

THIRD ADDITION TO CLEARWATER CREEK DEVELOPMENT AGREEMENT

THIS AGREEMENT, made by and between the **City of Appleton** by its City Council, a body politic and municipal corporation with a mailing address of 100 North Appleton Street, Appleton, WI 54911 (“City”) and **Clearwater Creek, LLC**, a corporation with a business address of 2100 N. Freedom Road #A, Little Chute, WI 54140, the owner and developer (“Developer”) of property lying within the City of Appleton:

WHEREAS, Section 17-3 of the Appleton Municipal Code provides for the installation of required improvements in new subdivisions; and

WHEREAS, the Developer has proposed to develop the Third Addition to Clearwater Creek residential subdivision on property within the corporate limits of the City (“Proposed Development”), described in *Exhibit 1* (Legal Description provided by Developer) attached hereto; and

WHEREAS, the Final Plat of the Third Addition to Clearwater Creek Subdivision, shown in *Exhibit 2* (provided by Developer) attached hereto, has been conditionally approved by the City; and

WHEREAS, a series of meetings and negotiations have taken place between the City and the Developer to determine various development and financial responsibilities as between the City and the Developer for on-site and off-site public improvements and fees in connection with the Proposed Development; and

WHEREAS, the City and the Developer, for their mutual benefit, have mutually agreed as to development and financial responsibilities for public improvements and fees in connection with the Proposed Development;

NOW THEREFORE, it is mutually agreed as follows:

1. The Developer shall be responsible for the installation of the following in the Proposed Development, to the standards set forth by the City, pursuant to paragraph 4 below:
 - a. Sanitary laterals
 - b. Water services
 - c. Storm laterals, overland flow paths, yard drains and associated piping
 - d. Street Lights
 - e. All other infrastructure required for the developments as agreed to by the City and the Developer subject to this Development Agreement and the Agreement dated June 7, 2019.
2. The Developer shall provide the City an estimate for items 1a – 1e prior to the installation of the items for the development.
3. The Developer shall provide fully executed and signed *Waivers of Special Assessment Notices and Hearing* (shown in *Exhibit 3*) for the development, acknowledging consent to pay Special Assessments levied by the City for the following items to be furnished and/or installed by the City:

- a. Street Name Signs
- b. Traffic Control Signs
- c. Sidewalks installed on lots owned by the Developer at the time of concrete paving

Estimates of up-front City costs and associated special assessments to be paid by the Developer for items 3a – 3c for the development are attached hereto as *Exhibit 4*. The actual final costs for items 3a-3c will be used as the basis for the special assessments billed to the Developer.

4. The Developer shall provide the City with copies of all final costs, invoices, labor costs, the contract documents and specifications, design documentation, all contract administration supporting documentation, an itemized list of all expenses for the installation of sanitary laterals, storm laterals, water services, and street lights for the Proposed Development. Said information provided by Developer shall be provided within 60 days of installation and shall meet City's Infrastructure Adjustment Form requirements.

5. The Developer shall repair or replace, as directed by the City and to the City's satisfaction, at its own cost, any damage caused to City property by the installation of the improvements made by Developer in the Proposed Development. Repairs shall be completed within six (6) months of notification from the City to the Developer of the need to repair or replace such damage.

6. The Developer shall pay the cost of all items listed under Paragraph 1 above. Sidewalks will be assessed to the abutting property owners and the Developer will be assessed for only the cost of those lots owned by the Developer.

7. The developer shall pay any required parkland fees pursuant to Chapter 17 of the Appleton Municipal Code, not to exceed \$300 per lot.

8. The City agrees to waive all Administrative Fees related to this Development.

9. The City represents that this Agreement and the terms and conditions contained herein are consistent with adopted ordinances and resolutions on the subject matter.

10. The Developer shall pay the entire cost associated with installation of underground gas, electric, telephone and cable TV utilities and streetlights in the Proposed Development. The City shall review the proposed locations and have approval authority over any utilities proposed within the public right-of-way, prior to installation. The City standard for streetlights is wooden poles. The street lighting plan shall be designed by We Energies and approved by the City. The City shall pay We Energies the monthly electrical charge for street lighting. If the Developer desires decorative streetlights, then the Developer shall be responsible for all costs associated with the decorative streetlights, above the standard wood pole equivalent costs. The Developer shall be responsible for requesting said decorative lights from WE Energies. The Developer must also sign a Waiver of Special Assessments document for the annual assessments associated with decorative lighting.

11. The City represents and warrants to Developer that they have the power, authority and legal right to enter into all of the transactions and to perform all of the covenants and obligations required to be entered into or performed by the City under this Agreement.

- a. The City represents and warrants to Developer that they are empowered and authorized to execute and deliver this Agreement and other agreements and documents, if any, required hereunder to be executed and delivered by the City. This Agreement has been, and each such document at the time it is executed and delivered, will be duly executed and delivered on behalf of the City.
- b. When executed and delivered to Developer, all such agreements shall constitute a legal, valid and binding obligation of the City, enforceable in accordance with their terms.

12. The Developer represents and warrants to the City that Developer is a Limited Liability Company, duly organized and existing under the laws of the State of Wisconsin, and that all proceedings of Developer necessary to authorize the negotiation and execution of this Agreement and the consummation of the transaction contemplated by this Agreement have been taken in accordance with applicable law.

13. The Developer represents and warrants to the City that the execution and delivery of this Agreement, the consummation of the transactions contemplated in this Agreement and the execution and delivery of the documents required to be executed, delivered or acknowledged by Developer at the closing will not violate any provision of Developer's operating agreement or any applicable statute, rule, regulation, judgment, order or decree of the State of Wisconsin or a court having jurisdiction over Developer or its property.

14. The Agreement shall be effective as of the date of execution thereof and remain in effect until the earliest of: (a) the Developer notifies the City that the Proposed Development has been terminated, (b) upon the mutual agreement of the Parties to terminate the Agreement, or (c) if one (1) year after the date of execution the Developer has not taken any further action on the Proposed Development.

15. This Agreement, along with *Exhibits 1 through 4* sets forth the entire understanding of the parties relative to its subject matter and supersedes and merges any and all prior communications, negotiations and agreements, oral or written, except for the Agreements previously approved by Council (*Exhibits 5 and 6*).

16. It is understood and agreed that the provisions of this Agreement shall be deemed severable and the invalidity or unenforceability of any one or more of the provisions contained herein shall not affect the validity and enforceability of the other provisions contained herein.

17. This Agreement may not be modified or amended, except when placed in writing, with the written consent of the City and the Developer.

[SIGNATURE PAGE TO FOLLOW]

CLEARWATER CREEK DEVELOPMENT, LLC

By: _____

By: _____

Printed Name: _____

Printed Name: _____

Title: _____

Title: _____

STATE OF WISCONSIN)

: ss.

_____ COUNTY)

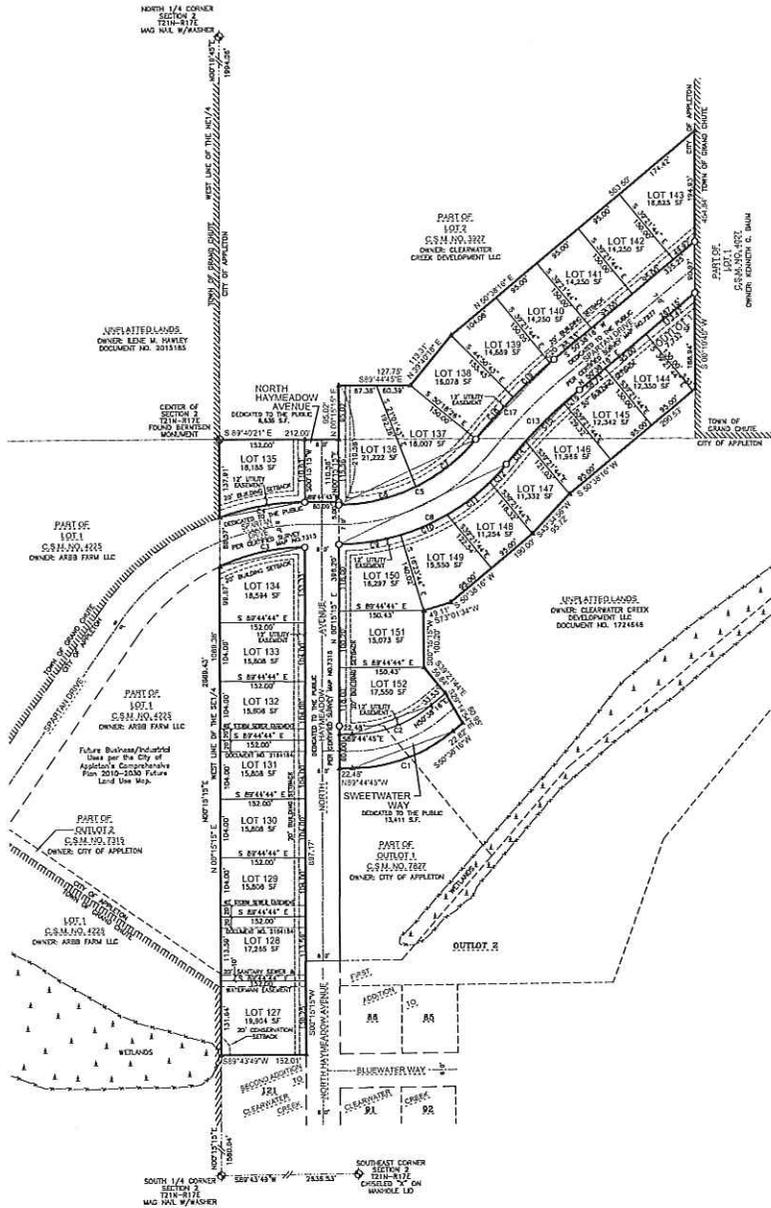
Personally came before me on this ____ day of _____, 2020, the above-named persons, _____ and _____, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Notary Public, State of Wisconsin

My commission is/expires: _____

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. 138860S, 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.



BEARINGS ARE REFERENCED TO THE OUTAGAMIE COUNTY COORDINATE SYSTEM (NAD83) IN WHICH THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SECTION 2, BEARS S 89°44' W
 1" = 100'
 SCALE IN FEET

LEGEND

- 1" O.D. BOUNDS FROM PILE 011, 24" LONG, WEIGHING 113 LBS., PER LINEAL FOOT OF 0.64 01986.001 CURBSPIN
- 1 1/4" O.D. BOUNDS BEING 01178 888 181, 30" LONG WEIGHING 4,303 LBS., PER LINEAL FOOT
- 1 1/4" O.D. BOUNDS BEING 01178 888 181, 30" LONG WEIGHING 4,303 LBS., PER LINEAL FOOT
- 3/4" O.D. EMBLEM PINS
- TOTAL LOT AREA IN SQUARE FEET
- CONFORMANCE CENTER
- RECORDED AS
- DELINEATED UTILITIES
- INDUSTRIAL BOUNDARY

UTILITY EASEMENTS - 10' WIDTH OF EXISTING CURB AND 10' OF EXISTING SIDEWALK. THE EXISTING SIDEWALK BEING 10' WIDE FROM THE EXISTING CURB TO THE CENTERLINE OF THE STREET. THE 10' WIDTH OF THE EXISTING SIDEWALK IS A VIOLATION OF SECTION 234.32 OF THE WISCONSIN STATUTES. QUALITY EASEMENTS AS SHOWN ARE TO BE MAINTAINED FOR THE USE OF PUBLIC UTILITIES AND POTENTIAL PUBLIC UTILITIES. THE USER SHALL BE RESPONSIBLE FOR THE MAINTENANCE OF THE EASEMENTS TO SERVE THE AREA.

NOTES
 ALL LINEAR MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE HUNDRETH OF A FOOT.
 ALL ANGLE AND BEARING MEASUREMENTS HAVE BEEN MADE TO THE NEAREST ONE MINUTE.
 FRONT YARD BUILDING SETBACKS ARE TO BE 10 FEET. THE MINIMUM REAR AND SIDE YARD SETBACKS ARE 25 FEET AND MINIMUM SIDE YARD BUILDING SETBACKS ARE 5 FEET AS SHOWN ON THIS CITY OF APPLETON ZONING ORDINANCE, §10-10-010-010-010-010.

NORMAL HUNDRED YEAR DESIGN LIFE TO THE PAVEMENT 25.448 SQUARE FEET (0.450 ACRES)
 OUTLOT 1 TO BE USED FOR A FUTURE 2-1/2 INCH DORSED 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. Stat., as provided by s. 236.12, Wis. Stat.
 Certified _____
 Department of Administration

CHORD	BEARING	CHORD BEARING	CHORD	BEARING	TANGENT CUT	
1	235.00°	033°31'53"	133.43°	S 12°45'15.5" W	139.77°	S 89°44'15" E
2	235.00°	033°31'53"	133.43°	S 12°45'15.5" W	139.77°	S 89°44'15" E
3	240.00°	074°58'37"	136.35°	S 77°45'32.0" W	135.83°	S 89°44'15" E
4	240.00°	074°58'37"	136.35°	S 77°45'32.0" W	135.83°	S 89°44'15" E
5	345.00°	255°34'53"	273.09°	S 84°53'16.2" W	249.12°	S 89°44'15" E
6	345.00°	255°34'53"	273.09°	S 84°53'16.2" W	249.12°	S 89°44'15" E
7	385.00°	024°42'23"	135.22°	S 52°03'28.5" W	135.144°	S 89°44'15" E
8	385.00°	024°42'23"	135.22°	S 52°03'28.5" W	135.144°	S 89°44'15" E
9	385.00°	024°42'23"	135.22°	S 52°03'28.5" W	135.144°	S 89°44'15" E
10	385.00°	024°42'23"	135.22°	S 52°03'28.5" W	135.144°	S 89°44'15" E
11	285.00°	014°11'17"	111.88°	N 82°55'55.5" E	111.433°	S 89°44'15" E
12	285.00°	014°11'17"	111.88°	N 82°55'55.5" E	111.433°	S 89°44'15" E
13	285.00°	014°11'17"	111.88°	N 82°55'55.5" E	111.433°	S 89°44'15" E
14	285.00°	014°11'17"	111.88°	N 82°55'55.5" E	111.433°	S 89°44'15" E
15	285.00°	014°11'17"	111.88°	N 82°55'55.5" E	111.433°	S 89°44'15" E
16	285.00°	014°11'17"	111.88°	N 82°55'55.5" E	111.433°	S 89°44'15" E
17	1035.00°	010°58'00"	135.13°	S 85°03'11.0" W	137.87°	S 10°38'11" W
18	1035.00°	010°58'00"	135.13°	S 85°03'11.0" W	137.87°	S 10°38'11" W
19	1035.00°	010°58'00"	135.13°	S 85°03'11.0" W	137.87°	S 10°38'11" W
20	1035.00°	010°58'00"	135.13°	S 85°03'11.0" W	137.87°	S 10°38'11" W

Martenson & Eisele, Inc.
 1017 Main Street, Appleton, WI 54912
 920.231.1022/920.231.0391

Drawing No. 1-0222-002
 Sheet 1 of 2
 This document is the property of Martenson & Eisele, Inc.



WAIVER OF SPECIAL ASSESSMENT NOTICES AND HEARING UNDER S. 66.0703 WISCONSIN STATUTES.

The undersigned owner(s) of property benefited by the following proposed public improvement to be made by the City of Appleton, Outagamie-Calumet-Winnebago County, Wisconsin, to wit:

The undersigned owner(s) of property benefited by the above proposed public improvement to be made by the City of Appleton, Outagamie-Calumet-Winnebago County, Wisconsin, in consideration of the construction of said improvement will benefit our property and consent to the levying of special assessments against our premises under S. 66.0703 of the Wisconsin Statutes, for the cost of such improvement.

In accordance with S. 66.0703 (7) of the Wisconsin Statutes, I/we hereby waiver all special assessment notices and hearings required by S. 66.0703 (7), and I /we herby further agree and admit that my (our) property is specially benefited by the above described municipal work or improvement as contemplated by Sec. 66.0703(7)Wisconsin Statutes.

Street Address _____ Signature of Owner _____ Date _____

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OFFICE USE ONLY

FIELD NOTES:

Unit No. _____ Inspector/Surveyor Name _____
Date sidewalk/apron marked _____

Total amount of sidewalk to be replaced _____

Of that total, what amount is due to tree damage _____

Apron: Type of existing surface _____ Size of existing apron _____

Date given to Field Supervisor _____

Date returned to office _____

Development Agreement-Clearwater Creek 3rd Addition	Exhibit 4	3rd Addition	NOTES / COMMENTS
	Number of Lots :	26	
	Total Lot Area (SF) :	404,273	
	Total C/L Footage (LF) :	2,189	
	Total Pavement Area (SF) :	77,788	
	Storm Sewer Televising	N/A	\$0.70 per foot
	Street Name / Traffic Control Signs	\$3,283.50	\$1.50 per c/l foot
	Concrete Pavement	N/A	\$60.00 per front ft. (for 20% of lots)
	Sidewalks - at time of Concrete Pavement	\$26,268.00	\$30.00 per front ft. (for 20% of lots)
	TOTALS	\$29,551.50	
	Administrative Fees (Engineering, Inspection, Survey)	\$16,417.50	\$7.50 per c/l foot
	Temporary Asphalt Pavement	N/A	\$15.00 per square yard
	TOTALS	\$16,417.50	
	Sanitary Sewer		
	Storm Sewer		
	Water Main		
	Sanitary Laterals		
	Storm Laterals		
	Water Services		
	Grading & Graveling		
	Street Lights		
	Private Electric		
	Private Gas		
	TOTALS	\$0.00	
	PROJECT TOTALS	\$45,969.00	
City of Appleton Costs (Assessed) <i>Estimated</i>			
City of Appleton Costs (NOT Assessed) <i>Estimated</i>			
Developer Costs And Responsibility <i>Estimated</i>			

AGREEMENT

This Agreement is being made by and between the City of Appleton, Wisconsin, a Wisconsin municipal corporation (hereinafter "the City") and Clearwater Creek Development, LLC, (hereinafter "Clearwater Creek").

WHEREAS, Clearwater Creek is the owner of certain property located in the city of Appleton, and

WHEREAS, Clearwater Creek desires to develop certain property they own near the area of Spartan Drive, and

WHEREAS, the City of Appleton will construct Spartan Drive and stormwater management facilities, and Clearwater Creek wishes the City of Appleton to so construct Spartan Drive and stormwater management facilities, and

NOW, THEREFORE, the parties agree as follows:

1. The recitals are incorporated herein by reference as if fully set forth.
2. Clearwater Creek agrees to dedicate to the City of Appleton for roadway and stormwater management facilities purposes, property within the city of Appleton, as described in Exhibit A.
3. The City wishes to accept Clearwater Creek's dedication of the above parcels.
4. The City agrees that the City will be responsible for the construction and installation of storm sewer, sanitary sewer, and water main, within the right-of-way of Spartan Drive and Haymeadow Avenue in the area shown on Exhibit "A".
5. That the City shall be responsible for the costs associated with grading, graveling and paving and including concrete paving of Spartan Drive and Haymeadow Avenue in the area shown on Exhibit "A" and these costs shall not be assessed by the City of Appleton.
6. That the properties adjacent to Spartan Drive and Haymeadow Avenue shall not be assessed by the City of Appleton for any costs for the installation of sanitary sewer, storm sewer, or water main infrastructure within the right-of-way of Spartan Drive and Haymeadow Avenue in the area shown on Exhibit "A".

7. That Clearwater shall:

- a. convey Parcel C for the purpose of construction of a stormwater pond and inlet pipe, at no cost to the City, as shown as Parcel C on Exhibit "A" attached hereto;
- b. dedicate Parcel D, as right-of-way for Spartan Drive at no cost to the City, shown as Parcel D on Exhibit "A" attached hereto;
- c. shall provide a Permanent Easement for a yard drain and stormwater pipe at no cost to the City as shown as PLE A on Exhibit "A" attached hereto;
- d. shall provide a Permanent Easement for a yard drain and stormwater pipe at no cost to the City as shown as PLE B on Exhibit "A" attached hereto;
- e. shall provide a Temporary Limited Easement for the long-term stockpiling of soil at no cost to the City as shown as PLE C on Exhibit "A" attached hereto, with said TLE to expire December 31, 2025;
- f. shall provide a Temporary Limited Easement for the purpose of grading Haymeadow Avenue and Spartan Drive, including the stockpiling of soil on TLE F, on the properties identified as TLE E, TLE F, and TLE G on shown on Exhibit "A" attached hereto.

8. City of Appleton shall;

- a. Construct a street and associated utilities in 2020 in Parcel C (Street C) to the east lot line of Parcel C that is a minimum of 320 feet south of Spartan Drive. Any land north of Street C will be deeded back to Clearwater Creek.
- b. Provide stormwater drainage such that any lot that is 50 feet to the north of Spartan Drive will not impose additional stormwater requirements on Clearwater Creek other than yard drains and stormwater pipe. All land east of Haymeadow Avenue and north of 50 feet of Spartan Drive will require additional stormwater management by the Developer.

Dated this 7 day of June, 2019.

SIGNATURES BEGIN ON THE FOLLOWING PAGE

Clearwater Creek Development, LLC

By: Robert A De Bruin
Printed Name: Robert A De Bruin
Title: Member

By: _____
Printed Name: _____
Title: _____

STATE OF WISCONSIN)
: ss.

Outagamie COUNTY)

Personally came before me on this 7 day of JUNE, 2019,
the above-named Robert A De Bruin and _____, to
me known to be the persons who executed the foregoing instrument and acknowledge the
same.



Jill M Hendricks
Printed Name: Jill M Hendricks
Notary Public, State of Wisconsin
My commission is/expires: 10-19-19

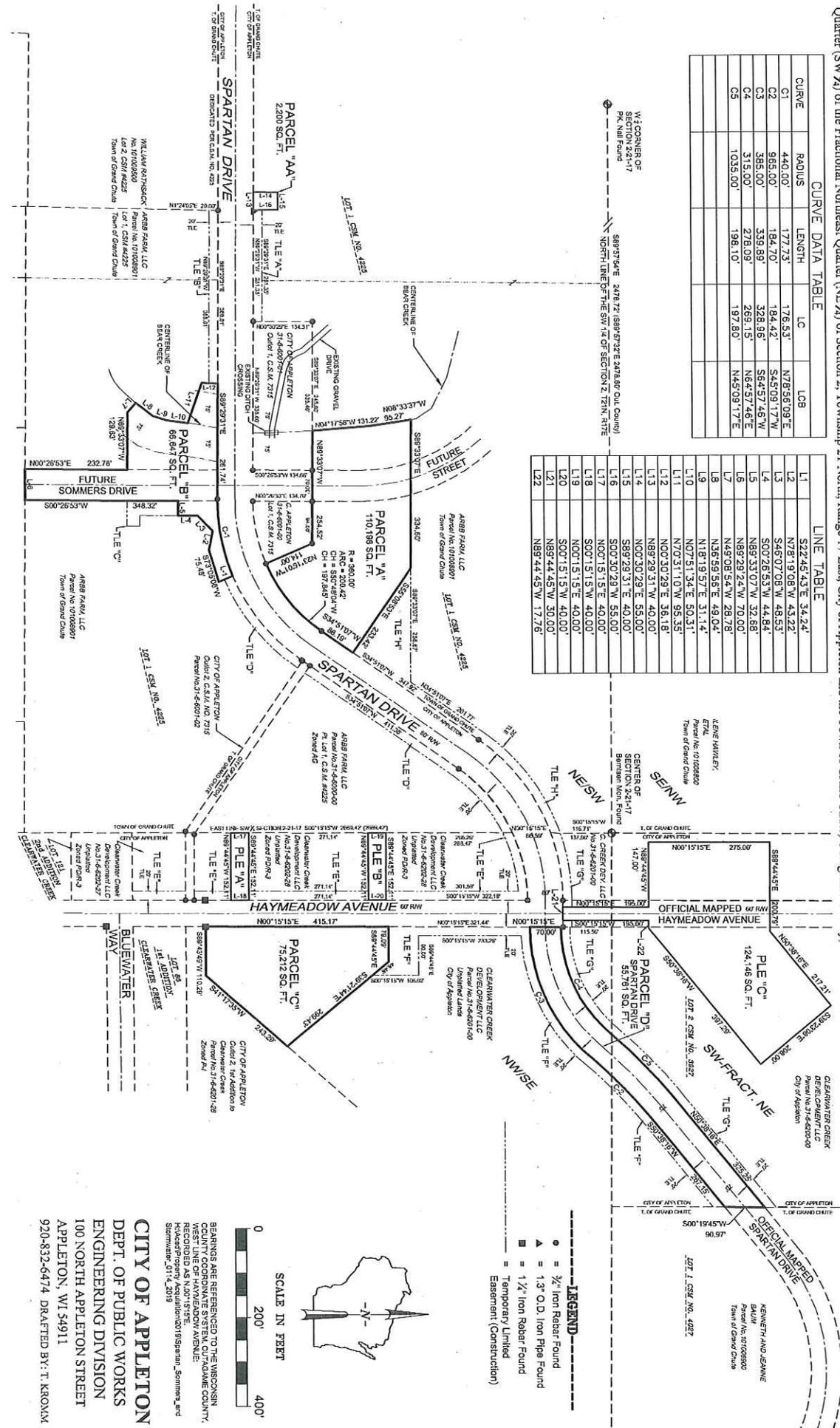
[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

EXHIBIT A

Part of Lot 1 of Certified Survey Map No. 4225 recorded in Volume 23 of Certified Survey Maps on Page 4225 as Document No. 1447327 and Part of Lot 2 of Certified Survey Map No. 3927 recorded in Volume 21 of Certified Survey Maps on Page 3927 as Document No. 1388606 and Part of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4), being located in the North One-Half (N 1/2) of the Southwest Quarter (SW 1/4) of the Southwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) and the Southwest Quarter (SW 1/4) of the Fractional Northeast Quarter (NE 1/4) of Section 2, Township 21 North, Range 17 East, City of Appleton and the Town of Grand Chute, Outagamie County, Wisconsin.

CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LOB
C1	440.00'	177.73'	176.53'	N78°56'09"E
C2	985.00'	184.70'	184.42'	S45°09'17"W
C3	385.00'	339.89'	328.98'	S54°57'46"W
C4	315.00'	278.09'	269.15'	N64°57'46"E
C5	1035.00'	198.10'	197.80'	N45°09'17"E

LINE TABLE		
L#	BEARING	LENGTH
L1	S22°45'43"E	34.24'
L2	N78°19'08"W	43.22'
L3	S46°07'08"W	48.53'
L4	S00°26'53"W	44.84'
L5	N89°33'07"W	32.86'
L6	N89°29'24"W	70.00'
L7	N49°08'54"W	28.78'
L8	N81°59'58"E	49.04'
L9	N1°19'57"E	31.14'
L10	N07°31'10"W	50.31'
L11	N07°31'10"W	95.33'
L12	N00°30'29"E	36.18'
L13	N89°29'31"W	40.00'
L14	N00°30'29"E	55.00'
L15	S89°29'31"E	40.00'
L16	S00°30'29"W	55.00'
L17	N00°15'15"E	40.00'
L18	N00°15'15"E	40.00'
L19	N00°15'15"E	40.00'
L20	N89°44'45"W	30.00'
L21	N89°44'45"W	30.00'
L22	N89°44'45"W	17.76'



LEGEND

- = 1/2" Iron Rebar Found
- ▲ = 1.3" O.D. Iron Pipe Found
- = 1 1/2" Iron Rebar Found
- = Temporary Limited Easement (Construction)

SCALE IN FEET

0 200' 400'

CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474 DRAFTED BY: T. KRONMY

ARBB FARM, LLC

Tax Key #101008901

PARCEL "AA"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.0505 Acres (2,200 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W $\frac{1}{4}$ corner of said Section 2;
Thence South 89°57'54" East 1029.19 feet along the North line of the SW $\frac{1}{4}$ of said Section 2;
Thence South 00°02'06" West 750.31 feet to the Point of Beginning;
Thence South 89°29'31" East 40.00 feet;
Thence South 00°30'29" West 55.00 feet to the North line of Spartan Drive;
Thence North 89°29'31" West 40.00 feet coincident with the North line of Spartan Drive;
Thence North 00°30'29" East 55.00 feet to the point of beginning.
See also attached Exhibit "A".

ARBB FARM, LLC

Tax Key #101008901

PARCEL "A"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 2.5298 Acres (110,198 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W $\frac{1}{4}$ corner of said Section 2;
Thence South 89°57'54" East 1542.63 feet along the North line of the SW $\frac{1}{4}$ of said Section 2;
Thence South 00°02'06" West 450.14 feet to the Point of Beginning;
Thence South 89°33'07" East 334.60 feet;
Thence South 55°08'53" East 233.42 feet to the Northwesterly line of Spartan Drive;
Thence South 34°51'07" West 86.19 feet coincident with the Northwesterly line of Spartan Drive;
Thence Southwesterly 200.42 feet along the arc of curve to the right having a radius of 360.00 feet and the chord of which bears South 50°48'04" West 197.85 feet coincident with the Northwesterly line of Spartan Drive;
Thence North 23°16'01" West 114.00 feet;
Thence North 89°33'07" West 254.52 feet;
Thence North 04°17'58" West 131.22 feet;
Thence North 08°33'37" West 95.27 feet to the point of beginning.
See also attached Exhibit "A".

ARBB FARM, LLC

Tax Key #101008901

PARCEL "B"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 1.5300 Acres (66,647 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W $\frac{1}{4}$ corner of said Section 2;
Thence South 89°57'54" East 1458.72 feet along the North line of the SW $\frac{1}{4}$ of said Section 2;
Thence South 00°02'06" West 888.86 feet to the South line of Spartan Drive and being the Point of Beginning;

Thence South 89°29'31" East 261.74 feet coincident with the South line of Spartan Drive;
Thence Easterly 177.73 feet coincident with the South line of Spartan Drive, along the arc of curve to the left having a radius of 440.00 feet and the chord of which bears North 78°56'09" East 176.53 feet;
Thence South 22°45'43" East 34.24 feet; Thence South 73°05'06" West 75.48 feet;
Thence North 78°19'08" West 43.22 feet; Thence South 46°07'08" West 48.53 feet;
Thence South 00°26'53" West 44.84 feet; Thence North 89°33'07" West 32.68 feet;
Thence South 00°26'53" West 348.32 feet; Thence North 89°29'24" West 70.00 feet;
Thence North 00°26'53" East 232.78 feet; Thence North 89°33'07" West 129.63 feet;
Thence North 49°08'54" West 28.78 feet; Thence North 36°59'56" East 49.04 feet;
Thence North 18°19'57" East 31.14 feet; Thence North 07°51'34" East 50.31 feet;
Thence North 70°31'10" West 95.35 feet; Thence North 00°30'29" East 36.18 feet to the point of beginning.
See also attached Exhibit "A".

CLEARWATER CREEK DEVELOPMENT LLC

Tax Key #31-6-6201-00

PARCEL "C"

A part of the Northwest ¼ of the Southeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1.7266 Acres (75,212 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 2478.72 feet along the North line of the SW ¼ to the Center of said Section 2;
Thence South 89°40'21" East 212.11 feet along the North line of the SE ¼ of said Section 2;
Thence South 00°15'15" West 507.00 feet to a point on the East line of Haymeadow Avenue and being the Point of Beginning;
Thence South 89°44'45" East 79.09 feet;
Thence South 39°21'44" East 299.43 feet;
Thence South 41°17'35" West 243.29 feet;
Thence South 89°43'49" West 110.29 feet to the East line of Haymeadow Avenue;
Thence North 00°15'15" East 415.17 feet coincident with the East line of Haymeadow Avenue to the point of beginning.
See also attached Exhibit "A".

CLEARWATER CREEK DEVELOPMENT LLC

Tax Key #31-6-6200-00 and 31-6-6201-00

PARCEL "D"

A 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, located in and being a part of the Northwest ¼ of the Southeast ¼ and the Southwest ¼ of the Fractional Northeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1.2801 Acres (55,761 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 2478.72 feet along the North line of the SW ¼ to the Center of said Section 2;
Thence South 89°40'21" East 212.11 feet along the North line of the SE ¼ of said Section 2;
Thence South 00°15'15" West 115.56 feet to a point on the East line of Haymeadow Avenue and being the Point of Beginning;
Thence Northeasterly 278.09 feet along the arc of a curve to the left having a radius of 315.00 feet and the chord of which bears North 64°57'46" East 269.15 feet
Thence continue Northeasterly 198.10 feet along the arc of a curve to the right having a radius of 1,035.00 feet and the chord of which bears North 45°09'17" East 197.80 feet;
Thence North 50°38'16" East 325.25 feet;

Thence South 00°19'45" West 90.97 feet;
Thence South 50°38'16" West 267.15 feet;
Thence Southwesterly 184.70 feet along the arc of curve to the left having a radius of 965.00 feet and the chord of which bears South 45°09'17" West 184.42 feet;
Thence Southwesterly 339.89 feet along the arc of a curve to the right having a radius of 385.00 feet and the chord of which bears South 64°57'46" West 328.96 feet;
Thence North 00°15'15" East 70.00 feet coincident with the East line of Haymeadow Avenue to the point of beginning.
See also attached Exhibit "A".

CLEARWATER CREEK DEVELOPMENT LLC

Tax Key #31-6-6202-28

PLE "A"

A part of the Northwest ¼ of the Southeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 0.1397 Acres (6,084 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 2478.72 feet along the North line of the SW ¼ to the Center of said Section 2;
Thence South 00°15'15" West 824.15 feet coincident with the West line of the SE ¼ of said Section 2 to the Point of Beginning;
Thence South 89°44'45" East 152.11 feet;
Thence South 00°15'15" West 40.00 feet;
Thence North 89°44'45" West 152.11 feet;
Thence North 00°15'15" East 40.00 feet to the point of beginning.
See also attached Exhibit "A".

CLEARWATER CREEK DEVELOPMENT LLC

Tax Key #31-6-6202-28

PLE "B"

A part of the Northwest ¼ of the Southeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 0.1397 Acres (6,084 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 2478.72 feet along the North line of the SW ¼ to the Center of said Section 2;
Thence South 00°15'15" West 513.01 feet coincident with the West line of the SE ¼ of said Section 2 to the Point of Beginning;
Thence South 89°44'45" East 152.11 feet;
Thence South 00°15'15" West 40.00 feet;
Thence North 89°44'45" West 152.11 feet;
Thence North 00°15'16" East 40.00 feet to the point of beginning.
See also attached Exhibit "A".

CLEARWATER CREEK DEVELOPMENT LLC

Tax Key #31-6-6200-00 and 31-6-6200-01

PLE "C"

A 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, located in and being a part of the Southwest ¼ of the Fractional Northeast ¼ of Section 2, Township 21

North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 2.8500 (124,146 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W $\frac{1}{4}$ corner of said Section 2;
Thence South 89°57'54" East 2478.72 feet along the North line of the SW $\frac{1}{4}$ to the Center of said Section 2;
Thence North 00°19'45" East 359.17 feet along the West line of the Fractional Northeast $\frac{1}{4}$ of said Section 2 and being coincident with the West line of said Lot 2;
Thence South 89°44'45" East 19.64 feet to the Point of Beginning;
Thence continue South 89°44'45" East 200.79 feet;
Thence North 50°38'16" East 217.21 feet;
Thence South 39°23'08" East 208.00 feet;
Thence South 50°38'16" West 397.29 feet;
Thence North 89°44'45" West 17.76 feet;
Thence South 00°15'15" West 195.00 feet;
Thence North 89°44'45" West 30.00 feet;
Thence North 00°15'15" East 195.00 feet;
Thence North 89°44'45" West 147.00 feet;
Thence North 00°15'15" East 275.00 feet to the point of beginning.
See also attached Exhibit "A".

ARBB FARM, LLC

Tax Key #101008901

TLE "A"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.1154 Acres (5,027 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W $\frac{1}{4}$ corner of said Section 2;
Thence South 89°57'54" East 1068.90 feet along the North line of the SW $\frac{1}{4}$ of said Section 2;
Thence South 00°02'06" West 785.64 feet to the Point of Beginning;
Thence South 89°29'31" East 251.35 feet;
Thence South 00°30'29" West 20.00 feet to the North line of Spartan Drive;
Thence North 89°29'31" West 251.35 feet coincident with the North line of Spartan Drive;
Thence North 00°30'29" East 20.00 feet to the point of beginning.
See also attached Exhibit "A".

ARBB FARM, LLC

Tax Key #101008901

TLE "B"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northwest $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ and the Northeast $\frac{1}{4}$ of the Southwest $\frac{1}{4}$ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.1785 Acres (7,775 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W $\frac{1}{4}$ corner of said Section 2;
Thence South 89°57'54" East 1069.92 feet along the North line of the SW $\frac{1}{4}$ of said Section 2;
Thence South 00°02'06" West 885.65 feet to the South line of Spartan Drive and being the Point of Beginning;
Thence South 89°29'31" East 388.81 feet coincident with the South line of Spartan Drive;
Thence South 00°30'29" West 20.00 feet;

Thence North 89°29'31" West 388.81 feet;
Thence North 00°30'29" East 20.00 feet to the point of beginning.
See also attached Exhibit "A".

ARBB FARM, LLC

Tax Key #101008901

TLE "C"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.1028 Acres (4,478 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 1724.45 feet along the North line of the SW ¼ of said Section 2;
Thence South 00°02'06" West 980.16 feet to the Point of Beginning;
Thence South 89°33'07" East 32.68 feet;
Thence South 00°26'53" West 87.13 feet;
Thence East 24.35 feet;
Thence South 28.72 feet;
Thence North 89°28'03" West 57.26 feet;
Thence North 00°26'53" East 115.57 feet to the point of beginning.
See also attached Exhibit "A".

ARBB FARM, LLC

Tax Key #101008901 and 31-6-6000-00

TLE "D"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton and the Town of Grand Chute, Outagamie County, Wisconsin, containing 0.3905 Acres (17,010 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 2478.72 feet along the North line of the SW ¼ to the Center of said Section 2;
Thence South 89°40'21" East 152.11 feet along the North line of the SE ¼ of said Section 2;
Thence South 00°15'15" West 190.63 feet to the Southwest corner of Spartan Drive and Haymeadow Avenue and being the point of beginning;
Thence South 00°15'15" West 897.17 feet coincident with the West line of Haymeadow Avenue;
Thence South 89°43'49" West 20.00 feet;
Thence North 00°15'15" East 876.76 feet;
Thence Southwesterly 308.75 feet along the arc of a curve to the left having a radius of 340.00 feet and the chord of which bears South 60°52'00" West 298.25 feet;
Thence South 34°51'07" West 434.11 feet;
Thence Southwesterly 260.98 feet along the arc of curve to the right having a radius of 460.00 feet and the chord of which bears South 51°06'19" West 257.49 feet;
Thence North 22°45'43" West 20.00 feet;
Thence Northeasterly 249.67 feet coincident with the Southeasterly line of Spartan Drive along the arc of a curve to the left having a radius of 440.00 feet and the chord of which bears North 51°06'28" East 246.34 feet;
Thence North 34°51'07" East 434.11 feet coincident with the Southeasterly line of Spartan Drive;

Thence Northeasterly 348.10 feet coincident with the Southeasterly line of Spartan Drive along the arc of curve to the right having a radius of 360.00 feet and the chord of which bears North 62°33'10" East 334.69 feet to the point of beginning.

See also attached Exhibit "A".

CLEARWATER CREEK DEVELOPMENT LLC

Tax Key #31-6-6202-27 and 31-6-6202-28

TLE "E"

A part of the Northwest ¼ of the Southeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 0.4291 Acres (18,690 sq. ft.) of land and being **all those lands of the owner within the following described traverse:**

Commencing at the W ¼ corner of said Section 2;

Thence South 89°57'54" East 2478.72 feet along the North line of the SW ¼ to the Center of said Section 2;

Thence South 89°40'21" East 152.11 feet along the North line of the SE ¼ of said Section 2;

Thence South 00°15'15" West 190.63 feet to the Southwest corner of Spartan Drive and Haymeadow Avenue and being the point of beginning;

Thence South 00°15'15" West 897.17 feet coincident with the West line of Haymeadow Avenue;

Thence South 89°43'49" West 20.00 feet;

Thence North 00°15'15" East 876.76 feet;

Thence Southwesterly 308.75 feet along the arc of a curve to the left having a radius of 340.00 feet and the chord of which bears South 60°52'00" West 298.25 feet;

Thence South 34°51'07" West 434.11 feet;

Thence Southwesterly 260.98 feet along the arc of curve to the right having a radius of 460.00 feet and the chord of which bears South 51°06'19" West 257.49 feet;

Thence North 22°45'43" West 20.00 feet;

Thence Northeasterly 249.67 feet coincident with the Southeasterly line of Spartan Drive along the arc of a curve to the left having a radius of 440.00 feet and the chord of which bears North 51°06'28" East 246.34 feet;

Thence North 34°51'07" East 434.11 feet coincident with the Southeasterly line of Spartan Drive;

Thence Northeasterly 348.10 feet coincident with the Southeasterly line of Spartan Drive along the arc of curve to the right having a radius of 360.00 feet and the chord of which bears North 62°33'10" East 334.69 feet to the point of beginning.

Less and excepting that area contained within the afore described PLE "A" and PLE "B".

See also attached Exhibit "A".

CLEARWATER CREEK DEVELOPMENT LLC

Tax Key #31-6-6200-00 and 31-6-6201-00

TLE "F"

A 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, located in and being a part of the Northwest ¼ of the Southeast ¼ and the Southwest ¼ of the Fractional Northeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 0.6565 Acres (28,597 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;

Thence South 89°57'54" East 2478.72 feet along the North line of the SW ¼ to the Center of said Section 2;

Thence South 89°40'21" East 212.11 feet along the North line of the SE ¼ of said Section 2;

Thence South 00°15'15" West 185.56 feet to a point on the East line of Haymeadow Avenue and being the Point of Beginning;

Thence Northeasterly 339.89 feet along the arc of a curve to the left having a radius of 385.00 feet and the chord of which bears North 64°57'46" East 328.96 feet

Thence continue Northeasterly 184.70 feet along the arc of a curve to the right having a radius of 965.00 feet and the chord of which bears North 45°09'17" East 184.42 feet;
Thence North 50°38'16" East 267.15 feet;
Thence South 00°19'45" West 25.99 feet;
Thence South 50°38'16" West 250.56 feet;
Thence Southwesterly 180.87 feet along the arc of curve to the left having a radius of 945.00 feet and the chord of which bears South 45°09'17" West 180.60 feet;
Thence continue Southwesterly 337.54 feet along the arc of a curve to the right having a radius of 405.00 feet and the chord of which bears South 63°32'51" West 327.86 feet;
Thence South 00°15'15" West 233.26 feet;
Thence South 89°44'45" East 90.00 feet;
Thence South 00°15'15" West 106.02 feet;
Thence North 39°21'44" West 48.48 feet;
Thence North 89°44'45" West 79.09 feet;
Thence North 00°15'15" East 321.44 feet to the Point of Beginning.
See also attached Exhibit "A".

CLEARWATER CREEK DEVELOPMENT LLC

Tax Key #31-6-6200-00 and 31-6-6201-00

TLE "G"

A 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, located in and being a part of the Northeast ¼ of the Southwest ¼ and the Northwest ¼ of the Southeast ¼ and the Southwest ¼ of the Fractional Northeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 0.4536 Acres (19,760 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 2478.72 feet along the North line of the SW ¼ to the Center of said Section 2;
Thence South 89°40'21" East 167.11 feet along the North line of the SE ¼ of said Section 2;
Thence South 00°15'15" West 110.62 feet to a point on the North line of Spartan Drive and being the Point of Beginning;
Thence North 89°44'45" West 15.00 feet;
Thence Westerly 155.32 feet along the arc of a curve to the left having a radius of 440.00 feet and the chord of which bears South 80°08'28" West 154.51 feet;
Thence North 00°15'15" East 21.25 feet;
Thence Easterly 155.03 feet along the arc of a curve to the right having a radius of 460.00 feet and the chord of which bears North 80°35'55" East 154.30 feet;
Thence South 89°44'45" East 15.00 feet;
Thence South 00°15'15" West 20.00 feet;
Thence South 89°44'45" East 30.00 feet;
Thence North 00°15'15" East 20.00 feet;
Thence South 89°44'45" East 15.00 feet;
Thence South 00°15'15" West 5.00 feet;
Thence Northeasterly 260.44 feet along the arc of a curve to the left having a radius of 295.00 feet and the chord of which bears North 64°57'46" East 252.06 feet;
Thence continue Northeasterly 201.93 feet along the arc of a curve to the right having a radius of 1,055.00 feet and the chord of which bears North 45°09'17" East 201.62 feet;
Thence North 50°38'16" East 341.85 feet;
Thence South 00°19'45" West 25.99 feet;
Thence South 50°38'16" West 325.25 feet;
Thence Southwesterly 198.10 feet along the arc of curve to the left having a radius of 1,035.00 feet and the chord of which bears South 45°09'17" West 197.80 feet;

Thence Southwesterly 278.09 feet along the arc of a curve to the right having a radius of 315.00 feet and the chord of which bears South 64°57'46" West 269.15 feet;
Thence North 00°15'15" East 5.00 feet;
Thence North 89°44'45" West 45.00 feet to the point of beginning.
See also attached Exhibit "A".

ARBB FARM, LLC

Tax Key #101008901

TLE "H"

A part of Lot 1 of Certified Survey Map No. 4225 filed in Volume 23 of Certified Survey Maps on Page 4225 as Document No.1447327, located in and being a part of the Northeast ¼ of the Southwest ¼ of Section 2, Township 21 North, Range 17 East, Town of Grand Chute, Outagamie County, Wisconsin, containing 0.6463 Acres (28,153 sq. ft.) of land and being all those lands of the owner within the following described traverse:

Commencing at the W ¼ corner of said Section 2;
Thence South 89°57'54" East 2478.72 feet along the North line of the SW ¼ to the Center of said Section 2;
Thence South 00°15'15" West 116.71 feet coincident with the East line of the SW ¼ of said Section 2 to the Point of Beginning;
Thence continue South 00°15'16" West 21.25 feet to the Northerly line of Spartan Drive;
Thence Southwesterly 270.14 feet coincident with the Northwesterly line of Spartan Drive along the arc of a curve to the left having a radius of 440.00 feet and the chord of which bears South 52°26'25" West 265.91 feet;
Thence South 34°51'07" West 347.92 feet coincident with the Northwesterly line of Spartan Drive;
Thence North 55°08'53" West 233.42 feet;
Thence South 89°33'07" East 258.67 feet;
Thence North 34°51'07" East 201.77 feet;
Thence Northeasterly 289.76 feet along the arc of curve to the right having a radius of 460.00 feet and the chord of which bears North 52°53'52" East 285.00 feet to the point of beginning.
See also attached Exhibit "A".

AGREEMENT

This Agreement is being made by and between the City of Appleton, Wisconsin, a Wisconsin municipal corporation (hereinafter "the City") and Clearwater Creek Development, LLC, (hereinafter "Clearwater Creek").

WHEREAS, Clearwater Creek is the owner of certain property located in the city of Appleton, and

WHEREAS, Clearwater Creek desires to develop certain property they own near the area of Spartan Drive, and

WHEREAS, the City of Appleton will construct Spartan Drive and a sanitary lift station, and Clearwater Creek wishes the City of Appleton to so construct Spartan Drive and lift station, and

NOW, THEREFORE, the parties agree as follows:

1. The recitals are incorporated herein by reference as if fully set forth.
2. Clearwater Creek agrees to dedicate to the City of Appleton for roadway and sanitary lift station purposes, property within the city of Appleton, as described in Exhibit A.
3. The City wishes to accept Clearwater Creek's dedication of the above parcels.
4. The City agrees that the City will be responsible for the construction and installation of storm sewer, sanitary sewer, and water main, within the right-of-way of Spartan Drive and Haymeadow Avenue in the area shown on Exhibit "B".
5. That the City shall be responsible for the costs associated with grading, graveling and paving of Spartan Drive and Haymeadow Avenue in the area shown on Exhibit "B" and these costs shall not be assessed by the City of Appleton.
6. That the properties adjacent to Spartan Drive and Haymeadow Avenue shall not be assessed by the City of Appleton for any costs for the installation of sanitary sewer, storm sewer, or water main infrastructure within the right-of-way of Spartan Drive and Haymeadow Avenue in the area shown on Exhibit "B".
7. That Clearwater shall:
 - a. provide an easement for the sanitary forcemain at no cost to the City (shown as "2" on Exhibit "B" attached hereto);
 - b. dedicate the right-of-way for Spartan Drive and Haymeadow Avenue at no cost to the City (shown as "1" on Exhibit "B" attached hereto);

Dated this 3 day of February, 2016.

Clearwater Creek Development, LLC

By: Robert A De Bruin
Printed Name: Robert A De Bruin
Title: Member

By: _____
Printed Name: _____
Title: _____

STATE OF WISCONSIN)

: ss.

Outagamie COUNTY)

Personally came before me on this 3 day of February, 2016, the above-named Robert A De Bruin and _____, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Jill M Hendricks
Printed Name: Jill M Hendricks
Notary Public, State of Wisconsin
My commission is/expires: 10/19/19



[SIGNATURES CONTINUE ON THE FOLLOWING PAGE]

City of Appleton

By: [Signature]
Timothy M. Hanna, Mayor

By: [Signature]
Kami Seefeldt, City Clerk
Lynch

STATE OF WISCONSIN)
: ss.
OUTAGAMIE COUNTY)

Personally came before me on this 4 day of April, 2016, the above-named Timothy M. Hanna and Kami Seefeldt, to me known to be the persons who executed the foregoing instrument and acknowledge the same.

[Signature]
Printed Name: James Griesbach
Notary Public, State of Wisconsin
My commission is/ expires 12/31/17



Provision has been made to pay the liability that will accrue under this contract.

[Signature]
Anthony D. Saucerman, Director of Finance

Approved as to Form:
[Signature]
James P. Walsh, City Attorney

This instrument was drafted by:
James P. Walsh, Appleton City Attorney
J:\Attorney\WORD\Agreements (General)\SPARTAN DRIVE-HAYMEADOW AVENUE - Agrm with Pat Hietpas - 02-03-16.doc

EASEMENT AGREEMENT

For and in consideration of the sum of one dollar (\$1.00) and other good and valuable consideration, the receipt of which is hereby acknowledged, Clearwater Creek Development LLC, a Wisconsin Limited Liability Company, as owner (Grantor) does hereby grant to the City of Appleton ("Grantee") a utility easement, City infrastructure easement and an Ingress egress access easement upon, within and beneath a portion of grantor's land and being further described below.

See Exhibit "A" for a property description, terms and conditions.
See Exhibit "B" for Map, all attached hereto and incorporated herein by reference.

Record and return to:
City of Appleton - City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key No.: 31-6-6201-00

IN WITNESS WHEREOF, the said Grantor has caused these presents to be signed this 3 day

of February, 2016.

Clearwater Creek Development LLC, a Wisconsin Limited Liability Company

By Robert A De Bruin By _____
Printed Name Robert A De Bruin Printed Name _____
Title Member Title _____

STATE OF WISCONSIN)
)ss
OUTAGAMIE COUNTY)

Personally came before me this 3 day of February, 2016, the above-named,

Robert A De Bruin and _____ to me known to be the persons who executed the foregoing instrument and acknowledged the same.

Kell M Hendricks
Notary Public, State of Wisconsin
My commission expires 10/19/19


EXHIBIT "A"

AREA "1" (SEE EXHIBIT "B") = SANITARY SEWER, STORM SEWER, WATERMAIN, AND CITY STREET EASEMENT

It is agreed that the Grantor, its lessees, successors, heirs or assigns (hereinafter referred to as "Grantor"), shall have full use and enjoyment of the property referenced below provided that such use does not interfere with Grantee's right to install, replace, operate, maintain, repair and relocate the above described City utilities or infrastructure improvements. It is further agreed that after installing, replacing, operating, maintaining, repairing or relocating of said City utilities or infrastructure improvements Grantee shall restore said property, as closely as possible, to the condition previously existing, and Grantee does hereby agree to compensate fully for any damage caused directly or indirectly from said installation, replacement, operation, maintenance, repair or relocation of said City utilities or infrastructure improvements. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. This easement includes the right of access and to operate any and all necessary equipment thereon. This area is intended to be a permanent easement until such time mutually agreeable terms are reached for the Grantee to become the fee owner of the below described easement area.

The servient property is described as: All of City of Appleton Tax Parcel No.31-6-6201-00, located in and being a part of the Northwest ¼ of the Southeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

The easement is described as: All those lands of the owner within the following described traverse: Being a part of the Northwest ¼ of the Southeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1.4047 Acres of land m/l and described as follows:

Commencing at the most North and East line of Haymeadow Avenue as dedicated by the FIRST ADDITION TO CLEARWATER CREEK PLAT and being the point of beginning;

Thence South 89°43'49" West 60.00 feet, along a North line of said Plat to the West line of Haymeadow Avenue;
Thence North 00°15'15" East 732.17 feet;

Thence Southwesterly 156.92 feet along the arc of a curve to the left having a radius of 360.00 feet and the chord of which bears South 77°46'00" West 155.68 feet; Thence North 00°15'15" East 86.57 feet;

Thence Northeasterly 155.20 feet along the arc of a curve to the right having a radius of 440.00 feet and the chord of which bears North 80°08'59" East 154.39 feet; Thence South 89°44'45" East 60.00 feet

Thence South 00°15'15" West 811.62 feet to the Point of Beginning.

AREA "2" (SEE EXHIBIT "B") = SANITARY SEWER FORCE MAIN EASEMENT

It is agreed that the Grantor, its lessees, successors, heirs or assigns (hereinafter referred to as "Grantor"), shall have full use and enjoyment of the property referenced below provided that such use does not interfere with Grantee's right to install, replace, operate, maintain, repair and relocate a sanitary sewer force main. It is further agreed that after installing, replacing, operating, maintaining, repairing or relocating of said sanitary sewer force main Grantee shall restore said property, as closely as possible, to the condition previously existing, and Grantee does hereby agree to compensate fully for any damage caused directly or indirectly from said installation, replacement, operation, maintenance, repair or relocation of said sanitary sewer force main. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work. This easement includes the right of access and to operate any and all necessary equipment thereon. This easement is intended to be temporary and the Grantee agrees to release any and all interest in said property upon the installation of a permanent sanitary sewer force main within future Sommers Drive.

The servient property is described as: All of City of Appleton Tax Parcel No.31-6-6201-00, located in and being a part of the Northwest ¼ of the Southeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

The easement is described as:

All those lands of the owner within the following described traverse: Being a part of the Northwest ¼ of the Southeast ¼ of Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 0.0699 Acres of land m/l and described as follows:

Commencing at the most North and East line of Haymeadow Avenue as dedicated by the FIRST ADDITION TO CLEARWATER CREEK PLAT;

Thence South 89°43'49" West 60.00 feet, along a North line of said Plat to the West line of Haymeadow Avenue;
Thence South 00°15'15" West 24.75 feet along the West line of Haymeadow Avenue to the point of beginning;

Thence continue South 00°15'15" West 20.00 feet along the West line of Haymeadow Avenue;

Thence North 89°44'45" West 151.99 feet; Thence North 00°15'15" East 22.01 feet;

Thence South 55°08'53" East 3.53 feet;

Thence South 89°44'45" East 149.09 feet to the Point of Beginning.

APPROVED AS TO FORM: James P. Walsh, City Attorney

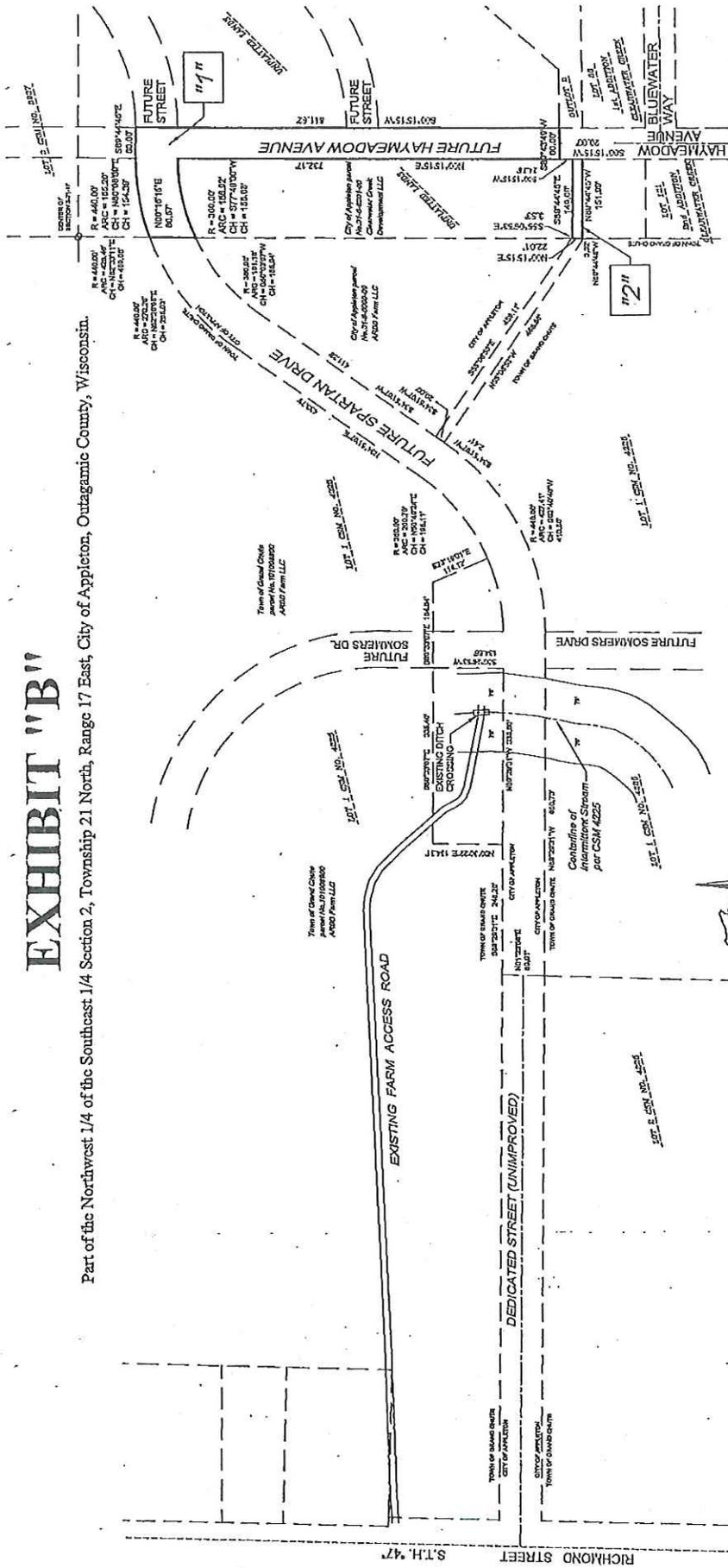
Drafted by: James P. Walsh, City Attorney

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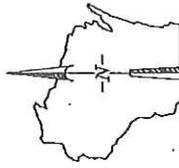
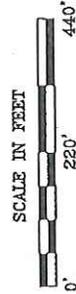
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EXHIBIT "B"

Part of the Northwest 1/4 of the Southeast 1/4 Section 2, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474
 DRAFTED BY: T. KROMM



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY. CENTERLINE OF FUTURE HAYMEADOW AVENUE, FUTURE SPARLAN DRIVE, AND FUTURE SOMMERS DRIVE IS RECORDED AS N 107°15'15"E. H:\Acad\Elements\2011\21N17E\planDr_Cleanwater_LocStation_0121_2018