



# CITY OF APPLETON

## MEMORANDUM

**Date:** July 8, 2026  
**To:** City Plan Commission  
**From:** Lindsey Smith, Principal Planner  
**Subject:** Final Plat – Stone Ridge Estates West

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## GENERAL INFORMATION

**Owner:** Cypress Homes, Inc. (Shannon Meyer, President)

**Consulting Engineer:** Jeff Rustick, Schuler & Associates, Inc.

**Parcel Numbers:** 31-6-5802-02

**Owner's Request:** The owner is proposing to subdivide the property into 10 lots.

**Plan Commission Meeting Date:** July 8, 2026

**Common Council Meeting Date:** July 15, 2026

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## BACKGROUND

January 12, 2022 – Plan Commission recommended approval of the Preliminary Plat for Stone Ridge Estates West.

September 14, 2022 – Plan Commission recommended approval of the Final Plat for Stone Ridge Estates West with condition of Final Plat being recorded within 12 months of 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.

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## STAFF ANALYSIS

**Proposed Conditions:** The Final Plat for Stone Ridge Estates West consists of approximately 3.88 acres and includes 10 proposed residential lots.

**Comparison Between Final Plat and Preliminary Plat:** The Final Plat is generally consistent with the Preliminary Plat layout in terms of the shape, size, building setback dimensions, and location of the lot lines. The one change is Lots 11 and 12 were previously planned for temporary stormwater feature. Since the Preliminary Plat was approved, a stormwater feature has been designed and approved within the Comet Ridge Subdivision Plat to accommodate the Stone Ridge Estates West Subdivision Plat.

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

- Minimum lot area: Six thousand (6,000) square feet.
  - *The proposed average lot size within this development is 13,600 square feet. All residential lots satisfy the minimum lot area requirement.*
- Minimum lot width: Fifty (50) feet.
  - *All lots exceed this minimum requirement, with exception of Lot 8. Please see the “Compliance with Appleton Subdivision Regulations” section below. The Common Council granted a Modification of Regulations per Section 17-3(f) of the Subdivision Code on January 19<sup>th</sup>, 2022. Lot 8 meets the minimum lot width standard at the building setback line.*
- Minimum front, side and rear yard setbacks: Twenty (20) foot front yard, Six (6) foot side yard, and Twenty-five (25) foot rear yard.
  - *Required setbacks will be reviewed through the building permit review process.*
- Maximum building height: Thirty-five (35) feet.
  - *This will be reviewed through the building permit review process.*
- Maximum lot coverage. Fifty percent (50%).
  - *This will be reviewed through the building permit review process.*

**Compliance with the Appleton Subdivision Regulations:** This subdivision complies with the Appleton Subdivision Regulations, except for the code sections listed below.

Proposed lot width for Lot 8 is 40 feet at the right-of-way line, 50 feet is required per Section 17-3(c)(6) and Section 23-93(g)(3) of the Municipal Code. The modification allows for a reduction of lot width at the right-of-way line from 50 feet to 40 feet. *Note: Per Section 23-22, lot width for a lot abutting a cul-de-sac or curved street is measured at the front setback line. Due to the existing angled alignment of Haymeadow Avenue, Lot 8 is shaped similar to a lot adjacent to a cul-de-sac. Lot 8 is 90 feet wide at the 20 foot front setback line and complies with all other applicable development standards.*

Pursuant to Section 17-3(f) of the Municipal Code, when the Common Council finds that extraordinary hardship or injustice will result from strict compliance with this ordinance, it may vary the terms thereof to the extent deemed necessary and proper to grant relief, provided that the modification meets the following three standards:

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

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

**Surrounding Zoning and Land Uses:** The surrounding zoning and uses (north, south, east, and west) are generally residential in nature with a small portion being commercial.

North: City of Appleton. R-1B Single-family. The adjacent land uses to the north are residential.

South: City of Appleton. R-1B Single-family. The adjacent land uses to the south are undeveloped but proposed as future residential in Comet Ridge Subdivision Plat.

West: Town of Grand Chute. The adjacent land use to the west is residential.

East: City of Appleton. R-1A Single-family. The adjacent land use to the east is residential.

**Comprehensive Plan - *Plan Appleton*:** The Comprehensive Plan Map identifies the subject area as future Suburban Neighborhoods. The proposed development appears to be consistent with this future land use designation and the following goals:

#### Goal H | Housing

Appleton will have housing options of a variety of styles, sizes, and costs to meet community members' unique needs across its neighborhoods.

#### Goal T | Transportation

Appleton will support a transportation network that provides multiple ways for people to navigate the city and connect to the region.

#### Goal U | Utilities and Community Facilities

Appleton will provide reliable, high-quality utilities and community services in a fiscally responsible manner.

#### Goal L | Land Use

Appleton will continue to support thoughtful growth, development, and redevelopment that strengthens neighborhoods, considers sensitive natural areas, and maintains high-quality City of Appleton services.

#### **Dedication of Public Parks and/or Trails or Payment Fee in Lieu Thereof:**

The Appleton Subdivision Regulations require parkland dedication or fee in lieu thereof for dwelling units proposed in a plat. As a result, the City will collect a park fee in the amount of \$1,100.00 per dwelling unit proposed within the Stone Ridge Estates West subdivision from the landowner upon the issuance of a building permit pursuant to Section 17-29(f) of the Municipal Code.

**Development Review Team (DRT) Report:** This item appeared on the following development review team meeting agendas:

June 16, 2026

June 30, 2026

Comments pertaining to stormwater management, drainage, erosion control, utilities, street design, parkland dedication, plat layout and other technical requirements have been received from participating departments and captured in the stipulations found below. Staff comments have been submitted to the applicant by a separate email by staff on July 1, 2026.

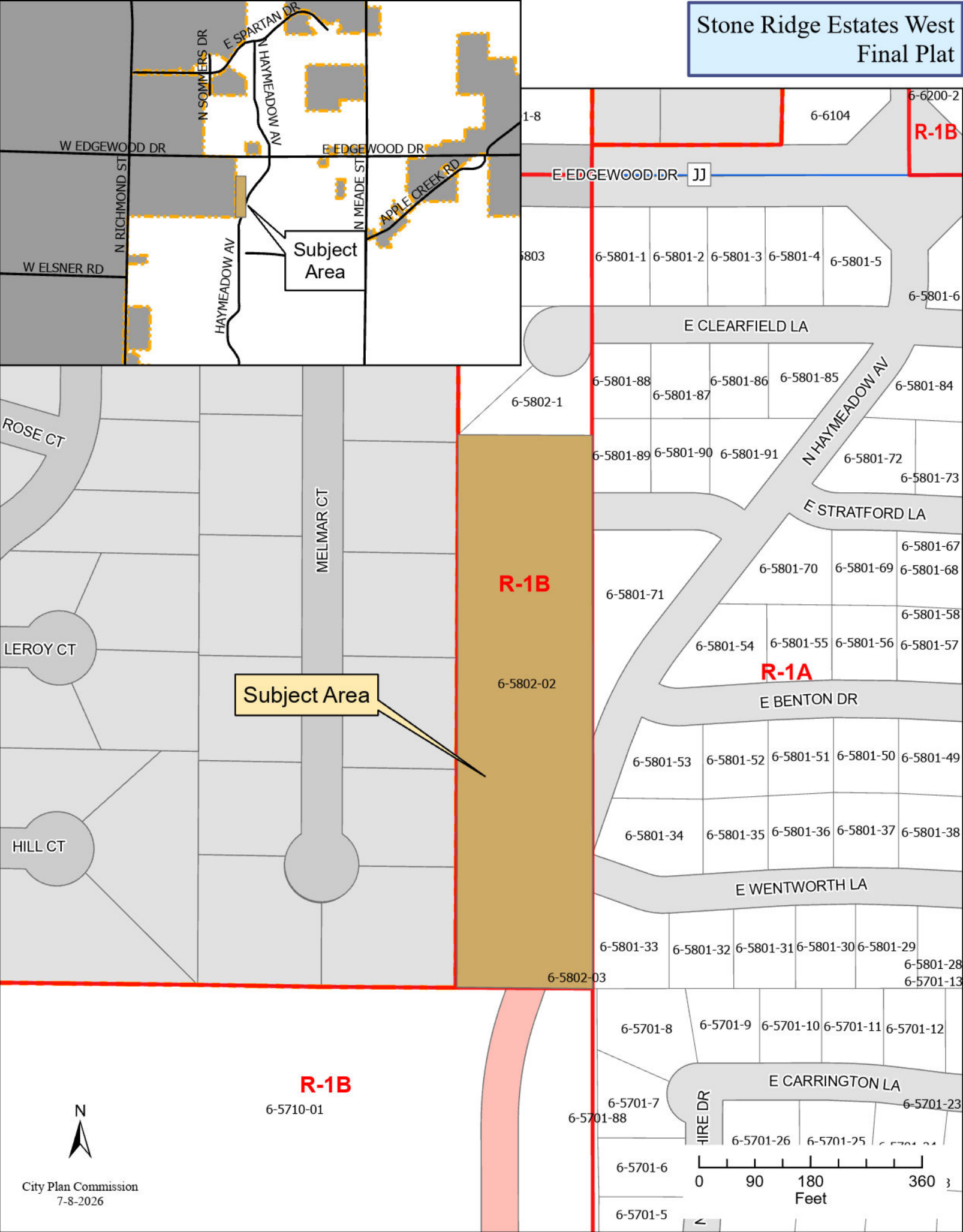
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## RECOMMENDATION

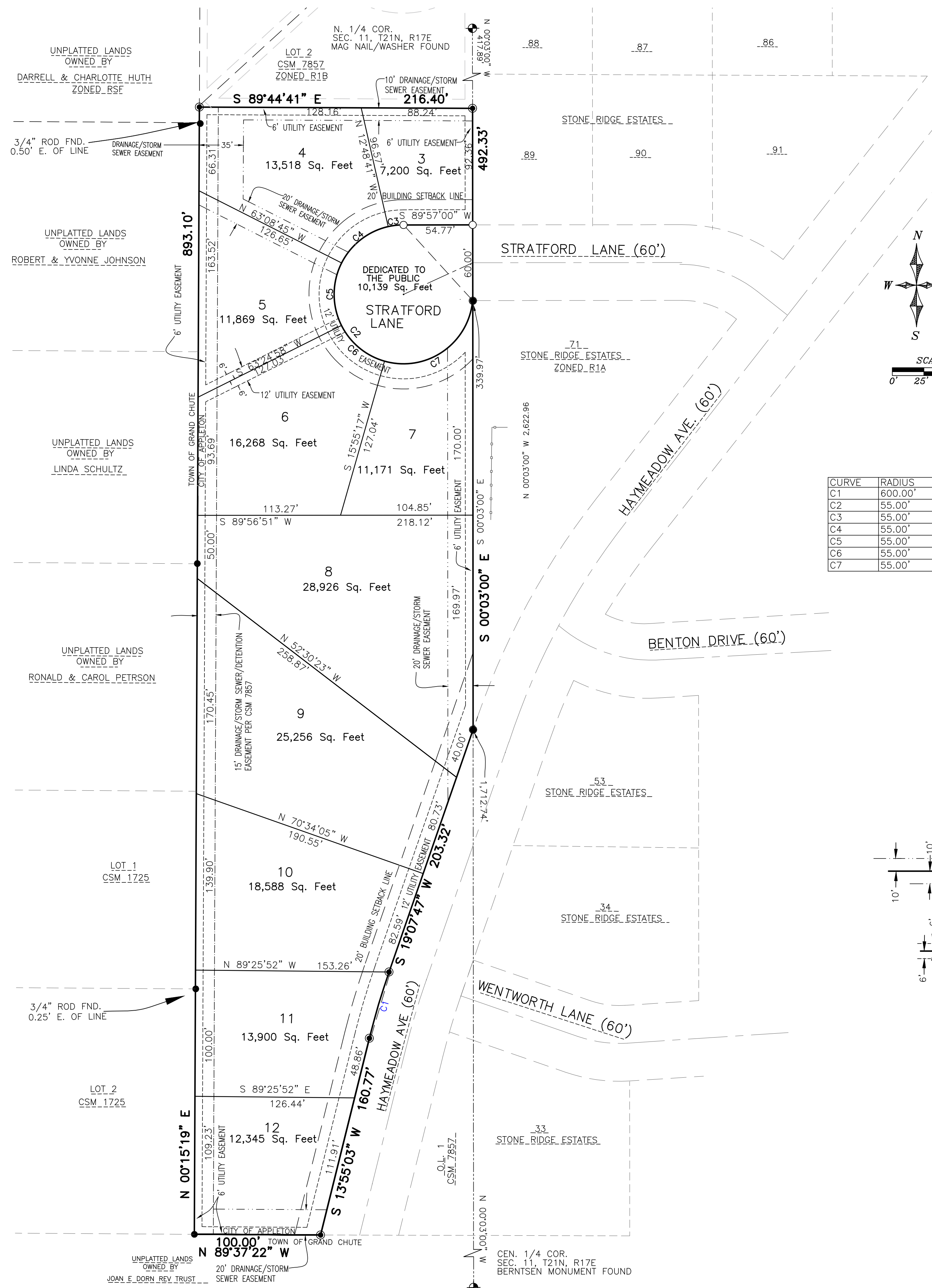
The Final Plat for Stone Ridge Estates West, **BE APPROVED** subject to the following conditions and as shown on the attached maps:

1. The City will collect a park fee in the amount of \$1,100.00 per dwelling unit proposed within the Stone Ridge Estates West subdivision from the landowner upon the issuance of a building permit pursuant to Section 17-29(f) of the Municipal Code.
2. The Final Plat comments and conditions, including but not limited to, the Final Plat, street names, drainage plan, engineering plans, traffic, stormwater & environmental, public trail design and grading provided by the Department of Public Works, Engineering Division, Parks and Recreation Department, and Community Development Department dated July 1, 2026 shall be addressed by owner/applicant to the satisfaction of the respective City staff prior to City staff accepting and filing the Final Plat with the City Clerk's Office.
3. A Development Agreement is required between the City and owner/developer that identifies the duties and responsibilities with respect to the development of the subject land. The applicant and owner, Community Development Director, Public Works Director, City Engineer, City Attorney, and other applicable staff shall discuss the preparation and process of this agreement. City signatures will not be affixed to the Final Plat until the Development Agreement is executed by the owner/developer. All improvements for the Stone Ridge Estates West Plat shall be completed under the terms and conditions of said development agreement.
4. City signatures shall not be affixed to the Final Plat until objecting authorities, including but not limited to, the Department of Administration review and notify the City that they do not object to the Final Plat.
5. All approvals and permits for development must be obtained from all appropriate regulatory agencies prior to construction.
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.

# Stone Ridge Estates West Final Plat

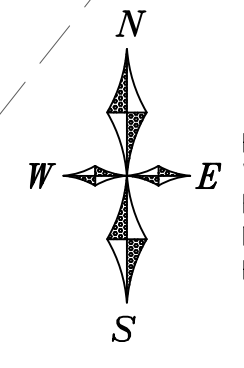
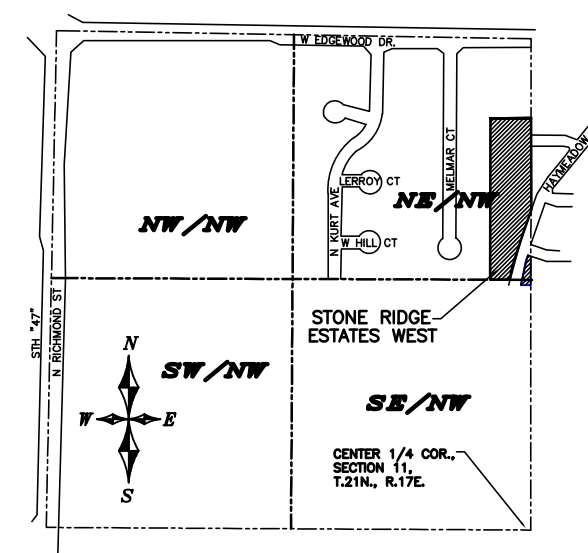




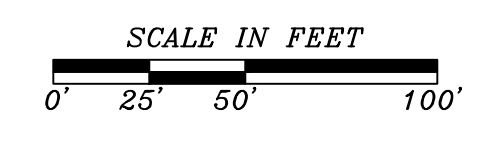


### STONE RIDGE ESTATES WEST

ALL OF LOT 3 OF CERTIFIED SURVEY MAP NUMBER 7857 AS RECORDED IN DOCUMENT NUMBER 2182744 BEING PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM FOR OUTAGAMIE COUNTY EAST LINE OF NW 1/4 SECTION 11, T.21N., R.17E. BEARS N00°03'00"W

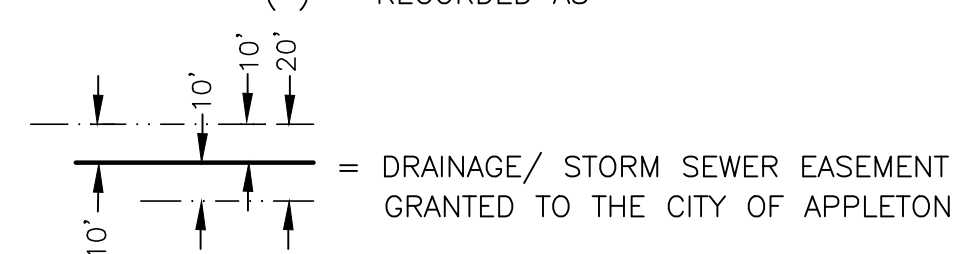


### CURVE DATA TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING	DELTA ANGLE	TANGENT BEARING-IN	TANGENT BEARING-OUT
C1	600.00'	54.58'	54.56'	S 16°31'25" W	5°12'44"	S 19°07'47" W	S 13°55'03" W
C2	55.00'	254.17'	81.24'	S 42°26'31.5" E	264°47'03"	S 89°57'00" W	N 05°09'57" E
C3	55.00'	12.25'	12.22'	S 83°34'09.5" W	12°45'41"	S 89°57'00" W	S 77°11'19" W
C4	55.00'	48.32'	46.78'	S 52°01'17" W	50°20'04"	S 77°11'19" W	S 26°51'15" W
C5	55.00'	51.30'	49.46'	S 00°08'06.5" W	53°26'17"	S 26°51'15" W	S 26°35'02" E
C6	55.00'	45.59'	44.30'	S 50°19'47.5" E	47°29'31"	S 26°35'02" E	S 74°04'33" E
C7	55.00'	96.71'	84.72'	N 55°32'42" E	100°45'30"	S 74°04'33" E	N 05°09'57" E

### LEGEND

- = 3/4" DIA. ROUND STEEL REBAR FOUND
- ⊙ = 1-5/16" O.D. IRON PIPE FOUND
- = 1 1/4" DIA. ROUND STEEL REBAR FOUND
- = 1 1/4" DIA. ROUND x 30" LONG STEEL REBAR WEIGHING 4.30 LBS./LIN. FOOT SET
- ALL OTHER LOT CORNERS STAKED WITH 1" DIA. ROUND x 24" LONG IRON PIPE WEIGHING 1.13 LBS./ LIN. FOOT
- ( ) = RECORDED AS



MICHAEL J. FRANK  
WISCONSIN PROFESSIONAL LAND SURVEYOR S-2123  
THIS INSTRUMENT DRAFTED BY: MJF  
DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

**SCHULER & ASSOCIATES, INC.**  
LAND SURVEYORS & ENGINEERS  
2711 N. MASON STREET, SUITE F, APPLETON, WI 54914-2126 (920) 734-9107

# STONE RIDGE ESTATES WEST

ALL OF LOT 3 OF CERTIFIED SURVEY MAP 7857 AS RECORDED IN DOCUMENT NUMBER 2182744, BEING PART OF THE  
NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

## SURVEYORS CERTIFICATE:

I, MICHAEL J. FRANK, PROFESSIONAL LAND SURVEYOR S-2123, HEREBY CERTIFY:  
THAT I HAVE SURVEYED, DIVIDED AND MAPPED STONE RIDGE ESTATES WEST,

ALL OF LOT 3 OF CERTIFIED SURVEY MAP NUMBER 7857 AS RECORDED IN DOCUMENT NUMBER 2182744, BEING  
PART OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SECTION 11, TOWNSHIP 21 NORTH, RANGE 17 EAST,  
CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN, CONTAINING 169,182 SQUARE FEET (3.884 ACRES) OF LAND,  
MORE OR LESS AND SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE MADE SUCH SURVEY, LAND DIVISION AND PLAT BY THE ORDER AND UNDER THE DIRECTION  
OF THE OWNERS OF SAID LAND.

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

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

DATED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026

\_\_\_\_\_  
MICHAEL J. FRANK S-2123  
WISCONSIN PROFESSIONAL LAND SURVEYOR

## CORPORATE OWNERS CERTIFICATE OF DEDICATION

CYPRESS HOMES, INC., A WISCONSIN CORPORATION, A CORPORATION DULY ORGANIZED AND  
EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, AS OWNER, DOES  
HEREBY CERTIFY THAT SAID CORPORATION CAUSED THE LAND DESCRIBED ON THIS PLAT TO BE  
SURVEYED, DIVIDED, MAPPED, AND DEDICATED AS REPRESENTED ON THIS PLAT.

CYPRESS HOMES, INC., DOES FURTHER CERTIFY THAT THIS PLAT IS REQUIRED BY s.236.10 OR  
s.236.12 TO BE SUBMITTED TO THE FOLLOWING FOR APPROVAL OR OBJECTION:

AGENCIES HAVING THE AUTHORITY TO OBJECT  
STATE OF WISCONSIN, DEPARTMENT OF ADMINISTRATION

APPROVING AUTHORITIES  
CITY OF APPLETON

IN WITNESS WHEREOF, THE SAID CYPRESS HOMES, INC., INC., HAS CAUSED  
THESE PRESENTS TO BE SIGNED BY SHANNON MEYER, ITS PRESIDENT,  
AT APPLETON, WISCONSIN, ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026.

\_\_\_\_\_  
SHANNON MEYER, PRESIDENT  
STATE OF WISCONSIN)  
ss.  
\_\_\_\_\_ COUNTY)

PERSONALLY CAME BEFORE ME THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026, SHANNON MEYER,  
PRESIDENT OF THE ABOVE NAMED CORPORATION, TO ME KNOWN TO BE THE PERSON WHO EXECUTED  
THE FOREGOING INSTRUMENT, AND TO ME KNOWN TO BE SUCH PRESIDENT OF SAID CORPORATION,  
AND ACKNOWLEDGED THAT SHE EXECUTED THE FOREGOING INSTRUMENT AS SUCH OFFICER  
AS THE DEED OF SAID CORPORATION, BY ITS AUTHORITY.

\_\_\_\_\_  
NOTARY PUBLIC, \_\_\_\_\_CTY., WISCONSIN  
MY COMMISSION EXPIRES \_\_\_\_\_

## DRAINAGE/ STORM SEWER EASEMENT PROVISIONS

AN EASEMENT FOR DRAINAGE AND STORM SEWER IS HEREBY GRANTED BY:  
CYPRESS HOMES, INC. GRANTOR, TO

THE CITY OF APPLETON, GRANTEE,

- PURPOSE: GRANTOR AND GRANTEE AGREE THAT THE DRAINAGE DITCH, AND STORM SEWER WITHIN THE  
EASEMENT SHALL BE A PRIVATE DRAINAGE DITCH AND STORM SEWER INSTALLED, OPERATED, AND MAINTAINED  
BY GRANTOR IN ACCORDANCE WITH THE APPROVED CONSTRUCTION PLANS ON FILE WITH THE CITY OF  
APPLETON. THE PURPOSE OF THIS EASEMENT IS FOR THE GRANTEE TO ACCESS, INSTALL, REGRADE,  
REPLACE, RELOCATE, OPERATE, MAINTAIN, RESIZE AND REPAIR SAID IMPROVEMENTS IN THE DRAINAGE AND  
STORM SEWER EASEMENT, IN THE EVENT THAT GRANTOR FAILS TO DO SO. GRANTEE DOES HEREBY AGREE  
TO COMPENSATE GRANTOR FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID  
MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID STORM SEWER THAT OCCURS OUTSIDE THE  
EASEMENT AREA. TREES, BUSHES, BRANCHES AND ROOTS MAY BE TRIMMED OR REMOVED SO AS NOT TO  
INTERFERE WITH THE INTENDED USE OF THE EASEMENT AREA.
- ACCESS: GRANTEE OR ITS AGENTS SHALL HAVE THE RIGHT TO ENTER THE GRANTOR'S LAND FOR THE  
PURPOSE OF EXERCISING ITS RIGHTS IN THE EASEMENT AREA.
- BUILDINGS OR OTHER STRUCTURES: BUILDINGS OR ANY OTHER TYPE OF STRUCTURE SHALL NOT BE  
PLACED OVER GRANTEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED  
"DRAINAGE/STORM SEWER EASEMENT".
- ELEVATION: THE GRANTOR AGREES THAT THE ELEVATION OF THE EXISTING GROUND SURFACE WITHIN THE  
EASEMENT AREA WILL NOT BE ALTERED BY MORE THAN 4 INCHES WITHOUT THE WRITTEN CONSENT OF  
GRANTEE.
- RESTORATION: GRANTEE AGREES THAT IT WILL RESTORE SUBSURFACE MATERIALS ON GRANTOR'S LAND, AS  
NEARLY AS IS REASONABLY POSSIBLE, TO THE PRIOR EXISTING CONDITION WHEN CONDUCTING ALL FUTURE  
MAINTENANCE, RESIZING OR REPAIR ACTIVITIES. GRANTOR SHALL BE RESPONSIBLE FOR ALL SURFACE  
RESTORATION. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS  
OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, SIDEWALKS,  
STRUCTURES, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES  
DESCRIBED HEREIN.
- NOTIFICATION: GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE  
MAINTENANCE WORK. GRANTEE AND GRANTOR AGREE TO COOPERATE IN GOOD FAITH TO MINIMIZE  
INTERFERENCE OR DISRUPTION TO THE NORMAL FACILITY OPERATIONS. GRANTEE SHALL PROVIDE ADVANCE  
NOTICE TO GRANTOR (EXCEPT IN EMERGENCY SITUATIONS, IN WHICH EVENT NOTICE SHALL BE PROVIDED AS  
SOON AS IS PRACTICAL) OF ANY ACTIVITY WITH A REASONABLE LIKELIHOOD OF INTERFERING OR DISRUPTING  
THE OPERATION GRANTOR'S FACILITY, AND TO CONDUCT SUCH ACTIVITIES AT MUTUALLY AGREEABLE TIMES.
- DRAINAGE EASEMENTS ARE CONVEYANCE PATHS FOR STORM WATER. THE PLACEMENT OF FILL IN A DRAINAGE  
EASEMENT, WHICH INTERFERES WITH THE FLOW OR CHANGES TO THE SHAPE OF THE DRAINAGE EASEMENT  
BY THE LOT OWNER OR HIS AGENT, IS PROHIBITED. UPON FAILURE OF LOT OWNER'S TO MAINTAIN SAID  
DRAINAGE WAYS AND EASEMENTS AS DESIGNED; THE CITY OF APPLETON RETAINS THE RIGHT TO PERFORM  
MAINTENANCE AND OR REPAIRS. THE PAYMENT OF SAID MAINTENANCE AND OR REPAIRS SHALL BE EQUALLY  
ASSESSED TO THE ADJACENT LOT OWNERS.

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

\_\_\_\_\_  
SHANNON MEYER, PRESIDENT

## COMMON COUNCIL APPROVAL

WE HEREBY CERTIFY THAT THIS PLAT OF STONE RIDGE ESTATES WEST, LOCATED IN THE CITY OF APPLETON,  
OUTAGAMIE COUNTY WAS APPROVED AND ACCEPTED BY THE COMMON COUNCIL OF THE  
CITY OF APPLETON ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2026.

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

## TREASURER'S CERTIFICATE

WE HEREBY CERTIFY THAT THERE ARE NO UNPAID TAX SALES, UNPAID SPECIAL ASSESSMENTS OR  
UNPAID TAXES ON ANY OF THE LANDS INCLUDED IN THIS PLAT.

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

## UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR ELECTRIC, NATURAL GAS, AND COMMUNICATIONS SERVICES IS  
HEREBY GRANTED BY CYPRESS HOMES, INC., GRANTOR, TO

TO WISCONSIN ELECTRIC POWER COMPANY, AND WISCONSIN GAS, LLC, WISCONSIN  
CORPORATIONS DOING BUSINESS AS WE ENERGIES, GRANTEE,  
WISCONSIN BELL, INC. D/B/A AT&T, A WISCONSIN WISCONSIN CORPORATION, GRANTEE,  
AND SPECTRUM MID-AMERICA, LLC., GRANTEE

THEIR RESPECTIVE SUCCESSORS AND ASSIGNS, TO CONSTRUCT, INSTALL, OPERATE,  
REPAIR, MAINTAIN AND REPLACE FROM TIME TO TIME, FACILITIES USED IN CONNECTION  
WITH OVERHEAD AND UNDERGROUND TRANSMISSION AND DISTRIBUTION OF ELECTRICITY  
AND ELECTRIC ENERGY, NATURAL GAS, TELEPHONE AND CABLE TV FACILITIES FOR  
SUCH PURPOSES AS THE SAME IS NOW OR MAY HEREAFTER BE USED, ALL IN, OVER,  
UNDER, ACROSS, ALONG AND UPON THE PROPERTY SHOWN WITHIN THOSE AREAS ON  
THE PLAT DESIGNATED AS "UTILITY EASEMENT AREAS" AND THE PROPERTY DESIGNATED  
ON THE PLAT FOR STREETS AND ALLEYS, WHETHER PUBLIC OR PRIVATE, TOGETHER  
WITH THE RIGHT TO INSTALL SERVICE CONNECTIONS UPON, ACROSS, WITHIN AND  
BENEATH THE SURFACE OF EACH LOT TO SERVE IMPROVEMENTS THEREON, OR ON  
ADJACENT LOTS; ALSO THE RIGHT TO TRIM OR CUT DOWN TREES, BRUSH AND ROOTS  
AS MAY BE REASONABLY REQUIRED INCIDENT TO THE RIGHTS HEREIN GIVEN, AND THE  
RIGHT TO ENTER UPON THE SUBDIVIDED PROPERTY FOR ALL SUCH PURPOSES. THE  
GRANTEES AGREE TO RESTORE OR CAUSE TO HAVE RESTORED, THE PROPERTY, AS  
NEARLY AS IS REASONABLY POSSIBLE, TO THE CONDITION EXISTING PRIOR TO SUCH  
ENTRY BY THE GRANTEES OR THEIR AGENTS. THIS RESTORATION, HOWEVER, DOES  
NOT APPLY TO THE INITIAL INSTALLATION OF SAID UNDERGROUND AND/OR ABOVE  
GROUND ELECTRIC FACILITIES. NATURAL GAS FACILITIES OR TELEPHONE AND CABLE TV  
FACILITIES OR TO ANY TREES, BRUSH OR ROOTS WHICH MAY BE REMOVED AT ANY  
TIME PURSUANT TO THE RIGHTS HEREIN GRANTED. STRUCTURES SHALL NOT BE  
PLACED OVER GRANTEES' FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN  
THE LINE MARKED "UTILITY EASEMENT AREAS" WITHOUT THE PRIOR WRITTEN CONSENT  
OF GRANTEES. AFTER INSTALLATION OF ANY SUCH FACILITIES, THE GRADE OF THE  
SUBDIVIDED PROPERTY SHALL NOT BE ALTERED BY MORE THAN FOUR INCHES  
WITHOUT 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.

\_\_\_\_\_  
SHANNON MEYER, PRESIDENT DATE \_\_\_\_\_