



REPORT TO CITY PLAN COMMISSION

Plan Commission Meeting Date: September 8, 2020

Common Council Meeting Date: September 16, 2020

Item: Final Plat – Third Addition to Clearwater Creek

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: Bob DeBruin, Clearwater Creek, LLC - owner; Jeff Schultz, Martenson & Eisele - applicant

Address/Parcel #: Haymeadow Avenue and Spartan Drive / Parcels: 6-6201-00, 6-6200-00, 6-6202-27, 6-6202-28, 6-6202-29 and 6-6001-02

Petitioner's Request: The applicant is proposing to subdivide the 9.919-acre site into 27 total lots (26 lots and 1 outlot) for single-family residential development.

BACKGROUND

The Preliminary Plat and Rezoning #1-20 were approved by the Common Council at their June 3, 2020 meeting.

Tax Parcel's 6-6201-00, 6-6200-00, 6-6202-27, 6-6202-28, 6-6202-29 and 6-6001-02 were annexed to the City of Appleton through the Paltzer/Jacobs Annexation on May 10, 2004 and officially came into the City with AG Agricultural District, PD/R-2 Planned Development Two-family District and PD/R-3 Planned Development Multi-family District zoning classification.

In 2005, Clearwater Creek was approved and consisted of 63 lots and 1 outlot.

In 2006, Replat of Lots 3-8, 20-24, 27-32, 36-41 and 44-48 of Clearwater Creek was approved and consisted of 23 lots.

In 2007, the First Addition to Clearwater Creek was approved and consisted of 56 lots and 2 outlots.

In 2014, the Second Addition to Clearwater Creek was approved and consisted of 6 lots.

In 2016, Tax Parcel 6-6001-2 was created by CSM 7315 for underground public utilities.

Final Plat – Third Addition to Clearwater Creek
September 8, 2020
Page 2

In 2019, Tax Parcel 6-6202-29 was created by CSM 7827 and rezoned from AG Agricultural District and PD/R-2 Planned Development Two-family District to the P-I Public Institutional District pursuant to Rezoning #8-19 for a City-owned stormwater pond.

STAFF ANALYSIS

Existing Conditions: The subject lot to be subdivided is currently undeveloped.

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

- Minimum lot area: Six thousand (6,000) square feet.
 - *The proposed lots range in size from 7,732 square feet to 21,222 square feet.*
- Minimum lot width: Fifty (50) feet.
 - *All proposed lots exceed this requirement.*
- Minimum front, side, and rear yard setbacks: Twenty (20) foot front yard [twenty-five (25) foot minimum on arterial street], Six (6) foot side yard, and Twenty-five (25) foot rear yard.
 - *Required 20-foot minimum front yard setback shown on the Preliminary Plat for all proposed lots. 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:

- The lot and road layout are consistent with the Preliminary Plat.
- This subdivision generally complies with the Appleton Subdivision Regulations.

Access and Traffic: Vehicular access to the subject lots is provided by an existing collector street, Haymeadow Avenue, which connects to officially mapped Spartan Drive and proposed Sweetwater Way. The 60-foot wide street right-of-way for Haymeadow Avenue and Sweetwater Way and the 70 to 80-foot wide street right-of-way for Spartan are dedicated to the public upon Final Plat approval.

Surrounding Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east and west) and the Town of Grand Chute (west and east). The uses are generally residential, stormwater detention and agricultural in nature.

Appleton Comprehensive Plan 2010-2030: Community and Economic Development staff has reviewed this proposal and determined it is compatible with the City's *Comprehensive Plan 2010-2030*. 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 6.3 Transportation:

Create an environment that is safe and conducive to walking and bicycling throughout the entire city.

Policy 6.3.1 Prioritize bicycle and pedestrian improvement projects that enhance connectivity between important destinations within the community, and to regional bicycle and pedestrian networks.

Policy 6.3.2 Maintain existing sidewalks and implement plans to install new sidewalks in targeted areas where they do not exist. Continue the City's policies to require sidewalks in new neighborhoods.

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 of \$300 per lot, including outlot 1 because it satisfies the minimum R-1B Zoning District standards (\$8,100 total amount) are due prior to the City signing the Final Plat.

Technical Review Group (TRG) Report: This item appeared on the August 18, 2020 TRG Agenda. No negative comments were received from participating departments.

- The Fire Department is concerned about achieving proper rescue-response times per NFPA; thus, each potential home would likely be asked to provide early-warning, smoke alarm systems, or automatic fire sprinklers (such as those in other Appleton Development Agreements).
- Part of Tax Id #6-6001-2 and #6-6202-29 Clearwater Creek, LLC deeded this land to the City for the construction of the stormwater pond. The land area included in this request is no longer needed by the City for the stormwater pond. The City will transfer this land back to the developer after the Final Plat is recorded. An owner's certificate will need to be added to page two (2) of Final Plat.

RECOMMENDATION

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

1. The following streets within the Third Addition to Clearwater Creek Final Plat meet the standards to be classified as local and collector streets and will henceforth be so classified:

Local Street: Sweetwater Way

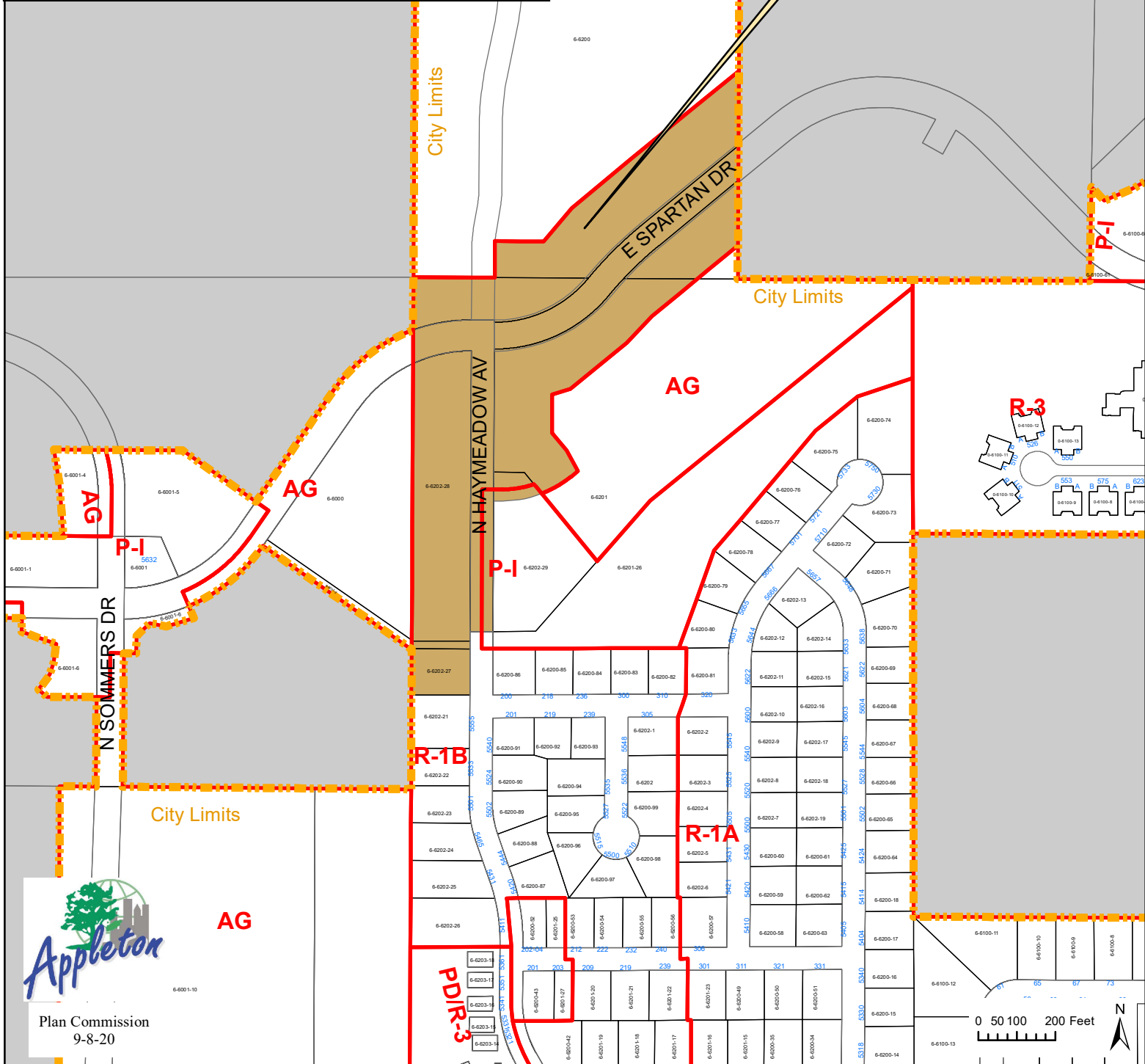
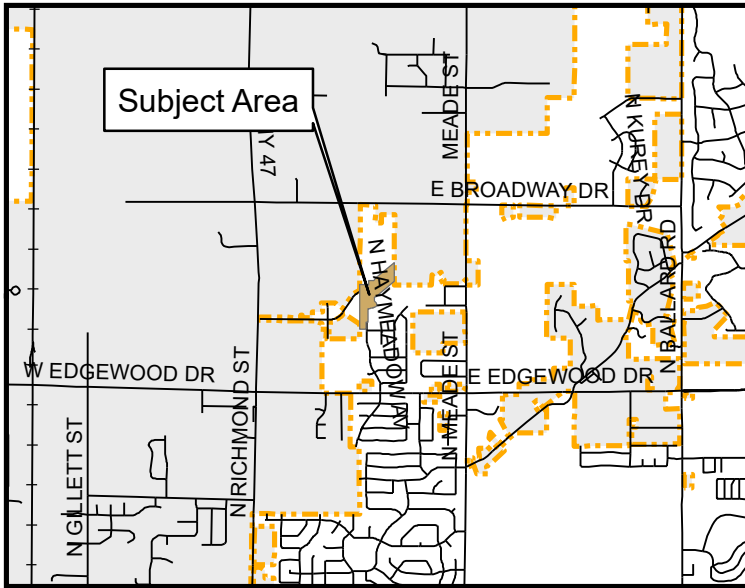
Collector Streets: Spartan Drive and Haymeadow Avenue

2. Park fees shall be paid to the City of Appleton Finance Department pursuant to Section 17-29 of the Municipal Code prior to City signatures being affixed to the Final Plat. 27 Lots x \$300 = \$8,100 in Park Fees.

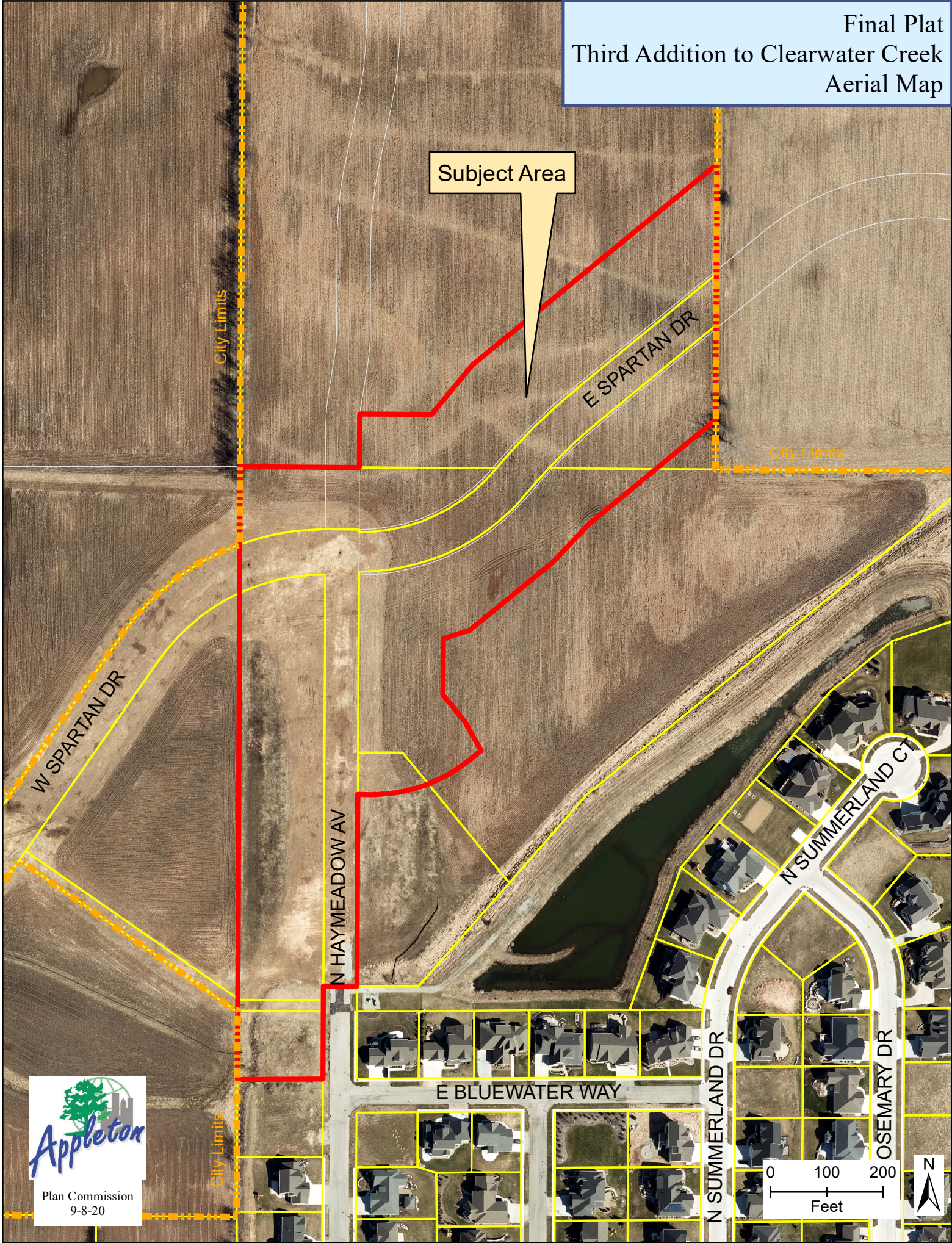
Final Plat – Third Addition to Clearwater Creek
September 8, 2020
Page 5

3. Part of Tax Id's #6-6001-2 and #6-6202-29 are still owned by the City of Appleton. Add an Owners Certificate for City signatures. The City will prepare the necessary documents to transfer this land back to the developer after the Final Plat is recorded.
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 being made and entered into by and between the City of Appleton and the owner, and any amendments related thereto, prior to the issuance of any permit to commence construction of any public improvement.
6. 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
Third Addition to Clearwater Creek
Zoning Map



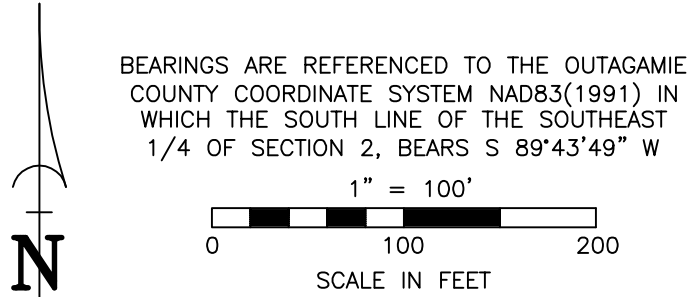
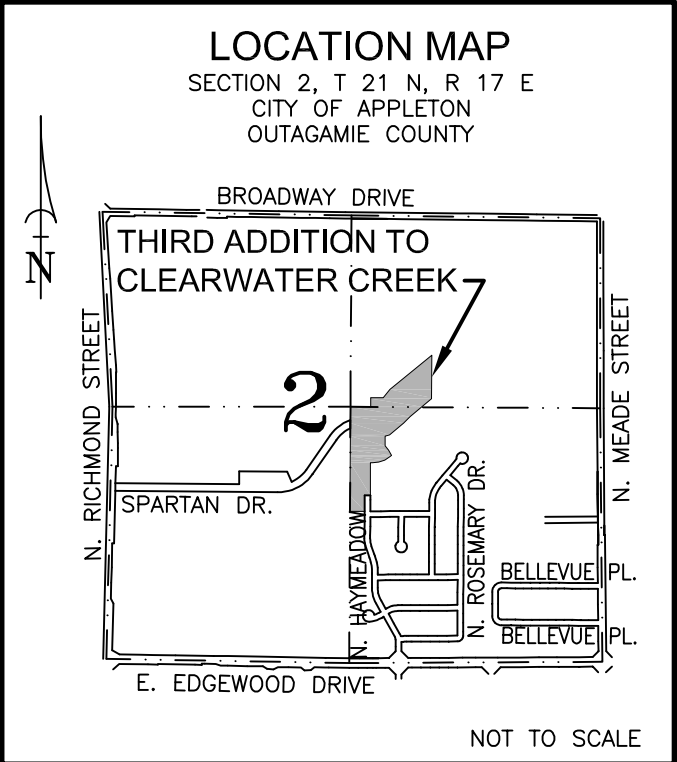
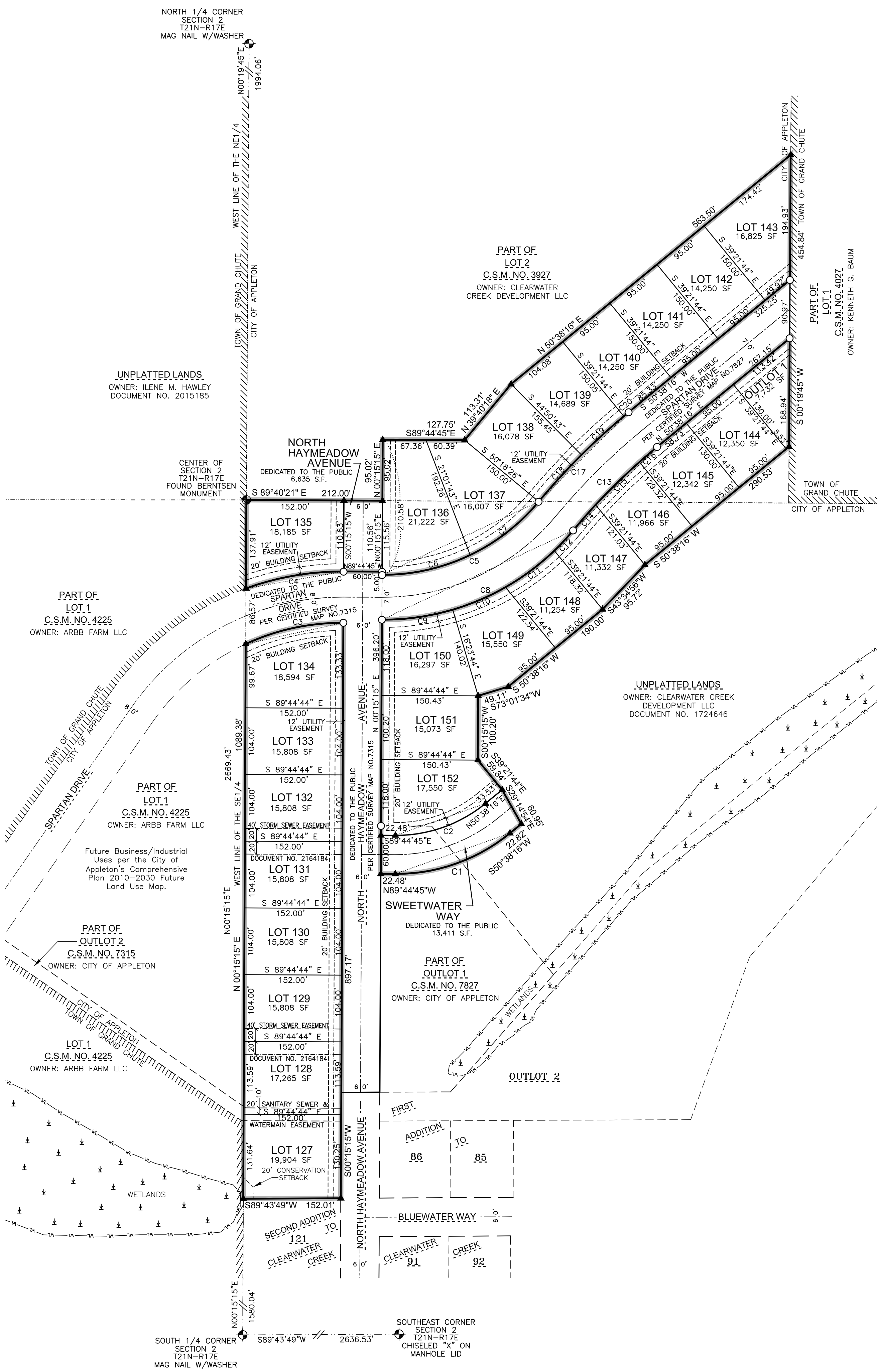
Final Plat
Third Addition to Clearwater Creek
Aerial Map



Plan Commission
9-8-20

THIRD ADDITION TO CLEARWATER CREEK

PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3927 FILED IN VOLUME 21 OF CERTIFIED SURVEY MAPS ON PAGE 3927 AS DOCUMENT NO. 1388606, PART OF OUTLOT 2 CERTIFIED SURVEY MAP NO. 7315 FILED IN VOLUME 44 OF CERTIFIED SURVEY MAPS ON PAGE 7315 AS DOCUMENT NO. 2095051, PART OF OUTLOT 1 CERTIFIED MAP NO. 7827 FILED AS DOCUMENT NO. 2177075, BEING PART OF THE SOUTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4 AND ALSO BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



LEGEND

- 1" O.D. ROUND IRON PIPE SET, 24" LONG, WEIGHING 1.13 LBS. PER LINEAL FOOT AT ALL OTHER LOT CORNERS
- 1-1/4" O.D. ROUND REINFORCING BAR SET, 30" LONG WEIGHING 4.303 LBS. PER LINEAL FOOT
- 1-1/4" O.D. ROUND REINFORCING BAR FOUND, 30" LONG WEIGHING 4.303 LBS. PER LINEAL FOOT
- 3/4" O.D. REBAR FOUND
- TOTAL LOT AREA IN SQUARE FEET
- GOVERNMENT CORNER
- RECORDED AS
- DELINEATED WETLANDS
- MUNICIPAL BOUNDARY

UTILITY EASEMENTS - NO POLES OR BURIED CABLES ARE TO BE PLACED SUCH THAT THE INSTALLATION WOULD DISTURB ANY 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 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.

NOTES
ALL LINEAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE HUNDREDTH OF A FOOT.
ALL ANGULAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST 20 SECONDS AND COMPUTED TO THE NEAREST HALF SECOND.
FRONT YARD BUILDING SETBACKS ARE 20 FEET, THE MINIMUM REAR YARD BUILDING SETBACKS ARE 25 FEET AND MINIMUM SIDE YARD BUILDING SETBACKS ARE 6 FEET AS LISTED IN THE CITY OF APPLETON ZONING ORDINANCE, R-1B SINGLE-FAMILY DISTRICT.
TOTAL ROAD AREA DEDICATED TO THE PUBLIC: 20,046 SQUARE FEET [0.460 ACRES]
OUTLOT 1 TO BE USED FOR A FUTURE R-1B ZONED RESIDENTIAL LOT.

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



CURVE TABLE

CURVE	RADIUS	DELTA	LENGTH	CHORD BEARING	CHORD	TANGENT IN	TANGENT OUT
1	280.00'	039°36'59"	193.60'	S 70°26'45.5" W	189.77'	S 89°44'45" E	N 50°38'16" E
2	220.00'	039°36'59"	152.12'	N 70°26'45.5" E	149.10'	S 89°44'45" E	N 50°38'16" E
3	360.00'	024°59'30"	156.92'	S 77°45'59.0" W	155.68'	N 89°44'46" W	S 65°16'44" W
4	440.00'	020°12'35"	155.20'	S 80°08'57.5" W	154.40'	N 89°44'45" W	S 70°02'40" W
5	315.00'	050°34'58"	278.09'	S 64°57'46.0" W	269.15'	S 89°44'45" E	N 39°40'17" E
6	315.00'	025°48'35"	141.90'	N 77°20'57.5" E	140.70'	S 89°44'45" E	N 64°26'40" E
7	315.00'	024°46'23"	136.20'	S 52°03'28.5" W	135.14'	N 64°26'40" E	N 39°40'17" E
8	385.00'	050°34'58"	339.89'	N 64°57'46.0" E	328.96'	S 89°44'45" E	N 39°40'17" E
9	385.00'	016°38'59"	111.88'	N 81°55'45.5" E	111.48'	S 89°44'45" E	N 73°36'16" E
10	385.00'	013°19'46"	89.57'	N 66°56'23.0" E	89.37'	N 73°36'16" E	N 60°16'30" E
11	385.00'	014°11'17"	95.34'	N 53°10'51.5" E	95.09'	N 60°16'30" E	N 46°05'13" E
12	385.00'	006°24'56"	43.11'	N 42°52'45.0" E	43.09'	N 46°05'13" E	N 39°40'17" E
13	965.00'	010°58'00"	184.70'	N 45°09'17.0" E	184.42'	S 50°38'17" W	S 39°40'17" W
14	965.00'	003°08'54"	53.03'	S 41°14'44.0" W	53.02'	S 42°49'11" W	S 39°40'17" W
15	965.00'	005°39'51"	95.40'	S 45°39'06.5" W	95.36'	S 48°29'02" W	S 42°49'11" W
16	965.00'	002°09'15"	36.28'	S 49°33'39.5" W	36.28'	S 50°38'17" W	S 48°29'02" W
17	1035.00'	010°58'00"	198.10'	S 45°09'17.0" W	197.80'	S 50°38'17" W	S 39°40'17" W
18	1035.00'	005°29'00"	99.05'	S 42°24'47.0" W	99.01'	S 45°09'17" W	S 39°40'17" W
19	1035.00'	004°56'53"	89.38'	S 47°37'43.5" W	89.35'	S 50°06'10" W	S 45°09'17" W
20	1035.00'	000°32'07"	9.67'	S 50°22'13.5" W	9.67'	S 50°38'17" W	S 50°06'10" W

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

Drawing No. 1-0822-002
Sheet 1 of 2
This instrument drawn by: Christopher Cleary

THIRD ADDITION TO CLEARWATER CREEK

PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3927 FILED IN VOLUME 21 OF CERTIFIED SURVEY MAPS ON PAGE 3927 AS DOCUMENT NO. 1388606, PART OF OUTLOT 2 CERTIFIED SURVEY MAP NO. 7315 FILED IN VOLUME 44 OF CERTIFIED SURVEY MAPS ON PAGE 7315 AS DOCUMENT NO. 2095051, PART OF OUTLOT 1 CERTIFIED MAP NO. 7827 FILED AS DOCUMENT NO. 2177075, BEING PART OF THE SOUTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4 AND ALSO BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE

I, CHRISTOPHER R. CLEARY, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY:

THAT I HAVE SURVEYED, DIVIDED, AND MAPPED THE THIRD ADDITION TO CLEARWATER CREEK, AT THE DIRECTION OF CLEARWATER CREEK LLC, PART OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3927 FILED IN VOLUME 21 OF CERTIFIED SURVEY MAPS ON PAGE 3927 AS DOCUMENT NO. 1388606, PART OF OUTLOT 2 CERTIFIED SURVEY MAP NO. 7315 FILED IN VOLUME 44 OF CERTIFIED SURVEY MAPS ON PAGE 7315 AS DOCUMENT NO. 2095051, PART OF OUTLOT 1 CERTIFIED MAP NO. 7827 FILED AS DOCUMENT NO. 2177075, BEING PART OF THE SOUTHWEST 1/4 OF THE FRACTIONAL NORTHEAST 1/4 AND ALSO BEING PART OF THE NORTHWEST 1/4 OF THE SOUTHEAST 1/4 OF SECTION 2, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 2; THENCE NORTH 00 DEGREES 15 MINUTES 15 SECONDS EAST, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SECTION 2, A DISTANCE OF 1580.04 FEET TO THE POINT OF BEGINNING; THENCE NORTH 00 DEGREES 15 MINUTES 15 SECONDS EAST, CONTINUING ALONG THE WEST LINE OF SAID SOUTHEAST 1/4, A DISTANCE OF 1089.38 FEET TO THE CENTER OF SAID SECTION; THENCE SOUTH 89 DEGREES 40 MINUTES 21 SECONDS EAST, ALONG THE NORTH LINE OF THE SOUTHEAST 1/4 OF SAID SECTION, A DISTANCE OF 212.00 FEET; THENCE NORTH 00 DEGREES 15 MINUTES 15 SECONDS EAST, A DISTANCE OF 95.02 FEET; THENCE SOUTH 89 DEGREES 44 MINUTES 45 SECONDS EAST, A DISTANCE OF 127.75 FEET; THENCE NORTH 39 DEGREES 40 MINUTES 18 SECONDS EAST, A DISTANCE OF 113.31 FEET; THENCE NORTH 50 DEGREES 38 MINUTES 16 SECONDS EAST, A DISTANCE OF 563.50 FEET; THENCE SOUTH 00 DEGREES 19 MINUTES 45 SECONDS WEST, ALONG THE EAST LINE OF LOT 2 CERTIFIED SURVEY MAP NO. 3927, A DISTANCE OF 454.84; THENCE SOUTH 50 DEGREES 38 MINUTES 16 SECONDS WEST, A DISTANCE OF 290.53 FEET; THENCE SOUTH 43 DEGREES 34 MINUTES 56 SECONDS WEST, A DISTANCE OF 95.72 FEET; THENCE SOUTH 50 DEGREES 38 MINUTES 16 SECONDS WEST, A DISTANCE OF 190.00 FEET; THENCE SOUTH 73 DEGREES 01 MINUTES 34 SECONDS WEST, A DISTANCE OF 49.11 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 15 SECONDS WEST, A DISTANCE OF 100.20 FEET; THENCE SOUTH 39 DEGREES 21 MINUTES 44 SECONDS EAST, A DISTANCE OF 59.84 FEET; THENCE SOUTH 29 DEGREES 14 MINUTES 54 SECONDS EAST, A DISTANCE OF 60.95 FEET; THENCE SOUTH 50 DEGREES 38 MINUTES 16 SECONDS WEST, A DISTANCE OF 22.82 FEET; THENCE 193.60 FEET ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 280.00 FEET AND A CHORD THAT BEARS SOUTH 70 DEGREES 26 MINUTES 45.5 SECONDS WEST, A DISTANCE OF 189.77 FEET; THENCE NORTH 89 DEGREES 44 MINUTES 45 SECONDS WEST, A DISTANCE OF 22.48 FEET TO A POINT ON THE EAST RIGHT OF WAY LINE OF NORTH HAYMEADOW AVENUE; THENCE NORTH 00 DEGREES 15 MINUTES 15 SECONDS EAST, ALONG THE EAST RIGHT OF WAY LINE OF NORTH HAYMEADOW AVENUE, A DISTANCE OF 396.20 FEET TO THE SOUTH RIGHT OF WAY LINE OF SPARTAN DRIVE; THENCE 339.89 FEET ALONG A CURVE TO THE LEFT FOLLOWING THE SOUTH RIGHT OF WAY LINE OF SPARTAN DRIVE, SAID CURVE HAVING A RADIUS OF 385.00 FEET AND A CHORD THAT BEARS NORTH 64 DEGREES 57 MINUTES 46.0 SECONDS EAST, A DISTANCE OF 328.96 FEET; THENCE 184.70 FEET ALONG A CURVE TO THE RIGHT FOLLOWING THE SOUTH RIGHT OF WAY LINE OF SPARTAN DRIVE, SAID CURVE HAVING A RADIUS OF 965.00 FEET AND A CHORD THAT BEARS NORTH 45 DEGREES 09 MINUTES 17.0 SECONDS EAST, A DISTANCE OF 184.42 FEET; THENCE NORTH 50 DEGREES 38 MINUTES 16 SECONDS EAST, ALONG THE SOUTH RIGHT OF WAY LINE OF SPARTAN DRIVE, A DISTANCE OF 267.15 FEET TO THE WEST LINE OF CERTIFIED SURVEY MAP NO. 4027; THENCE NORTH 00 DEGREES 19 MINUTES 45 SECONDS EAST, ALONG THE WEST LINE OF CERTIFIED SURVEY MAP NO. 4027, A DISTANCE OF 90.97 FEET TO THE NORTH RIGHT OF WAY LINE OF SPARTAN DRIVE; THENCE SOUTH 50 DEGREES 38 MINUTES 16 SECONDS WEST, ALONG THE NORTH RIGHT OF WAY LINE OF SPARTAN DRIVE, A DISTANCE OF 325.25; THENCE 198.10 FEET ALONG A CURVE TO THE LEFT FOLLOWING THE NORTH RIGHT OF WAY LINE OF SPARTAN DRIVE, SAID CURVE HAVING A RADIUS OF 1035.00 FEET AND A CHORD THAT BEARS SOUTH 45 DEGREES 09 MINUTES 17.0 SECONDS WEST, A DISTANCE OF 197.80 FEET; THENCE 278.09 FEET ALONG A CURVE TO THE RIGHT FOLLOWING THE NORTH RIGHT OF WAY LINE OF SPARTAN DRIVE, SAID CURVE HAVING A RADIUS OF 315.00 FEET AND A CHORD THAT BEARS SOUTH 64 DEGREES 57 MINUTES 46.0 SECONDS WEST, A DISTANCE OF 249.15 FEET TO THE EAST RIGHT OF WAY LINE OF NORTH HAYMEADOW DRIVE; THENCE NORTH 00 DEGREES 15 MINUTES 15 SECONDS EAST, ALONG THE EAST RIGHT OF WAY LINE OF NORTH HAYMEADOW AVENUE, A DISTANCE OF 5.00 FEET; THENCE NORTH 89 DEGREES 44 MINUTES 45 SECONDS WEST, A DISTANCE OF 60.00 FEET TO THE WEST RIGHT OF WAY LINE OF NORTH HAYMEADOW DRIVE; THENCE 155.20 FEET ALONG A CURVE TO THE LEFT FOLLOWING THE NORTH RIGHT OF WAY LINE OF SPARTAN DRIVE, SAID CURVE HAVING A RADIUS OF 440.00 FEET AND A CHORD THAT BEARS SOUTH 80 DEGREES 08 MINUTES 57.5 SECONDS WEST, A DISTANCE OF 154.40 FEET; THENCE SOUTH 00 DEGREES 15 MINUTES 15 SECONDS WEST, ALONG THE WEST LINE OF THE SOUTHEAST 1/4 OF SAID SECTION 2, A DISTANCE OF 86.57 FEET TO THE SOUTH RIGHT OF WAY LINE OF SPARTAN DRIVE; THENCE 156.92 FEET ALONG A CURVE TO THE RIGHT FOLLOWING THE SOUTH RIGHT OF WAY LINE OF SPARTAN DRIVE, SAID CURVE HAVING A RADIUS OF 360.00 FEET AND A CHORD THAT BEARS NORTH 77 DEGREES 45 MINUTES 59.0 SECONDS EAST, A DISTANCE OF 155.68 FEET TO THE WEST RIGHT OF WAY LINE OF NORTH HAYMEADOW AVENUE; THENCE SOUTH 00 DEGREES 15 MINUTES 15 SECONDS WEST, ALONG THE WEST RIGHT OF WAY LINE OF NORTH HAYMEADOW AVENUE, A DISTANCE OF 997.17 FEET TO THE NORTHEAST CORNER OF LOT 121 SECOND ADDITION TO CLEARWATER CREEK; THENCE SOUTH 89 DEGREES 43 MINUTES 49 SECONDS WEST, ALONG THE NORTH LINE OF LOT 121 SECOND ADDITION TO CLEARWATER CREEK, A DISTANCE OF 152.01 FEET TO THE POINT OF BEGINNING, CONTAINING 432,051 SQ.FT. [9.919 ACRES]

THAT SUCH PLAT IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND THE SUBDIVISION THEREOF MADE.

THAT I HAVE MADE SUCH LAND DIVISION AND PLAT BY THE DIRECTION OF THE OWNERS SHOWN HEREIN.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236 OF THE WISCONSIN STATUTES, AND THE SUBDIVISION REGULATIONS OF THE CITY OF APPLETON IN SURVEYING, DIVIDING AND MAPPING THE SAME.

GIVEN UNDER MY HAND THIS 10TH DAY OF AUGUST, 2020.

CHRISTOPHER R. CLEARY, PROFESSIONAL LAND SURVEYOR S-2551

STORM SEWER EASEMENT PROVISION

AN EASEMENT FOR STORM SEWER IS HEREBY GRANTED BY CLEARWATER CREEK LLC, GRANTOR, TO CITY OF APPLETON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SAID STORM SEWER AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. BUILDINGS OR ANY OTHER TYPE OF STRUCTURE SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "STORM SEWER EASEMENT" GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK.

SANITARY SEWER AND WATER MAIN EASEMENT PROVISION

AN EASEMENT FOR SANITARY SEWER AND WATER MAIN IS HEREBY GRANTED BY CLEARWATER CREEK LLC, GRANTOR, TO CITY OF APPLETON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SAID SANITARY SEWER, WATER MAIN AND ASSOCIATED APPURTENANCES. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID SANITARY SEWER, WATER MAIN AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID SANITARY SEWER, WATER MAIN AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. BUILDINGS OR ANY OTHER TYPE OF STRUCTURE SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "SANITARY SEWER & WATER MAIN EASEMENT" GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK.

THE GRANT OF EASEMENTS SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

BOB DEBRUIN - MEMBER

UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICE IS HEREBY GRANTED BY CLEARWATER CREEK, LLC, GRANTORS, TO

WISCONSIN ELECTRIC POWER COMPANY, A WISCONSIN CORPORATION DOING BUSINESS AS WE ENERGIES, GRANTEE, WISCONSIN BELL, INC. D/B/A AT&T WISCONSIN, 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, 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 GRANTEEES 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 GRANTEEES 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 GRANTEEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "UTILITY EASEMENT AREAS" WITHIN THE PROPERTY WITHIN THE LINES MARKED "UTILITY EASEMENT AREAS". AFTER INSPECTION OF ANY SUCH FACILITIES, THE GRADE OF THE SUBDIVIDED PROPERTY SHALL NOT BE ALTERED BY MORE THAN FOUR INCHES WITHOUT WRITTEN CONSENT OF GRANTEEES. THE GRANT OF EASEMENT SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

BOB DEBRUIN - MEMBER

CORPORATE OWNER'S CERTIFICATE OF DEDICATION

CLEARWATER CREEK LLC, DULY ESTABLISHED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES HEREBY CERTIFY THAT SAID CLEARWATER CREEK LLC, CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS PLAT.

CLEARWATER CREEK LLC, FURTHER CERTIFIES THAT THIS PLAT IS REQUIRED BY S.236.10 OR S.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

DEPARTMENT OF ADMINISTRATION
CITY OF APPLETON

WITNESS THE HAND AND SEAL OF SAID OWNER(S) THIS _____ DAY OF _____, 2020.

BOB DEBRUIN - MEMBER

STATE OF WISCONSIN)
) SS
OUTAGAMIE COUNTY)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2020,
THE ABOVE OWNER(S) TO ME KNOWN TO BE THE PERSON(S), WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

CONSENT OF CORPORATE MORTGAGEE

NICOLET NATIONAL BANK, A CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, MORTGAGEE OF THE LANDS HERE IN DESCRIBED, 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 CLEARWATER CREEK LLC, OWNER.

IN WITNESS WHEREOF, THE SAID NICOLET NATIONAL BANK, HAS CAUSED THESE PRESENTS TO BE SIGNED BY BRIAN D. PASCHEN, VICE PRESIDENT, WHOSE ADDRESS IS 550 S. GREEN BAY ROAD, NEENAH, WISCONSIN, 54956 AND ITS CORPORATE SEAL TO BE HERETO AFFIXED

THIS _____ DAY OF _____, 2020.

BRIAN D. PASCHEN, VICE PRESIDENT

STATE OF WISCONSIN)
) SS
OUTAGAMIE COUNTY)

PERSONALLY CAME BEFORE ME THIS _____ DAY OF _____, 2020,
THE ABOVE OWNER TO ME KNOWN TO BE THE PERSON, WHO EXECUTED THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

NOTARY PUBLIC
MY COMMISSION EXPIRES _____

COMMON COUNCIL RESOLUTION:

RESOLVED, THAT THE THIRD ADDITION TO CLEARWATER CREEK, IN THE CITY OF APPLETON, IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

ON THIS _____ DAY OF _____, 2020.

JAKE WOODFORD, CITY MAYOR

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE COMMON COUNCIL OF THE CITY OF APPLETON.

KAMI LYNCH, CITY CLERK DATE

CITY TREASURER'S CERTIFICATE:

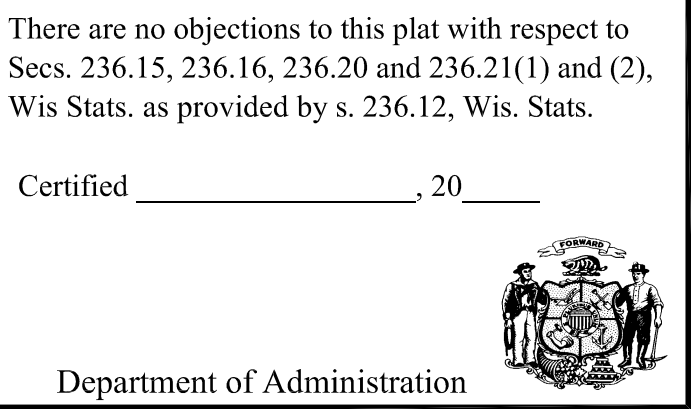
I, ANTHONY D. SAUCERMAN, BEING THE DULY QUALIFIED AND ACTING FINANCE DIRECTOR OF THE CITY OF APPLETON, DO HEREBY CERTIFY THAT IN ACCORDANCE WITH THE RECORDS IN MY OFFICE, THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF _____ ON ANY OF THE LAND INCLUDED IN THE THIRD ADDITION TO CLEARWATER CREEK.

ANTHONY D. SAUCERMAN, CITY FINANCE DIRECTOR DATE

COUNTY TREASURER'S CERTIFICATE:

I, _____, BEING THE DULY ELECTED, QUALIFIED AND ACTING TREASURER OF THE COUNTY OF OUTAGAMIE, DO HEREBY CERTIFY THAT THE RECORDS IN MY OFFICE SHOW NO UNREDEEMED TAX SALES AND NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS AS OF _____ AFFECTING THE LANDS INCLUDED IN THE THIRD ADDITION TO CLEARWATER CREEK.

DATE _____ SIGNED _____ COUNTY TREASURER



Martenson & Eisele, Inc.

1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
Info@martenson-eisele.com
920.731.0381 1.800.236.0381

Drawing No. 1-0822-002
Sheet 2 of 2
This instrument drawn by: Christopher Cleary