINANCE, IT SHALL GOVERN OVER THIS REQUIREMENT. THIS PROVISION APPLIES TO ANY CONSTRUCTION OR INSTALLATION RELATED ACTIVITIES ASSOCIATED WITH STREETS AND UTILITIES.

7. THE FINAL PLAT IS SUBJECT TO ALL OF THE REQUIREMENTS OF § 475-15E OF THE CODE OF THE TOWN OF GRAND CHUTE. THE SUBDIVIDER, FOR HIMSELF AND HIS ASSIGNS, SHALL BE RESPONSIBLE FOR ALL MUNICIPAL IMPROVEMENTS, INCLUDING ASPHALT SURFACE STREETS, GRAVELED ROAD SHOULDERS OR CURB AND GUTTER. SEWER AND WATER, SEWER LIFT STATIONS, STORM SEWERS, DEDICATED CLEAR WATER DRAINAGE EASEMENTS. AND STREET LIGHTING. PURSUANT TO § 475-15E OF THE CODE OF THE TOWN OF GRAND CHUTE, THE TOWN OF GRAND CHUTE RESERVES THE RIGHT TO WITHHOLD BUILDING PERMITS FOR THIS SUBDIVISION IF THE ABOVE-STATED MUNICIPAL IMPROVEMENTS HAVE NOT BEEN COMPLETED BY THE SUBDIVIDER ACCORDING TO THE TERMS AND CONDITIONS OF § 475-15E. UTILITY CONNECTION FEES (AS LISTED ON THE TOWN FEE SCHEDULE) FOR SEWER, WATER AND STORM SERVICES SHALL BE PAYABLE BY EACH LOT WITHIN THE PLATTED SUBDIVISION TO THE TOWN OF GRAND CHUTE SANITARY DISTRICTS. A SPECIAL STREET LIGHTING CHARGE, IN ACCORDANCE WITH THE PROCEDURES LISTED UNDER § 57-21, SPECIAL CHARGES FOR CURRENT SERVICES, SHALL BE ASSESSED ANNUALLY TO PROPERTY OWNERS OF EACH BUILDABLE LOT WITHIN THE SUBDIVISION FOR THE ENERGY AND FACILITY MAINTENANCE COSTS OF STREET LIGHTING WITHIN THE TOWN. ANY COSTS DUE TO STREET LIGHTING IN EXCESS OF THE STANDARDS WITHIN THE STREET LIGHTING POLICY, AS REQUESTED BY THE SUBDIVIDER OR PROPERTY OWNERS, SHALL BE ASSESSED DIRECTLY TO THE ABUTTING PROPERTY OWNERS.

8. THERE ARE IMPACT FEES DUE ON EACH PLATTED LOT IN THE SUBDIVISION, IN ACCORDANCE WITH § 330-IMPACT FEES, OF THE CODE OF THE TOWN OF GRAND CHUTE, AND IN AMOUNTS AS LISTED ON THE MOST CURRENT TOWN OF GRAND CHUTE IMPACT FEE SCHEDULE.

9. TRAIL/PEDESTRIAN PATH EASEMENTS AS HEREIN SET FORTH ARE PERPETUAL, EXCLUSIVE AND PERMANENT EASEMENTS DEDICATED TO THE PUBLIC. SAID EASEMENTS SHALL BE USED BY THE PUBLIC AS A NON-MOTORIZED TRAIL SUBJECT TO THE RULES, REGULATIONS, ORDINANCES AND POLICIES OF THE TOWN OF GRAND CHUTE,

10. THE LAND ON ALL SIDE AND REAR LOT LINES OF ALL LOTS SHALL BE GRADED BY THE PROPERTY OWNER AND MAINTAINED BY THE ABUTTING PROPERTY OWNERS TO PROVIDE FOR ADEQUATE DRAINAGE OF SURFACE WATER. 11. EACH LOT OWNER SHALL GRADE THE PROPERTY TO CONFORM TO THE ADOPTED SIDEWALK GRADE ELEVATION

AND MAINTAIN SAID ELEVATION FOR FUTURE SIDEWALKS. 12. NO POLES, PEDESTALS, TRANSFORMERS OR BURIED CABLE ARE TO BE PLACED WITHIN TWO (2) FEET OF ANY SURVEY STAKE, OR PLACED SO AS TO OBSTRUCT VISION ALONG ANY LOT LINE OR STREET LINE. ANY DISTURBANCE OF A SURVEY STAKE BY ANY PERSON IS A VIOLATION OF § 236.32 WIS. STATS.

13. UTILITY EASEMENTS AS HEREIN SET FORTH ARE FOR THE USE OF PUBLIC BODIES AND PRIVATE UTILITY PROVIDERS HAVING THE RIGHT TO SERVE THE AREA.

14. DISTURBING OR FILLING ANY WETLAND WILL NOT BE ALLOWED WITHOUT STATE AND LOCAL PERMITS. 15. MAINTENANCE OF ALL DRAINAGE WAYS, INCLUDING EASEMENTS AS INDICATED ON THE PLAT AND ALONG SIDE

AND REAR LOT LINES THAT CONVEY STORMWATER RUNOFF IN ACCORDANCE WITH THE APPROVED DRAINAGE PLAN. AND ASSOCIATED STRUCTURES WITHIN THE LAND DIVISION OR SERVING THE LAND DIVISION, IS THE SOLE RESPONSIBILITY OF THE PROPERTY OWNERS OF THE LAND DIVISION, UNLESS NOTED ON THE PLAN. UPON FAILURE OF PROPERTY OWNERS TO PERFORM MAINTENANCE OF THE DRAINAGE WAYS AND ASSOCIATED STRUCTURES WITHIN THE LAND DIVISION OR SERVING THE LAND DIVISION, THE TOWN OF GRAND CHUTE AND/OR OUTAGAMIE COUNTY RETAINS THE RIGHT TO PERFORM MAINTENANCE AND/OR REPAIRS. THE PAYMENT OF THE MAINTENANCE AND REPAIRS SHALL BE ASSESSED IN EQUAL AMOUNTS TO THE OWNERS OF ALL PROPERTY WITHIN THE LAND DIVISION, OR, WHERE THE CAUSER CAN BE SPECIFICALLY IDENTIFIED, THE PAYMENT SHALL BE ASSESSED TO A SPECIFIC PROPERTY OWNER.

16. NO STRUCTURES, FENCES OR PLANTINGS OTHER THAN GRASSES SHALL BE ALLOWED WITHIN THE DRAINAGE **EASEMENTS HEREIN SET FORTH**

OUTLOT COVENANTS

1. GCW INVESTMENTS, LLC, ITS SUCCESSORS AND ASSIGNS ("DEVELOPER"), MAY, FROM TIME TO TIME, AND IN ITS SOLE DISCRETION, SUBDIVIDE LOT 21 OF THE "EDGEWOOD ACRES" PLAT INTO FUTURE LOTS BY RECORDING ADDITIONAL PLATS TO BE KNOWN AS "EDGEWOOD ACRES THIRD ADDITION." "EDGEWOOD ACRES CONDOMINIUM." ETC. (EACH A "FUTURE PLAT," AND COLLECTIVELY, THE "FUTURE PLATS"). THIS PLAT AND THE FUTURE PLATS SHALL BE PART OF A MASTER SUBDIVISION TO BE REFERRED TO HEREIN AS THE "EDGEWOOD ACRES MASTER

2. EACH PLAT IN THE EDGEWOOD ACRES MASTER SUBDIVISION MAY CONTAIN ONE OR MORE OUTLOTS DESIGNATED AS SUCH (EACH AN "OUTLOT," AND COLLECTIVELY, THE "OUTLOTS"). THIS PLAT CONTAINS 3 OUTLOTS. 3. EACH PLAT IN THE EDGEWOOD ACRES MASTER SUBDIVISION WILL CONTAIN ONE OR MORE LOTS (EACH A "LOT," AND COLLECTIVELY, THE "LOTS"). FOR PURPOSES HEREOF, THE TERM "LOT" SHALL NOT INCLUDE ANY

OUTLOTS. THIS PLAT CONTAINS TWENTY-ONE (34) LOTS. 4. EACH LOT WITHIN THE EDGEWOOD ACRES MASTER SUBDIVISION SHALL HAVE, APPURTENANT TO SUCH LOT, AN EQUAL AND UNDIVIDED OWNERSHIP PERCENTAGE INTEREST IN EACH OF THE OUTLOTS. THE UNDIVIDED PERCENTAGE INTEREST IN THE OUTLOTS (THE "PERCENTAGE INTEREST") APPURTENANT TO EACH LOT SHALL BE A PERCENTAGE EQUAL TO ONE DIVIDED BY THE TOTAL NUMBER OF LOTS WITHIN THE EDGEWOOD ACRES MASTER SUBDIVISION. IF THE NUMBER OF LOTS CHANGES DUE TO THE RECORDING OF FUTURE PLATS, THE PERCENTAGE INTEREST OF EACH LOT SHALL BE RECALCULATED.

UPON THE RECORDING OF FUTURE PLATS, THE PERCENTAGE INTEREST IN THE OUTLOTS APPURTENANT TO EACH LOT SHALL CHANGE TO BE A PERCENTAGE EQUAL TO ONE DIVIDED BY THE TOTAL NUMBER OF LOTS WITHIN THE EDGEWOOD ACRES MASTER SUBDIVISION AS SO EXPANDED. THE EDGEWOOD ACRES MASTER SUBDIVISION SHALL BE DEEMED EXPANDED WHEN A FUTURE PLAT, EXECUTED BY DEVELOPER, IS RECORDED IN THE OFFICE OF THE OUTAGAMIE COUNTY REGISTER OF DEEDS.

6. UPON THE RECORDING OF A FUTURE PLAT, EACH LOT OWNER SHALL HAVE THE PERCENTAGE INTEREST IN THE OUTLOTS EQUAL TO ONE DIVIDED BY THE RESULTING TOTAL NUMBER OF LOTS WITHIN THE EDGEWOOD ARCES MASTER SUBDIVISION. FOLLOWING THE RECORDING OF A FUTURE PLAT, THE INTEREST OF ANY HOLDER OF A RECORDED MORTGAGE OR ANY VENDOR UNDER A RECORDED LAND CONTRACT ENCUMBERING A LOT SHALL ATTACH TO THE NEW PERCENTAGE INTEREST APPURTENANT TO THE LOT ON WHICH IT HAS A LIEN.

7. IN THE EVENT A LOT IS DIVIDED INTO TWO OR MORE LOTS BY CERTIFIED SURVEY MAP OR OTHER TYPE OF LEGAL LOT DIVISION. EACH LOT OWNER SHALL HAVE THE PERCENTAGE INTEREST IN THE OUTLOTS EQUAL TO ONE DIVIDED BY THE RESULTING TOTAL NUMBER OF LOTS WITHIN THE EDGEWOOD ACRES MASTER SUBDIVISION. FOLLOWING THE RECORDING OF THE CERTIFIED SURVEY MAP OR OTHER TYPE OF LEGAL LAND DIVISION, THE INTEREST OF ANY HOLDER OF A RECORDED MORTGAGE OR ANY VENDOR UNDER A RECORDED LAND CONTRACT ENCUMBERING A LOT SHALL ATTACH TO THE NEW PERCENTAGE INTEREST APPURTENANT TO THE LOT ON WHICH IT HAS A LIEN.

8. IN THE EVENT TWO OR MORE LOTS ARE COMBINED INTO A DIFFERENT NUMBER OF LOTS BY CERTIFIED SURVEY MAP OR OTHER LEGAL LOT COMBINATION, EACH LOT OWNER SHALL HAVE THE PERCENTAGE INTEREST IN THE OUTLOTS EQUAL TO ONE DIVIDED BY THE RESULTING TOTAL NUMBER OF LOTS WITHIN THE EDGEWOOD ACRES MASTER SUBDIVISION. FOLLOWING THE RECORDING OF THE CERTIFIED SURVEY MAP OR OTHER TYPE OF LEGAL LOT COMBINATION, THE INTEREST OF ANY HOLDER OF A RECORDED MORTGAGE OR ANY VENDOR UNDER A RECORDED LAND CONTRACT ENCUMBERING A LOT SHALL ATTACH TO THE NEW PERCENTAGE INTEREST APPURTENANT TO THE LOT ON WHICH IT HAS A LIEN.

9. EACH LOT'S PERCENTAGE INTEREST IN THE OUTLOTS IS AN UNDIVIDED INTEREST APPURTENANT TO THE LOT AND MAY NOT BE TRANSFERRED SEPARATELY FROM, OR SEVERED FROM, TITLE TO THE LOT.

10. THE OUTLOTS AND ANY RELATED DETENTION PONDS, CULVERTS, CATCH BASINS, SWALES, AND OTHER FACILITIES WITHIN THE EDGEWOOD ACRES MASTER SUBDIVISION SHALL BE MAINTAINED BY THE LOT OWNERS IN ACCORDANCE WITH THE BEST MANAGEMENT PRACTICES SET FORTH IN THE STORMWATER MANAGEMENT PLAN (THE "MANAGEMENT PLAN") ON FILE WITH THE TOWN OF GRAND CHUTE. MAINTENANCE COSTS SHALL BE SHARED AND PAID BY THE LOT OWNERS IN PROPORTION TO THEIR PERCENTAGE INTERESTS IN THE OUTLOTS.

11. THE TOWN OF GRAND CHUTE IS AUTHORIZED TO ACCESS ANY PROPERTY WITHIN THE EDGEWOOD ACRES MASTER SUBDIVISION TO CONDUCT INSPECTIONS OF THE OUTLOTS AND RELATED FACILITIES AS NECESSARY TO ASCERTAIN THAT THE OUTLOTS ARE BEING OPERATED AND MAINTAINED IN ACCORDANCE WITH THE MANAGEMENT PLAN AND ACCEPTABLE ENGINEERING STANDARDS.

12. IF THE LOT OWNERS FAIL TO MAINTAIN AND REPAIR THE OUTLOTS AND RELATED FACILITIES AS REQUIRED, THE TOWN OF GRAND CHUTE IS GRANTED THE RIGHT TO MAINTAIN AND REPAIR THEM IN ACCORDANCE WITH THE MANAGEMENT PLAN OR OTHERWISE AS THE TOWN OF GRAND CHUTE DETERMINES IS NECESSARY IN ITS SOLE DISCRETION. THE COST OF ANY MAINTENANCE AND REPAIR MEASURES UNDERTAKEN BY THE TOWN OF GRAND CHUTE PURSUANT TO THIS SECTION SHALL BE ASSESSED AGAINST THE LOTS IN PROPORTION TO THE LOT OWNERS' PERCENTAGE INTERESTS IN THE OUTLOTS IN ACCORDANCE WITH THE PROVISIONS OF §66.0627, WIS. STATS. SUCH COST SHALL BE DEEMED A SPECIAL CHARGE FOR CURRENT SERVICES AND MAY BE LEVIED IN ACCORDANCE WITH THE PROVISIONS OF §66.0627, WIS. STATS. ANY SUCH ASSESSMENT AGAINST A LOT THAT IS NOT PAID BY A LOT OWNER WITHIN SIXTY (60) DAYS AFTER BILLING SHALL BE DEEMED A DELINQUENT SPECIAL CHARGE AND SHALL BECOME A LIEN UPON THE NON-PAYING OWNER'S LOT. SUCH DELINQUENT CHARGES SHALL BE EXTENDED UPON THE CURRENT OR NEXT TAX ROLL AS A DELINQUENT TAX AGAINST THE LOT FOR WHICH PAYMENT HAS NOT BEEN RECEIVED BY THE TOWN OF GRAND CHUTE, AND ALL PROCEEDINGS IN RELATION TO THE COLLECTION, RETURN AND SALE OF PROPERTY FOR DELINQUENT REAL ESTATE TAXES SHALL APPLY TO SUCH SPECIAL CHARGES.

13. OUTLOT 7 IS DEDICATED TO THE TOWN OF GRAND CHUTE SANITARY DISTRICT #2.

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| TE: OCTOBER 25, 2016 | | | | | | |
| AFTED BY: RJO | | | | | | |
| ECKED BY: ASC | | | | | | |
| OJECT NO.: 0003-25-16 | | | | | | |

DRAWING 1249

SHEET NUMBER