



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Agenda - Final City Plan Commission

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Wednesday, June 12, 2024

3:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order
2. Pledge of Allegiance
3. Roll call of membership
4. Approval of minutes from previous meeting

[24-0736](#) City Plan Minutes from 5-22-24

Attachments: [City Plan Minutes 5-22-24.pdf](#)

### 5. Public Hearing/Appearances

[24-0737](#) Rezoning #5-24 for the subject parcels located at 1313 East Amelia Street (Tax Id #31-1-1926-00) and 1319 North Owaissa Street (Tax Id #31-1-1927-00), including to the centerline of the adjacent street right-of-way, as shown on the attached maps, from R-1B Single-Family District to R-1C Central City Residential District (Associated with Action Item #24-0738)

Attachments: [InformalPublicHearingNotice\\_1313EAmeliaSt+1319NOwaissaSt\\_Rezoning#5-2](#)

### 6. Action Items

[24-0738](#) Request to approve Rezoning #5-24 for the subject parcels located at 1313 East Amelia Street (Tax Id #31-1-1926-00) and 1319 North Owaissa Street (Tax Id #31-1-1927-00), including to the centerline of the adjacent street right-of-way, as shown on the attached maps, from R-1B Single-Family District to R-1C Central City Residential District

Attachments: [StaffReport\\_1313Amelia+1319Owaissa\\_Rezoning\\_For06-12-24.pdf](#)

[24-0739](#)

Request to approve the wetland restriction modification for Lots 90 - 97 of North Edgewood Estates 3 (Tax Id #31-1-7612-20, #31-1-7612-21, #31-1-7612-22, #31-1-7612-23, #31-1-7612-24, #31-1-7612-25, #31-1-7612-26, and #31-1-7612-27) as requested and shown on the attached documents and subject to the condition in the attached memo

**Attachments:** [StaffMemo\\_NorthEdgewoodEstates3\\_RestrictionModification\\_For06-12-24.pdf](#)  
[AffidavitOfCorrection\\_NorthEdgewoodEstates3\\_RestrictionModification.pdf](#)  
[WetlandDelineationMap\\_NorthEdgewoodEstates3\\_RestrictionModification.pdf](#)  
[RecordedPlat2021\\_NorthEdgewoodEstates3\\_RestrictionModification.pdf](#)

[24-0740](#)

Resolution #2024-03 - Supporting and Approving of the New Appleton (Fox Cities) Metropolitan Planning Organization (MPO) Policy Board Structure and Re-designation Agreement

**Attachments:** [MPOPolicyBoardStructure+RedesignationAgreement\\_Memo\\_6-5-24.pdf](#)  
[Resolution\\_NewAppleton\(FoxCities\)MPOPolicyBoardStructure+RedesignationA](#)

## 7. Information Items

## 8. Adjournment

*Notice is hereby given that a quorum of the Common Council may be present during this meeting, although no Council action will be taken.*

*Any questions about items on this meeting are to be directed to Kara Homan, Director, Community Development Department at 920-832-6468.*

*Reasonable Accommodations for Persons with Disabilities will be made upon Request and if Feasible.*



# City of Appleton

100 North Appleton Street  
Appleton, WI 54911-4799  
www.appleton.org

## Meeting Minutes - Final City Plan Commission

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Wednesday, May 22, 2024

3:30 PM

Council Chambers, 6th Floor

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1. Call meeting to order

Meeting called to order by Chair Mayor Woodford at 3:31 p.m.

2. Pledge of Allegiance

3. Roll call of membership

**Present:** 6 - Palm, Robins, Mayor Woodford, Neuberger, Fenton and Carpenter

**Excused:** 1 - Uitenbroek

*Others present:*

*Jim Fletcher, RE/MAX 24/7 Real Estate, LLC*

*Shelly Stone, RE/MAX 24/7 Real Estate, LLC*

*Bill Stone, Flatline Corporation*

*Timothy Hales, Timber Investments, 841 W. Lawrence Street*

*David Boulanger, Delaire's*

4. Approval of minutes from previous meeting

[24-0626](#)

City Plan Minutes from 5-8-24

**Attachments:** [City Plan Minutes 5-8-24.pdf](#)

**Fenton moved, seconded by Palm, that the Minutes be approved. Roll Call.  
Motion carried by the following vote:**

**Aye:** 6 - Palm, Robins, Mayor Woodford, Neuberger, Fenton and Carpenter

**Excused:** 1 - Uitenbroek

5. Public Hearing/Appearances

[24-0627](#)

Special Use Permit #2-24 to establish a bar/cocktail lounge with alcohol sales and service in association with a coffeehouse located at 823 West College Avenue (Tax Id #31-3-0943-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #24-0628)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_823WCollegeAv\\_SUP#2-24.pdf](#)  
[PublicHearingNoticeNeighborhood\\_823WCollegeAv\\_SUP#2-24.pdf](#)

*This public hearing was held and no one spoke.*

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

[24-0629](#)

Special Use Permit #3-24 to establish a wholesale facility located at 1800 West College Avenue (Tax Id #31-5-1739-01), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (Associated with Action Item #24-0630)

**Attachments:** [ClassIIPublicHearingNoticeNewspaper\\_1800WCollegeAve\\_SUP#3-24.pdf](#)  
[PublicHearingNoticeNeighborhood\\_1800WCollegeAve\\_SUP#3-24.pdf](#)

*This public hearing was held and no one spoke.*

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

[24-0631](#)

Rezoning #4-24 for the subject parcel located at 841 West Lawrence Street (Tax Id #31-3-0899-01), including to the centerline of the adjacent railroad line and the adjacent one-half (1/2) right-of-way of West Lawrence Street, South Badger Avenue and South Pierce Avenue, as shown on the attached maps, from C-2 General Commercial District to R-2 Two-Family District (Associated with Action Item #24-0632)

**Attachments:** [InformalPublicHearingNotice\\_841WLawrenceSt\\_Rezoning#4-24.pdf](#)

*This public hearing was held and no one spoke.*

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

## 6. Action Items

[24-0628](#)

Request to approve Special Use Permit #2-24 to establish a bar/cocktail lounge with alcohol sales and service in association with a coffeehouse located at 823 West College Avenue (Tax Id #31-3-0943-00), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport\\_823WCollegeAv\\_SUP\\_For5-22-24.pdf](#)

**Fenton moved, seconded by Palm, that Special Use Permit #2-24 be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 6 - Palm, Robins, Mayor Woodford, Neuberger, Fenton and Carpenter

**Excused:** 1 - Uitenbroek

[24-0630](#)

Request to approve Special Use Permit #3-24 to establish a wholesale facility located at 1800 West College Avenue (Tax Id #31-5-1739-01), as shown on the attached maps and per attached plan of operation, to run with the land subject to the conditions in the attached staff report and approve attached Resolution (2/3 vote of Common Council required for approval)

**Attachments:** [StaffReport\\_1800WCollegeAve\\_SUP\\_For5-22-24.pdf](#)

**Carpenter moved, seconded by Fenton, that Special Use Permit #3-24 be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 6 - Palm, Robins, Mayor Woodford, Neuberger, Fenton and Carpenter

**Excused:** 1 - Uitenbroek

[24-0632](#)

Request to approve Rezoning #4-24 for the subject parcel located at 841 West Lawrence Street (Tax Id #31-3-0899-01), including to the centerline of the adjacent railroad line and the adjacent one-half (1/2) right-of-way of West Lawrence Street, South Badger Avenue and South Pierce Avenue, as shown on the attached maps, from C-2 General Commercial District to R-2 Two-Family District

**Attachments:** [StaffReport\\_841WLawrenceSt\\_Rezoning\\_For05-22-24.pdf](#)

*Proceeds to Council on June 19, 2024.*

**Robins moved, seconded by Fenton, that Rezoning #4-24 be recommended for approval. Roll Call. Motion carried by the following vote:**

**Aye:** 6 - Palm, Robins, Mayor Woodford, Neuberger, Fenton and Carpenter

**Excused:** 1 - Uitenbroek

## 7. Information Items

8. Adjournment

**Carpenter moved, seconded by Palm, that the meeting be adjourned at 3:39 p.m. Roll Call. Motion carried by the following vote:**

**Aye:** 6 - Palm, Robins, Mayor Woodford, Neuberger, Fenton and Carpenter

**Excused:** 1 - Uitenbroek

**NOTICE OF PUBLIC HEARING  
OF THE  
APPLETON CITY PLAN COMMISSION**

Dear property owner(s):

The City of Appleton Plan Commission will conduct a Public Hearing on Wednesday, June 12, 2024, at 3:30 P.M., or as soon thereafter as can be heard, in Common Council Chambers, 6th Floor, City Hall, 100 North Appleton Street, for the following proposed rezoning request.

**Common Description:**

1313 East Amelia Street (Tax Id #31-1-1926-00) and 1319 North Owaissa Street (Tax Id #31-1-1927-00), including to the centerline of the adjacent street right-of-way.

**Rezoning Request:** A rezoning request has been initiated by Terry Adams, owner, and David Hebert of Hebert Associates, Inc., applicant, in the matter of amending Chapter 23 (Zoning Ordinance) of the Municipal Code of the City of Appleton for the above-described real estate, which is currently zoned R-1B Single-Family District. The owner and applicant propose to rezone the property to R-1C Central City Residential District (see attached maps). The R-1C district is intended to provide for the conservation and revitalization of residential areas located in the oldest parts of the City characterized predominately by single-family, detached dwellings on small sized lots of record while protecting residential neighborhoods from the intrusion of incompatible non-residential uses.

**Purpose of the Rezoning:** The rezoning will establish legally conforming parcels to facilitate a lot line adjustment between the subject parcels.

**Aldermanic District:** 2 – Alderperson Vered Meltzer

You are being notified as a policy of the City of Appleton Community Development Department. All persons interested are invited to attend this meeting and will be given an opportunity to be heard. Feedback can also be shared with Plan Commission members via written letter, email, or phone call. The Plan Commission makes a recommendation to the Common Council who makes the final decision on the matter.

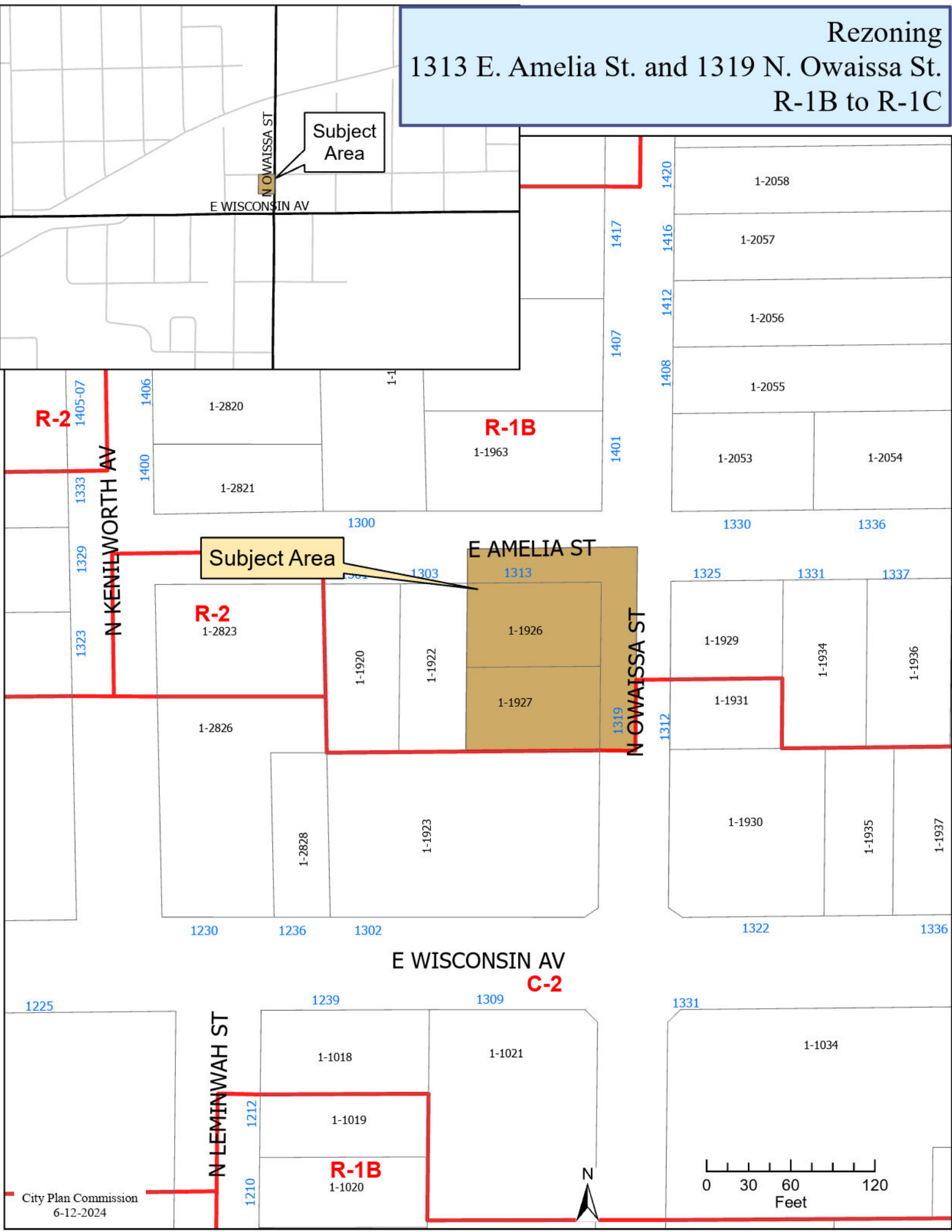
Any questions regarding this matter should be directed to Lindsey Smith, Principal Planner, in the Community Development Department at 920-832-3943 or by email at [lindsey.smith@appleton.org](mailto:lindsey.smith@appleton.org).

CITY PLAN COMMISSION  
APPLETON, WISCONSIN

COMMUNITY DEVELOPMENT DEPARTMENT  
CITY HALL – 100 NORTH APPLETON STREET  
APPLETON, WISCONSIN 54911-4799  
(920) 832-6468

*Reasonable accommodations for persons with disabilities will be made upon request and if feasible.*

# Rezoning 1313 E. Amelia St. and 1319 N. Owaissa St. R-1B to R-1C



Subject Area

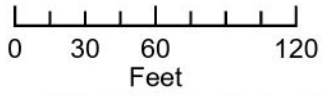
Subject Area

R-2  
1-2823

R-1B  
1-1963

C-2

R-1B  
1-1020





Rezoning  
1313 E. Amelia St. and 1319 N. Owaissa St.  
R-1B to R-1C







# CITY OF APPLETON

## MEMORANDUM

**Date:** June 12, 2024  
**To:** Plan Commission  
**From:** Lindsey Smith, Principal Planner  
**Subject:** Rezoning #5-24 – 1313 E. Amelia Street & 1319 N. Owaissa Street

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## GENERAL INFORMATION

**Owner/Applicant:** Terry Adams, owner and David Hebert of Hebert Associates, Inc., applicant

**Address/Parcel Number:** 1313 E. Amelia Street (Tax Id #31-1-1926-00) & 1319 N. Owaissa Street (Tax Id #31-1-1927-00)

**Petitioner's Request:** The applicant proposes to rezone the subject parcel from R-1B Single-Family Residential District to R-1C Central City Residential District. The rezoning will establish legally conforming parcels to facilitate a lot line adjustment between the subject parcels.

**Plan Commission Informal Hearing Meeting Date:** June 12, 2024

**Common Council Public Hearing Meeting Date:** July 17, 2024

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## BACKGROUND

1916 - Ullman's Addition Subdivision Plat

1930 - Residential House Built at 1319 N. Owaissa Street

1952 - Residential House Built at 1313 E. Amelia Street

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## STAFF ANALYSIS

**Project Summary:** The owner/applicant is proposing a lot line adjustment for the subject parcels he owns. The existing parcels are less than the minimum lot area for R-1B zoning district. Rezoning the lots to R-1C will create legal conforming parcels of record and allow for a lot line adjustment of approximately 880 square feet.

**Existing Site Conditions:** The subject parcels are each approximately 5,760 square feet in size and contains a single-family home used for residential use. The minimum lot area for R-1B zoning district is 6,000 square feet.

**Surrounding Zoning and Land Use:** The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally residential and commercial in nature.

- North: R-1B Single Family Residential District. The adjacent land uses to the north are currently residential.
- South: C-2 General Commercial District. The adjacent land uses to the south are currently institutional.
- East: R-1B Single-Family Residential District and C-2 General Commercial District. The adjacent land uses to the east are currently residential and commercial.
- West: R-1B Single-Family Residential District. The adjacent land uses to the west are currently residential.

**Appleton Comprehensive Plan 2010-2030:** Community Development staff has reviewed this proposal and determined it is compatible with the goals and objectives found in 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.*

*OBJECTIVE 10.5 Land Use:*

*Support the continued redevelopment and revitalization of land uses adjacent to Appleton's key transportation corridors and downtown.*

**Proposed Zoning Classification:** The R-1C Central City Residential District is intended to provide for the conservation and revitalization of residential areas located in the oldest parts of the City characterized predominately by single-family, detached dwellings on small sized lots of record while protecting residential neighborhoods from the intrusion of incompatible non-residential uses. Per Section 23-94(g) of the Municipal Code, the development standards for the R-1C District are listed below:

(1) **Minimum lot area:**

- a. Four thousand (4,000) square feet for single-family detached dwellings.
- b. Six thousand (6,000) square feet for all other uses.

(2) **Maximum lot coverage.** Seventy-five percent (75%).

(3) **Minimum lot width.**

- a. Forty (40) feet for single-family detached dwellings.
- b. Fifty (50) feet for all other uses.

(4) **Minimum front yard.**

- a. Ten (10) feet.
- b. Twenty (20) feet on an arterial street.

(5) **Minimum rear yard.** Twenty-five (25) feet.

(6) **Minimum side yard.**

- a. Five (5) feet for single-family dwellings.
- b. Six (6) feet for all other uses.

(7) **Maximum building height.** Thirty-five (35) feet.

**Standards for Zoning Map Amendments:** Per Section 23-65(d)(3) of the Municipal Code, all recommendations for Official Zoning Map amendments shall be consistent with the adopted plans, goals, and policies of the City and with the intent of the Zoning Ordinance. It would appear the criteria established has been satisfied. Related excerpts are listed below.

- a. Prior to making a recommendation on a proposed rezoning, the Plan Commission shall make a finding to determine if the following conditions exist. No rezoning of land shall be approved prior to finding at least one of the following:
  1. The request for a zone change is in conformance with the Comprehensive Plan for the City of Appleton. *The rezoning request is in conformance with the Comprehensive Plan 2010-2030 goals and objectives stated above and the Future Land Use Map, which identifies this area with a future one- and two-family residential designation.*
  2. A study submitted by the applicant that indicates that there has been an increase in the demand for land in the requested zoning district, and as a result, the supply of land within the City mapped as such on the Official Zoning Map is inadequate to meet the demands for such development.
  3. Proposed amendments cannot be accommodated by sites already zoned in the City due to lack of transportation, utilities or other development constraints, or the market to be served by the proposed use cannot be effectively served by the location of the existing zoning district(s).
  4. There is an error in the code text or zoning map as enacted.
- b. In addition to the findings required to be made by subsection (a), findings shall be made by the Plan Commission on each of the following matters based on the evidence presented:
  1. The adequacy of public facilities such as transportation, utilities and other required public services to serve the proposed site. *The subject area is served by existing infrastructure, and the transportation network should be able to accommodate the proposed rezoning.*
  2. The effect of the proposed rezoning on surrounding uses. *Parcels that are less than 6,000 square feet with single-family residential uses are already located in this area of the City. Therefore, the proposed rezoning request is unlikely to create adverse impacts for the surrounding uses.*

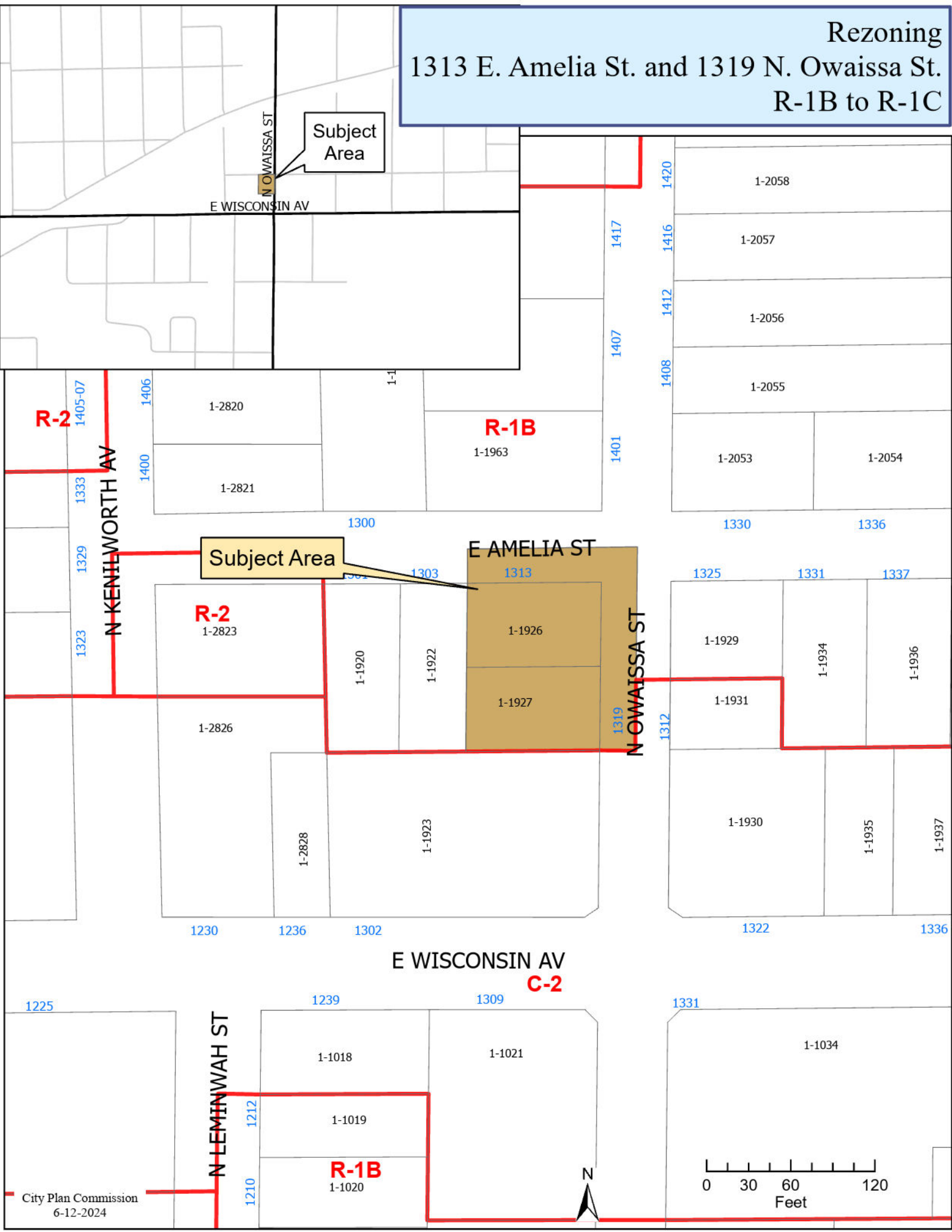
**Technical Review Group (TRG) Report:** This item appeared on the May 21, 2024 TRG agenda. No negative comments were received from participating departments.

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## RECOMMENDATION

Staff recommends, based upon the standards for zoning map amendments as required by Section 23-65(d)(3) of the Zoning Ordinance, that Rezoning #5-24 to rezone the subject properties at 1313 E. Amelia Street (Tax Id #31-1-1926-00) and 1319 N. Owaissa Street (Tax Id #31-1-1927-00) from R-1B Single-Family Residential District to R-1C Central City Residential District, including to the centerline of existing adjacent streets, as shown on the attached maps, **BE APPROVED**.

# Rezoning 1313 E. Amelia St. and 1319 N. Owaissa St. R-1B to R-1C

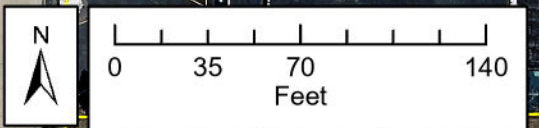


Subject Area

Subject Area



Rezoning  
1313 E. Amelia St. and 1319 N. Owaissa St.  
R-1B to R-1C





Parcel 31-1-1926-00

North 60 feet of Lot 5 and Lot 7 of Ullman's Addition, City of Appleton, Outagamie County, Wisconsin, including to the center line of the adjacent public right-of-way.

Parcel 31-1-1927-00

South 60 feet of Lot 5 and Lot 7 of Ullman's Addition, City of Appleton, Outagamie County, Wisconsin, including to the center line of the adjacent public right-of-way.



# CITY OF APPLETON

## MEMORANDUM

**Date:** June 12, 2024  
**To:** Plan Commission  
**From:** David Kress, Deputy Director of Community Development  
**Subject:** Restriction Modification – North Edgewood Estates 3

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The North Edgewood Estates 3 Final Plat was approved by the Common Council on October 20, 2021. The subdivision plat was recorded with the Outagamie County Register of Deeds on November 30, 2021. This plat identified a wetland protected area on Lots 90-97 along Yosemite Lane.

The engineering firm that prepared the plat recently shared a draft Affidavit of Correction, which seeks to modify the wetland restrictions. The firm also provided an updated wetland delineation showing the 2018 delineation compared to the 2023 delineation. Both documents are attached. Also, attached for reference is a copy of the recorded plat.

Per the Wisconsin Platting Manual, an Affidavit of Correction is the instrument needed to complete a restriction modification (including restrictions related to environmentally sensitive areas). Pursuant to Wisconsin Statutes §236.295(2)(a), each affidavit correcting a plat that changes restrictions for public benefit must be approved by the governing body of the municipality in which the subdivision is located. The requested restriction modification appears before Plan Commission and Common Council, since that is the manner in which the plat was originally approved.

### RECOMMENDATION:

The wetland restriction modification for Lots 90-97 of North Edgewood Estates 3 (Tax Id #31-1-7612-20, #31-1-7612-21, #31-1-7612-22, #31-1-7612-23, #31-1-7612-24, #31-1-7612-25, #31-1-7612-26, and #31-1-7612-27), as requested and shown on the attached maps, **BE APPROVED** subject to the following condition:

1. To formalize the restriction modification, the owner/agent is responsible for completing and recording an appropriate correction instrument with the Outagamie County Register of Deeds.





# Wetland Protected Area Exhibit

Part of Lots 90, 91, 92, 93, 94, 95, 96 and 97, North Edgewood Estates 3, being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 all located in of Section 05, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

## Wetland Protected Area Setback Exhibit:

Setback shown is per City of Appleton protective area in City of Appleton Code 20-312(f)

## Wetland Protected Area Exhibit:

The following requirements apply as excerpted from City of Appleton Municipal Code 20-312(f):

(3) The following requirements shall be met:

- a. Impervious surfaces shall be kept out of the protective area entirely or [as may be approved by the City of Appleton] to the maximum extent practicable.
- b. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining native vegetative cover of seventy percent (70%) or greater shall be established and maintained. The self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. [Subject to the issuance of all applicable permit], nonvegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
- c. Best management practices such as filter strips, treatment swales, or wet detention basins, that are designed to control pollutants from nonpoint sources may be located in the protective area.

(5) Protective areas do not apply to:

- d. Post-construction sites from which runoff does not enter the surface water, including wetlands, without first being treated by a [Stormwater Management Practice that has been approved by the City of Appleton], except to the extent that vegetative ground cover is necessary to maintain bank stability.

### Disclaimer

The attached maps are a representation of current conditions and regulations, this Affidavit is a documentation of an updated wetland delineation. Per the City's current interpretation of City of Appleton code 17.12(b)(2) dimensioned location of these lines is required. Due to changing nature of environmental conditions and regulatory nature of wetlands, flood plain and ordinary high water mark these dimensions should only act as a guide and actual field conditions and/or legislative regulations are held over dimensions shown on this map.

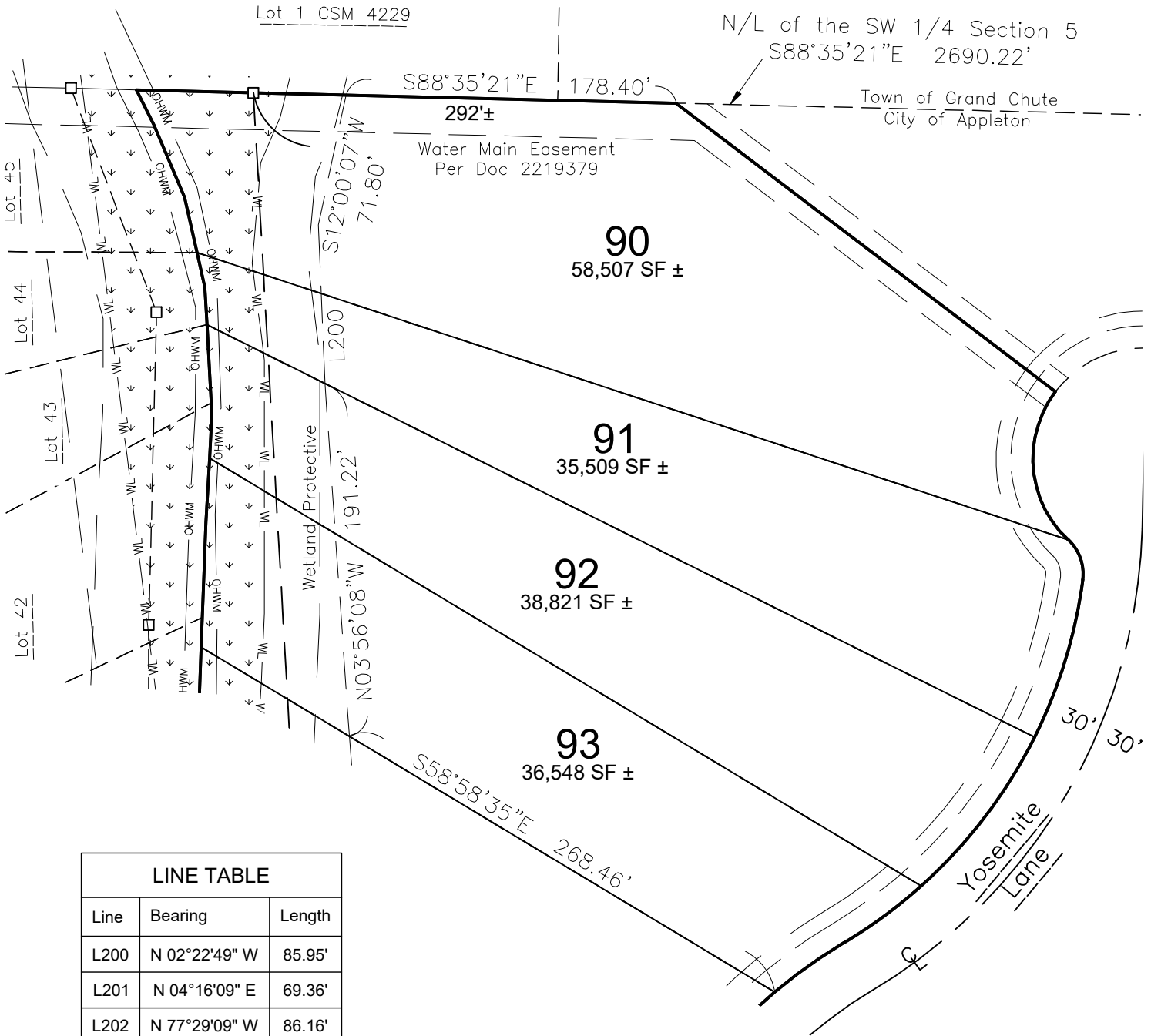


**DAVEL ENGINEERING &  
ENVIRONMENTAL, INC.**  
*Civil Engineers and Land Surveyors*

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

File: 7910Exhibit.dwg  
Date: 05/02/2024  
Drafted By: Jim  
Sheet: 2 of 4

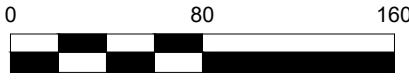
# Wetland Protected Area Exhibit



| LINE TABLE |               |        |
|------------|---------------|--------|
| Line       | Bearing       | Length |
| L200       | N 02°22'49" W | 85.95' |
| L201       | N 04°16'09" E | 69.36' |
| L202       | N 77°29'09" W | 86.16' |



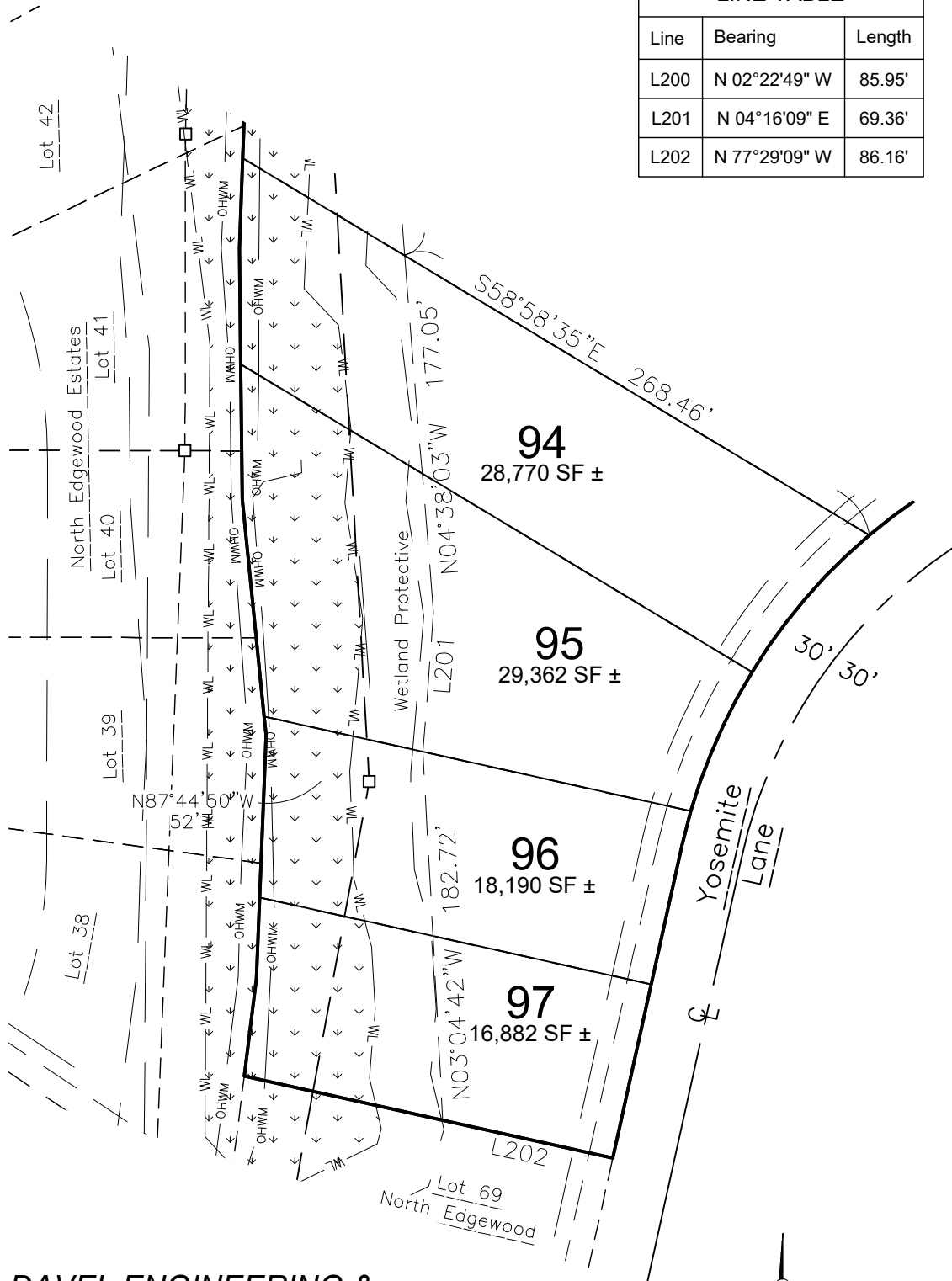
**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
 Civil Engineers and Land Surveyors  
 1164 Province Terrace, Menasha, WI 54952  
 Ph: 920-991-1866 Fax: 920-441-0804  
 www.davel.pro



File: 7910Exhibit.dwg  
 Date: 05/02/2024  
 Drafted By: Jim  
 Sheet: 3 of 4

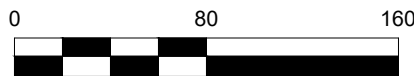
# Wetland Protected Area Exhibit

| LINE TABLE |               |        |
|------------|---------------|--------|
| Line       | Bearing       | Length |
| L200       | N 02°22'49" W | 85.95' |
| L201       | N 04°16'09" E | 69.36' |
| L202       | N 77°29'09" W | 86.16' |



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

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



File: 7910Exhibit.dwg  
 Date: 05/02/2024  
 Drafted By: Jim  
 Sheet: 4 of 4



# Wetland Delineation Map - 2023/2024

## North Edgewood Lots

Part of Sec. 5, T21N, R18E, Town of Grand Chute, Outagamie County, WI

For: Robert Buckingham

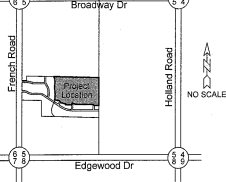
May 2023 Aerial Image





**LOCATION MAP**

SEC 5, T 21 N, R 18 E,  
City of Appleton  
Outagamie County, WI

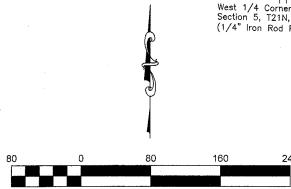


# North Edgewood Estates 3

Part of Lot 3, Certified Survey Map 7488, being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 all located in Section 05, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

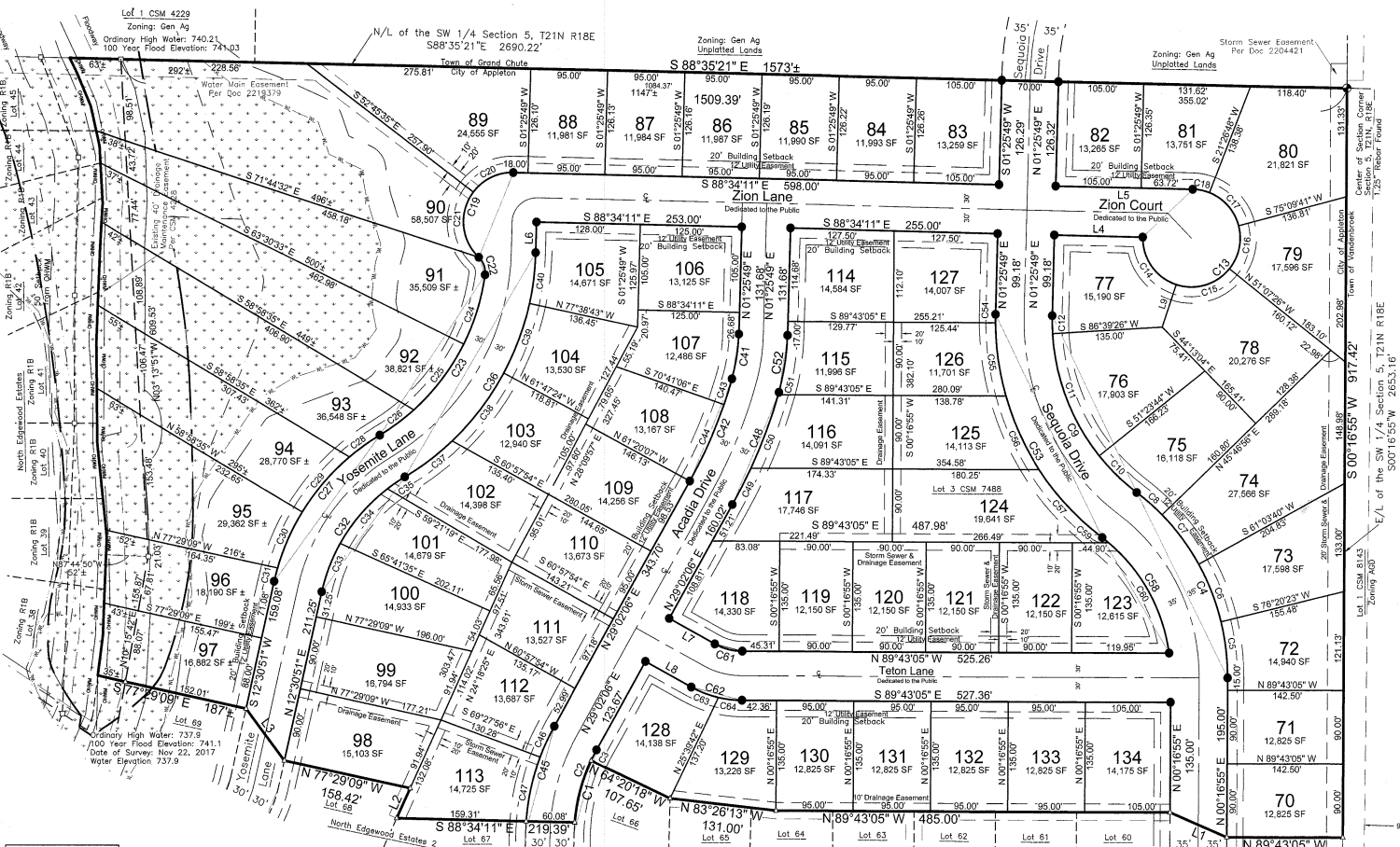
Document #: **2255392**  
Date: 11-30-2021 Time: 9:33 AM  
Pages: 3 File: 50040  
County: OUTAGAMIE COUNTY State: WI  
*James R. Sehlhoff*  
JAMES R. SEHLOFF, REGISTER OF DEEDS  
Returns via RETURN TO FILE FILE  
Cabinet D Pages 143-145

There are no objections to this plat with respect to s. 236.15, 236.16, 236.20 and 236.21 (1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.  
Certified November 18, 2021  
*Renée Powers*  
Department of Administration



Bearings are referenced to the North line of the Southwest 1/4, Section 05, T21N, R18E, bearing S88°35'21"E, base on the Outagamie County Coordinate System.

- Notes:**
- All linear measurements have been made to the nearest one hundredth of a foot.
  - All bearings are computed and measured to the nearest second.
  - Lots 90-97 are subject to additional restrictions related to floodplain and wetlands. The wetland setback line as shown is the most restrictive setback. Impervious surfaces, including, but not limited to: buildings, patios, and sidewalks, are not allowed within the wetland protective setback area. Impervious surfaces may be allowed within the wetland protective setback area and outside the wetlands and floodway under the following conditions:
    - Runoff from the impervious surface is made to drain away from the wetland so that it enters the City storm sewer.
    - Written approval has been granted by Wisconsin Department of Natural Resources and submitted to City of Appleton Department of Public works for concurrence, to allow a lesser specified setback to the wetland, according to Maximum Extent Practicable (MEP) consideration.
  - All elevation shown on map are per City of Appleton Datum based on NGVD 88.
  - Any land below the ordinary high water mark of a lake or a navigable stream is subject to the public trust in navigable waters that is established under article IX, section 1, of the state constitution
  - Ordinary High Water Mark (OWHM) was determined at the time of the initial survey of the property by Steve Swanson of Outagamie County Development and Land Services Department.
  - The 20' Drainage and Maintenance Easement along the Navigable Stream is granted to the City of Appleton.
  - Maintenance of all Drainage Easements within the land division or serving this Subdivision are the sole responsibility of the lot owners for the purpose of conveying and managing stormwater through the plat.
  - Upon failure of the property owners to perform maintenance of the drainage ways, the City of Appleton retains the right to perform maintenance and/or repairs. The payment of the maintenance and repairs shall be assessed among the property owners of this subdivision in an equal amount or where the cause can be specifically identified then the payment shall be assessed to the specific property owner(s).
  - Robured Drive right of way provides public access that meeting the requirements of Wisconsin Statute s.236.16(3) to the watercourse that bounds the subdivision.



**LINE TABLE**

| Line | Bearing       | Length |
|------|---------------|--------|
| L1   | S 66°31'11" E | 76.16  |
| L2   | N 24°18'25" E | 40.14  |
| L3   | S 36°28'44" E | 79.51  |
| L4   | S 89°34'11" E | 108.72 |
| L5   | S 88°34'11" E | 168.72 |
| L6   | N 01°25'49" E | 37.57  |
| L7   | N 60°57'54" W | 64.39  |
| L8   | S 60°57'54" E | 64.39  |
| L9   | N 18°19'30" E | 54.92  |

**LEGEND**

- ▲ 1.25" Rebar Found
- △ 1.3" O.D. Iron Pipe Found
- 1/2" x 30" Steel Rebar @ 4.30lbs/LF SET
- 3/4" x 24" Steel Rebar @ 4.50lbs/LF SET
- SF Lot area in square feet
- Floodway Limits
- Floodplain Limits

WISCONSIN  
JAMES R. SEHLOFF  
S-2822  
APPLETON  
NOV 18 2021  
Date

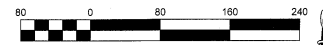
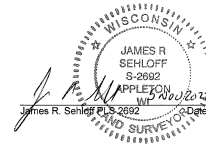
File: 5641Final3.dwg  
Date: 11/05/2021  
Drafted By: Jim  
Sheet: 1 of 3  
Revision Date: Nov 05, 2021

**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
Civil Engineers and Land Surveyors  
1164 Province Terrace, Menasha, WI 54952  
Ph: 920-991-1888 Fax: 920-441-0804  
www.davel.com

90' Transmission Easement (per V892, P. 209)

# North Edgewood Estates 3

Part of Lot 3, Certified Survey Map 7488, being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 all located in of Section 05, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin



Bearings are referenced to the North line of the Southwest 1/4, Section 05, T21N, R18E, bearing S88°35'21"E, base on the Outagamie County Coordinate System.

These exhibits are a representation of current conditions and regulations, at the time of plotting. Per the City's current interpretation of City of Appleton code 17.12(b)(2) dimensioned location of these lines is required. Due to changing nature of environmental conditions and regulatory nature of wetlands, flood plain and ordinary high water mark these dimensions should only act as a guide and actual field conditions and/or legislative regulations are held over dimensions shown on this map.

## Shoreland Zoning Setback Exhibit:

Construction or placement of structures is prohibited within the shoreland setback area. The following requirements apply as excerpted from Appleton Municipal Cod Sec. 23-754:

- (a) There shall be established a shoreland setback area of at least fifty (50) feet from the ordinary high water mark.
- (c) A person who owns shoreland property that contains vegetation, shall maintain that vegetation in a vegetative buffer zone along the entire shoreline of the property and extending thirty-five (35) inland from the ordinary high water mark of a navigable water.
- (d) If the vegetation in a vegetative buffer zone contains invasive species or dead or diseased vegetation the owner of the shoreland property may remove the vegetation, except that if the owner removes all of the vegetation in the vegetative buffer zone, the owner shall establish a vegetative buffer zone with new vegetation.
- (e) The person who is required to maintain or establish a vegetative buffer zone under paragraph (c) above, may remove all of the vegetation in a part of that zone in order to establish a viewing or access corridor that is no more than thirty (30) feet wide for every one hundred (100) feet of shoreland frontage and that extends no more than thirty-five (35) feet inland from the ordinary high water mark.

## Wetland Protected Area Setback Exhibit:

Setback shown is per City of Appleton protective area in City of Appleton Code 20-312(f)

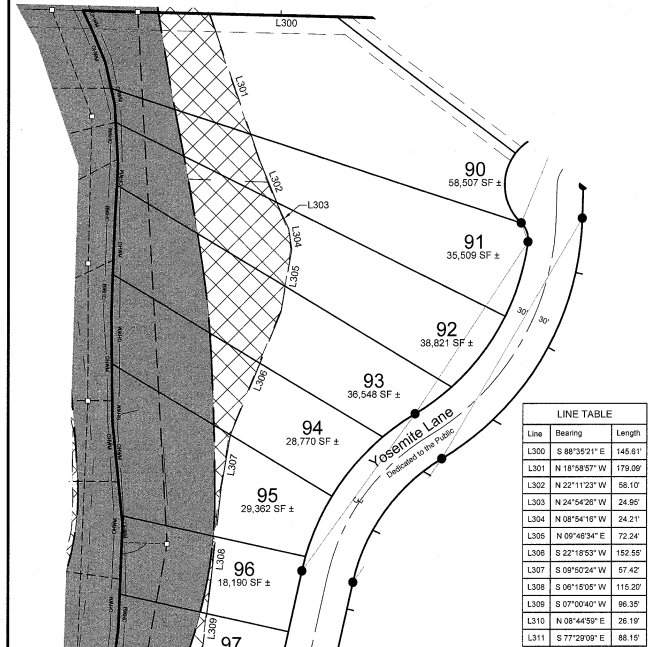
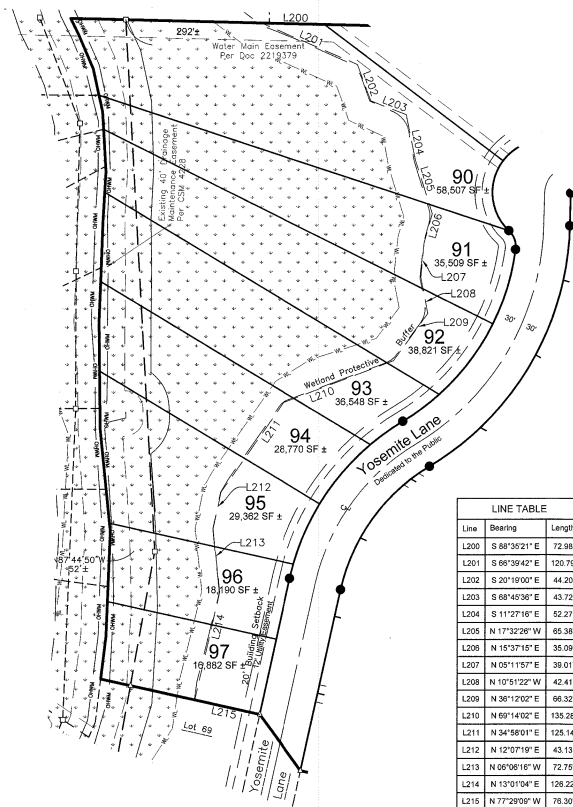
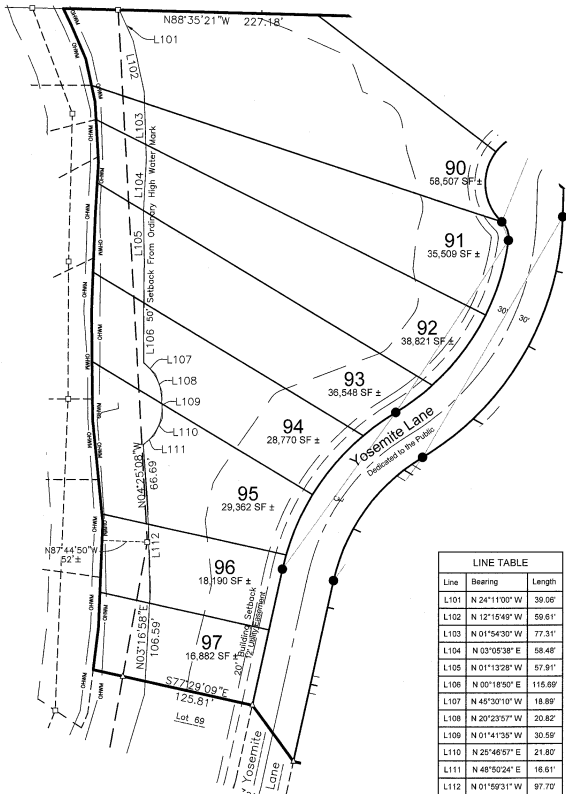
## Wetland Protected Area Exhibit:

The following requirements apply as excerpted from City of Appleton Municipal Code 20-312(f):

- (3) The following requirements shall be met:
  - a. Impervious surfaces shall be kept out of the protective area entirely or [as may be approved by the City of Appleton] to the maximum extent practicable.
  - b. Where land disturbing construction activity occurs within a protective area, and where no impervious surface is present, adequate sod or self-sustaining native vegetative cover of seventy percent (70%) or greater shall be established and maintained. The self-sustaining vegetative cover shall be sufficient to provide for bank stability, maintenance of fish habitat and filtering of pollutants from upslope overland flow areas under sheet flow conditions. [Subject to the issuance of all applicable permit], nonvegetative materials, such as rock riprap, may be employed on the bank as necessary to prevent erosion, such as on steep slopes or where high velocity flows occur.
  - c. Best management practices such as filter strips, treatment swales, or wet detention basins, that are designed to control pollutants from nonpoint sources may be located in the protective area.
- (5) Protective areas do not apply to:
  - d. Post-construction sites from which runoff does not enter the surface water, including wetlands, without first being treated by a [Stormwater Management Practice that has been approved by the City of Appleton], except to the extent that vegetative ground cover is necessary to maintain bank stability.

## Flood Plain Area Exhibit:

Floodplain is shown per FEMA Conditional Letter of Map Revision (CLOMR) 19-05-0161R, dated May 23, 2019, and is subject to change based on the pending FEMA Letter of Map Revision (LOMR) after FEMA-approved proposed fill placement by developer is complete. The floodplain is regulated by City of Appleton Municipal Code Chapter 23 Article X (Floodplain Zoning). A City of Appleton floodplain zoning official map revision is pending, dependent upon issuance of a FEMA LOMR. The following activities are prohibited within the floodplain unless a City of Appleton Floodplain permit has been issued authorizing the activity: grading, placement of fill material, and/or the placement or construction of any structures that occupy volume above the existing ground surface.



## LEGEND

- Floodway Area
- Floodplain Area
- Meets & Bounds linework

There are no objections to this plat with respect to s. 236.15, 236.16, 236.20 and 236.21 (1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified November 18, 2021  
*Ronald M. Doney*  
 Department of Administration

File: 5641Final3.dwg  
 Date: 11/05/2021  
 Drafted By: Jim  
 Sheet: 2 of 3  
 Revision Date: Nov 05, 2021  
**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
 Civil Engineers and Land Surveyors  
 1164 Province Terrace, Menasha, WI 54952  
 Ph: 920-991-1888 Fax: 920-441-0804  
 www.davel.pro

# North Edgewood Estates 3

Part of Lot 3, Certified Survey Map 7488, being part of the Northwest 1/4 of the Southwest 1/4 and part of the Northeast 1/4 of the Southwest 1/4 all located in of Section 05, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin

There are no objections to this plat with respect to s. 236.15, 236.16, 236.20 and 236.21 (1) and (2), Wis. Stats. as provided by s. 236.12, Wis. Stats.

Certified November 18, 2021

*Renée M. Dowdy*  
Department of Administration

### Surveyor's Certificate

I, James R. Seihoff, Professional Land Surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the City of Appleton, and under the direction of North Edgewood Estates Development, LLC, owner of said land, I have surveyed divided and mapped North Edgewood Estates 3; that such plat correctly represents all exterior boundaries and the subdivision of said land; and that this land is part of Lot 3 of CSMA 7488, being part of the Northwest 1/4 of the Southwest 1/4 and part of Northeast 1/4 of the Southwest 1/4, Section 5, Township 21 North, Range 18 East, City of Appleton, Outagamie County, Wisconsin, containing 1,350.518 Square Feet (31.0036 Acres) of land more or less, including all lands between the meander line and the centerline of a tributary of Apple Creek, described as follows:

Commencing at the South 1/4 Corner of Section 5; thence, along said East line of the Southwest 1/4, N00°16'55"E, 1735.73 feet to the Northeast Corner of North Edgewood Estates 2 said point being the point of beginning, thence, along the North line of said North Edgewood Estates 2, N89°43'05"W, 142.50 feet to the East right of way line of Sequoia Drive; thence, continuing along said North line, N89°31'11"W, 76.16 feet to the West right of way line of said Sequoia Drive; thence, continuing along said North line, N89°43'05"W, 485.00 feet; thence, continuing along said North line, N83°26'13"W, 131.00 feet; thence, continuing along said North line, N64°20'18"W, 107.65 feet to the Northwest corner of Lot 98 of said North Edgewood Estates 2; thence, along the West line of said Lot 98, 78.70 feet along the arc of a curve to the left with a radius of 220.00 feet and a chord of 78.29 feet which bears S14°57'35"W; thence, continuing along said North line of North Edgewood Estates 2, N89°34'11"W, 219.39 feet; thence, continuing along said North line, N24°18'29"E, 40.14 feet; thence, continuing along said North line, N77°29'09"W, 158.42 feet to the East right of way of Yosemite Lane; thence, continuing along said North line, N38°28'44"W, 79.51 feet to the West right of way line of said Yosemite Lane; thence, continuing along said North line, N77°29'09"W, 152.01 feet to a meander point being S77°29'09"E, 35 feet more or less from the centerline of a tributary of Apple Creek; thence, along a meander line N10°15'42"E, 155.87 feet to a meander point being N87°44'50"W, 52 feet more or less from said centerline of a tributary of Apple Creek; thence, along said meander line, N03°13'51"W 609.53 feet to a meander point on the North line of the Southwest 1/4 being N88°35'21"W, 63 feet more or less from said centerline of a tributary of Apple Creek; thence, along said North line S89°35'21"E, 1599.39 feet to the Center of said Section 5; thence, along said East line of the Southwest 1/4, S00°16'55"W, 917.42 feet to the point of beginning, subject to all easements, and restrictions of record.

### Owner's Certificate

North Edgewood Estates Development, LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as the property owner, does hereby certify that said limited liability company caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on this plat.

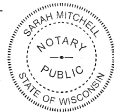
North Edgewood Estates Development, LLC, does hereby certify that this plat is required by s. 236.10 or s. 236.12 to be submitted to the following for approval or objection:

City of Appleton  
Department of Administration

Dated this 22 day of November, 2021

In the presence of: North Edgewood Estates Development, LLC.

*Kurt Coenen*  
Kurt Coenen



State of Wisconsin)

Calumet County) ss

Personally came before me this 23rd day of November, 2021, the above the property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

*Sarah Mitchell*  
Notary Public, Wisconsin My Commission Expires 12/21/24

### Drainage Maintenance and Storm Sewer Easement Provisions

An easement for Drainage and Storm Sewer is hereby granted by

North Edgewood Estates Development, LLC, Grantor, to:

THE CITY OF APPLETON, Grantee.

- Purpose:** The purpose of this easement is for the Grantee to access, install, regrade, replace, relocate, operate, maintain, resize and repair storm sewer and associated appurtenances. Grantee does hereby agree to compensate Grantor fully for any damage caused directly or indirectly from said maintenance, repair, replacement or relocation of said storm sewer, and associated appurtenances that occur outside of the easement area. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with grantee's use of the easement area.
- Access:** Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area.
- Buildings or Other Structures:** Buildings or any other type of structure shall not be placed over Grantee's 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 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.

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

North Edgewood Estates Development, LLC.

*Kurt Coenen*  
Kurt Coenen, Managing Member

This Final Plat is contained wholly within the property described in the following recorded instruments:

The property owner of record: Recording Information: Parcel Number(s):  
North Edgewood Estates Development, LLC. Doc No. 21864656 part of 31-1-7610-00

### CURVE TABLE

| Curve | Radius | Chord Direction | Chord Length | Arc Length | Central Angle | Tangent Bearing-in | Tangent Bearing-out |
|-------|--------|-----------------|--------------|------------|---------------|--------------------|---------------------|
| C1    | 220.00 | N 14°57'35" E   | 78.29        | 78.70      | 20°29'00"     | N 04°42'39" E      | N 25°12'30" E       |
| C2    | 220.00 | N 16°52'22" E   | 92.70        | 93.40      | 24°19'28"     | N 04°42'39" E      | N 29°02'06" E       |
| C3    | 220.00 | N 27°07'18" E   | 14.69        | 14.69      | 3°49'30"      | N 25°12'30" E      | N 29°02'06" E       |
| C4    | 285.00 | N 26°10'04" W   | 253.89       | 263.13     | 52°53'56"     | N 00°16'55" E      | N 82°37'02" W       |
| C5    | 285.00 | N 06°41'21" W   | 69.18        | 69.35      | 13°56'31"     | N 00°16'55" E      | N 13°39'37" W       |
| C6    | 285.00 | N 21°17'59" W   | 75.78        | 76.00      | 15°16'44"     | N 13°39'37" W      | N 28°56'20" W       |
| C7    | 285.00 | N 36°34'43" W   | 75.78        | 76.00      | 15°16'44"     | N 28°56'20" W      | N 44°13'04" W       |
| C8    | 285.00 | N 49°25'03" W   | 41.74        | 41.78      | 9°23'57"      | N 44°13'04" W      | N 52°37'02" W       |
| C9    | 285.00 | N 25°35'36" W   | 240.81       | 249.98     | 54°02'51"     | N 52°37'02" W      | N 01°25'49" E       |
| C10   | 285.00 | N 45°36'39" W   | 64.65        | 64.81      | 14°00'46"     | N 52°37'02" W      | N 38°36'18" W       |
| C11   | 285.00 | N 20°58'25" W   | 160.53       | 163.06     | 35°19'42"     | N 38°36'18" W      | N 03°20'34" W       |
| C12   | 285.00 | N 00°57'23" W   | 22.07        | 22.08      | 4°46'23"      | N 03°20'34" W      | N 01°25'49" E       |
| C13   | 60.00  | S 46°25'49" W   | 84.85        | 282.74     | 270°00'01"    | S 88°34'12" E      | N 01°25'49" E       |
| C14   | 60.00  | S 35°09'21" W   | 71.82        | 76.63      | 73°10'19"     | S 11°44'30" E      | S 01°25'49" W       |
| C15   | 60.00  | N 73°40'02" E   | 68.30        | 72.66      | 69°22'56"     | N 38°52'34" E      | S 11°44'30" W       |
| C16   | 60.00  | N 12°01'01" E   | 54.21        | 56.25      | 53°42'53"     | N 14°50'19" W      | N 38°52'34" E       |
| C17   | 60.00  | N 41°41'46" W   | 54.21        | 56.25      | 53°42'53"     | N 68°33'12" W      | N 14°50'19" W       |
| C18   | 60.00  | N 78°33'42" W   | 20.85        | 20.96      | 20°00'59"     | N 68°33'12" W      | N 68°33'12" W       |
| C19   | 60.00  | N 22°12'33" E   | 112.19       | 144.98     | 138°28'32"    | N 47°00'43" W      | S 68°34'11" E       |
| C20   | 60.00  | N 64°20'07" E   | 54.66        | 56.75      | 54°11'24"     | N 37°14'25" E      | S 68°34'11" E       |
| C21   | 60.00  | N 04°53'09" W   | 80.49        | 88.23      | 84°15'07"     | N 47°00'43" W      | N 37°14'25" E       |
| C22   | 25.00  | N 19°46'38" W   | 22.91        | 23.80      | 54°32'30"     | N 07°31'47" E      | N 47°00'43" W       |
| C23   | 270.00 | N 33°20'17" E   | 235.10       | 243.24     | 51°37'01"     | N 59°08'48" E      | N 07°31'47" E       |
| C24   | 270.00 | N 17°50'37" E   | 88.99        | 89.39      | 18°57'40"     | N 28°29'27" E      | N 07°31'47" E       |
| C25   | 270.00 | N 37°11'30" E   | 101.19       | 101.80     | 21°36'06"     | N 48°05'33" E      | N 28°29'27" E       |
| C26   | 270.00 | N 53°37'11" E   | 52.01        | 52.09      | 11°03'15"     | N 59°08'48" E      | N 48°05'33" E       |
| C27   | 280.00 | N 35°49'47" E   | 221.66       | 227.89     | 46°37'57"     | N 12°30'51" E      | N 59°08'48" E       |
| C28   | 280.00 | N 54°27'35" E   | 45.78        | 45.81      | 9°22'25"      | N 49°46'23" E      | N 59°08'48" E       |
| C29   | 280.00 | N 40°36'11" E   | 89.24        | 89.63      | 18°20'24"     | N 31°25'59" E      | N 49°46'23" E       |
| C30   | 280.00 | N 23°42'21" E   | 75.30        | 75.52      | 15°27'16"     | N 15°58'43" E      | N 31°25'59" E       |
| C31   | 280.00 | N 14°14'41" E   | 16.93        | 16.93      | 3°27'52"      | N 12°30'51" E      | N 15°58'43" E       |
| C32   | 220.00 | N 35°49'47" E   | 174.15       | 179.06     | 46°37'57"     | N 12°30'51" E      | N 59°08'48" E       |
| C33   | 220.00 | N 20°49'31" E   | 63.61        | 63.64      | 16°37'33"     | N 12°30'51" E      | N 29°08'24" E       |
| C34   | 220.00 | N 40°47'29" E   | 88.86        | 89.48      | 23°18'11"     | N 09°28'24" E      | N 52°28'35" E       |
| C35   | 220.00 | N 55°47'41" E   | 25.73        | 25.74      | 6°42'13"      | N 52°28'35" E      | N 59°08'48" E       |
| C36   | 330.00 | N 30°17'18" E   | 318.54       | 332.42     | 57°42'59"     | N 59°08'48" E      | N 01°25'49" E       |
| C37   | 330.00 | N 52°46'35" E   | 73.23        | 73.38      | 12°44'25"     | N 59°08'48" E      | N 49°24'23" E       |
| C38   | 330.00 | N 37°18'30" E   | 104.36       | 104.80     | 15°11'41"     | N 46°24'23" E      | N 28°12'36" E       |
| C39   | 330.00 | N 20°16'57" E   | 91.03        | 91.32      | 15°51'16"     | N 28°12'36" E      | N 12°21'17" E       |
| C40   | 330.00 | N 06°53'30" E   | 82.83        | 82.92      | 10°55'20"     | N 12°21'17" E      | N 01°25'49" E       |
| C41   | 220.00 | N 08°41'50" E   | 55.66        | 55.81      | 14°32'01"     | N 15°57'50" W      | N 01°25'49" E       |
| C42   | 595.00 | S 22°29'58" W   | 135.44       | 135.74     | 13°04'15"     | S 15°57'50" W      | S 29°02'06" W       |
| C43   | 595.00 | S 17°32'37" W   | 32.81        | 32.81      | 3°09'34"      | S 15°57'50" W      | S 19°07'25" W       |
| C44   | 595.00 | S 24°04'45" W   | 102.80       | 102.93     | 9°54'41"      | S 19°07'25" W      | S 29°02'06" W       |
| C45   | 280.00 | N 16°31'16" E   | 121.34       | 122.31     | 25°01'39"     | N 04°00'27" E      | N 29°02'06" E       |
| C46   | 280.00 | S 24°47'05" W   | 41.50        | 41.54      | 8°30'01"      | S 20°32'04" W      | S 29°02'06" W       |
| C47   | 280.00 | N 12°16'15" E   | 80.49        | 80.77      | 16°31'38"     | N 04°00'27" E      | N 20°32'04" W       |
| C48   | 655.00 | N 22°29'58" E   | 145.10       | 149.43     | 13°05'05"     | N 29°02'30" E      | N 15°57'50" E       |
| C49   | 655.00 | N 28°49'45" E   | 50.42        | 50.43      | 4°24'41"      | N 29°02'06" E      | N 24°37'24" E       |
| C50   | 655.00 | N 20°25'31" E   | 95.89        | 95.99      | 8°23'35"      | N 24°37'24" E      | N 16°13'49" E       |
| C51   | 655.00 | N 16°50'50" E   | 3.04         | 3.04       | 0°15'59"      | N 16°13'49" E      | N 15°57'50" E       |
| C52   | 280.00 | N 08°41'50" E   | 70.84        | 71.03      | 14°32'01"     | N 15°57'50" W      | N 01°25'49" E       |
| C53   | 335.00 | N 25°35'36" W   | 304.42       | 316.01     | 54°02'51"     | N 52°37'02" W      | N 01°25'49" E       |
| C54   | 335.00 | N 01°32'33" W   | 10.38        | 10.38      | 1°46'31"      | N 03°20'42" W      | N 01°25'49" E       |
| C55   | 335.00 | N 08°08'59" W   | 90.98        | 91.27      | 15°38'34"     | N 15°57'16" W      | N 03°20'42" W       |
| C56   | 335.00 | N 24°27'36" W   | 99.10        | 99.48      | 17°05'40"     | N 32°57'58" W      | N 15°57'16" W       |
| C57   | 335.00 | N 42°47'29" W   | 114.34       | 114.90     | 19°39'58"     | N 52°37'02" W      | N 32°57'58" W       |
| C58   | 215.00 | N 30°10'41" W   | 164.13       | 168.40     | 44°52'41"     | N 07°44'21" W      | N 52°37'02" W       |
| C59   | 215.00 | N 11°13'48" W   | 10.41        | 10.41      | 2°46'27"      | N 49°50'34" W      | N 52°37'02" W       |
| C60   | 215.00 | N 28°47'28" W   | 154.46       | 157.99     | 42°06'14"     | N 07°44'21" W      | N 49°50'34" W       |
| C61   | 70.00  | S 75°20'30" E   | 34.78        | 35.13      | 28°45'11"     | S 60°57'54" E      | S 89°43'05" E       |
| C62   | 130.00 | S 75°20'30" E   | 64.56        | 65.24      | 28°49'17"     | S 60°57'51" E      | S 89°43'05" E       |
| C63   | 130.00 | S 68°53'11" E   | 35.83        | 35.99      | 15°50'33"     | S 60°57'54" E      | S 78°48'27" E       |
| C64   | 130.00 | S 83°15'48" E   | 29.23        | 29.29      | 12°54'38"     | S 78°48'27" E      | S 89°43'05" E       |

Given under my hand this 21 day of November, 2021

James R. Seihoff, Wisconsin Professional Land Surveyor No. S-2692

### Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by

North Edgewood Estates Development, LLC, Grantor, to:

Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee, SBC, Grantee, and Time Warner Cable, Grantee

their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy, natural gas, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, theron, 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 Grantee agrees 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 Grantee or its 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 Grantee's facilities or in, upon or over the property within the lines marked "Utility Easement Areas" without the prior written consent of Grantee. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without written consent of grantee.

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

North Edgewood Estates Development, LLC.

*Kurt Coenen*  
Kurt Coenen, Managing Member Date 11/23/2021

### Treasurer's Certificate

We, being the duly elected, qualified and acting Treasurer(s) of the City of Appleton and Outagamie County, do hereby certify that in accordance with the records in our office, there are no unredemmed tax sales and unpaid taxes, or special assessments on any of the land included in this plat.

*Debra A. Ruppberg*  
Debra A. Ruppberg, Deputy City Treasurer Date 11/29/2021

*Debra A. Ruppberg*  
Debra A. Ruppberg, Deputy City Treasurer Date 11/29/2021

### City of Appleton Approval

Resolved, that the plat of North Edgewood Estates 3, in the City of Appleton, Outagamie County, North Edgewood Estates Development, LLC, owners, is hereby approved by the Common Council of the City of Appleton.

*Debra A. Ruppberg*  
Debra A. Ruppberg, Deputy City Treasurer Date 11/29/2021

I hereby certify that the foregoing is a copy of a resolution adopted by the Common Council of the City of Appleton.

*Debra A. Ruppberg*  
Debra A. Ruppberg, Deputy City Treasurer Date 11/24/2021

File: 5641Final3.dwg  
Date: 11/05/2021  
Drafted By: Jim  
Sheet: 3 of 3  
Revision Date: Nov 05, 2021

**DAVEL ENGINEERING & ENVIRONMENTAL, INC.**  
Civil Engineers and Land Surveyors  
1164 Province Terrace, Menasha, WI 54952  
Ph: 920-991-1898 Fax: 920-441-0804  
www.davel.pro





# CITY OF APPLETON

## MEMORANDUM

**Date:** June 5, 2024  
**To:** Appleton City Plan Commission  
Fox Cities Transit Commission  
**From:** Kara Homan, AICP, Director of Community Development  
Ronald McDonald, General Manager, Valley Transit  
**Subject:** Resolution Related to Appleton MPO Redesignation in Accordance with  
Federal Code

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We write to inform you about the proposed redesignation of the Appleton (Fox Cities) Metropolitan Planning Organization (MPO) in accordance with federal code. This redesignation carries benefits for the City of Appleton and our peer municipalities within the Appleton/Fox Cities metro compared to the current governance structure.

The Appleton (Fox Cities) MPO plays a crucial role in transportation planning and decision-making within our region, as it relates to programming and prioritizing projects to receive federal transportation funding. The current structure of the MPO has the East Central Wisconsin Regional Planning Commission (ECWRPC) board of commissioners serving as the MPO policy board. The current board is comprised of [representatives](#) from throughout a 10-county region, with a significant minority of representatives from within the Appleton/Fox Cities metro. As a result of a review by the Federal Highway Administration (FHWA), it has been recently determined that this structure is non-compliant with federal requirements. Earlier this year, staff from the ECWRPC met with representatives of municipalities within the MPO area and discussed options for moving forward to ensure compliance with federal law. As a result of this work, a new governance model and redesignation of the MPO is being sought, per the attached resolution and exhibits.

The proposed MPO redesignation will ensure compliance with federal code, continued access to federal transportation planning and funding, and ensure the MPO policy board will have a governance model that is representative of governments within the metropolitan area. The new model balances board composition based on community population size with the need to have all municipal voices at the table to continue our long-standing tradition of collaborative regional cooperation. The new model also ensures a representative of Valley Transit serves as a voting member on the new MPO board, in accordance with federal law.

To effectuate this proposed redesignation and policy board change, the attached resolution is required to be adopted by municipalities within the MPO area, representing at least 75% of the population of the metro, including an affirmative vote of the largest city (e.g. the City of Appleton). The corresponding redesignation agreement would then be effectuating after the adoption thresholds are met.

## **RECOMMENDATION**

As such, Valley Transit and Community Development staff recommend **APPROVAL** of the attached proposed Resolution 2024-03 SUPPORTING AND APPROVING OF THE NEW APPLETON (FOX CITIES) MPO POLICY BOARD STRUCTURE AND REDESIGNATION AGREEMENT, as presented.

## RESOLUTION NO. 2024-03

### **SUPPORTING AND APPROVING OF THE NEW APPLETON (FOX CITIES) MPO POLICY BOARD STRUCTURE AND REDESIGNATION AGREEMENT**

**WHEREAS**, the Federal Aid Highway Act of 1962 requires a continuing, comprehensive transportation planning process carried out cooperatively by the State and local communities of each urban area of more than 50,000 population in order to qualify transportation projects for federal aid, and;

**WHEREAS**, East Central WI Regional Planning Commission (ECWRPC) was designated as the Appleton (Fox Cities) Metropolitan Planning Organization (MPO) by Wisconsin's Governor in January, 1974, and;

**WHEREAS**, due to a population in excess of 200,000 following the 2010 U.S. Census, the Appleton (Fox Cities) Urban area was designated by the federal government as a Transportation Management Area (TMA) in 2012, and;

**WHEREAS**, the ECWRPC Board, consisting of elected and appointed officials from member counties within East Central's 10 county region, has served as the Policy Board for the Appleton (Fox Cities) MPO since 1974, and;

**WHEREAS**, the Commission identified the creation of a separate Appleton (Fox Cities) MPO Policy Board within their 2020 Strategic Plan, and;

**WHEREAS**, a change to the Appleton (Fox Cities) MPO Policy Board was identified as necessary by ECWRPC, Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) to ensure that local elected officials representing 75% of the affected population serve on the MPO Policy Board, consistent with federal requirements as outlined in 23 CFR 450.310, and;

**WHEREAS**, the City of Appleton is located within the Appleton (Fox Cities) Metropolitan Planning Organization, and;

**WHEREAS**, a new Appleton (Fox Cities) MPO Policy Board structure has been developed by ECWRPC staff, in coordination with FHWA, FTA, WISDOT, and local impacted communities, which is outlined in the Table 1, and;

**WHEREAS**, the main functions of the Appleton (Fox Cities) MPO Policy Board shall be to provide policy guidance throughout the transportation planning process, review and approve the Metropolitan Transportation Plan (MTP), Congestion Management Process, Transportation Improvement Program (TIP), the Unified Planning Work Program (UPWP), and promote the implementation of the TIP and UPWP, and;

**WHEREAS**, approval of each governing body of the municipalities and counties located within the Appleton (Fox Cities) Metropolitan Planning Area is necessary to demonstrate local support for the formal request that the Governor redesignate the Appleton (Fox Cities) MPO Policy Board structure as outlined in the attached table, and;

**WHEREAS**, each local unit of government located within the Appleton (Fox Cities) Metropolitan Planning Area will be party to the formal redesignation agreement (attached) between the Governor, ECWRPC, and the local units of government, and so;

**NOW, THEREFORE, BE IT RESOLVED BY the City of Appleton Common Council**

**Section 1:** *That the City of Appleton supports and approves of the new structure of the Appleton (Fox Cities) Metropolitan Planning Organization (MPO) Policy Board, as reflected in the attached table, and;*

**Section 2:** *That the City of Appleton agrees to participate in the Appleton (Fox Cities) MPO Policy Board meetings, to ensure a continuing, comprehensive, and cooperative transportation planning process for the Appleton (Fox Cities) Metropolitan Planning Area, and;*

**Section 3:** *That the City of Appleton agrees to the provisions outlined in the attached redesignation agreement, which is hereby incorporated by reference and made a part hereof.*

Submitted By: East Central Wisconsin Regional Planning Commission

Adopted this \_\_\_\_\_ day of June, 2024.

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Jacob A. Woodford, Mayor

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Attest: Kami Lynch, City Clerk

## APPLETON (FOX CITIES) METROPOLITAN PLANNING ORGANIZATION

*Updated 2/22 with adjusted MPA boundary populations*

| Member Jurisdiction                           | 2020 Census                    |              | Policy Board Structure  |                |
|---|--------------------------------|--------------|---|----------------|
|   | Population within MPA Boundary | Population % | > 5,000 populaton = 1 vote; Additional vote(s) for each increment of 25K pop    |                |
|   |                                |              | Voting Seats  | Advisory Seats |
| City of Appleton                              | 75,913                         | 30%          | 4   |                |
| Outagamie - 63,168                            |                                |              |   |                |
| Calumet - 11,304                              |                                |              |   |                |
| Winnebago - 1,441                             |                                |              |   |                |
| City of Neenah                                | 27,319                         | 11%          | 2   |                |
| Town of Grand Chute                           | 23,650                         | 9%           | 1   |                |
| Village of Fox Crossing                       | 18,974                         | 7%           | 1   |                |
| City of Kaukauna                              | 17,094                         | 7%           | 1   |                |
| City of Menasha                               | 18,268                         | 7%           | 1   |                |
| Winnebago - 15,261                            |                                |              |   |                |
| Calumet - 3,007                               |                                |              |   |                |
| Village of Greenville                         | 12,118                         | 5%           | 1   |                |
| Village of Harrison                           | 12,091                         | 5%           | 1   |                |
| Village of Little Chute                       | 11,619                         | 5%           | 1   |                |
| Village of Kimberly                           | 7,320                          | 3%           | 1   |                |
| Town of Buchanan                              | 6,823                          | 3%           | 1   |                |
| Town of Neenah                                | 3,702                          | 1%           |   | 1              |
| Village of Combined Locks                     | 3,634                          | 1%           |   | 1              |
| Town of Clayton                               | 3,487                          | 1%           |   | 1              |
| Village of Sherwood                           | 3,271                          | 1%           |   | 1              |
| Town of Center                                | 1,859                          | 1%           |   | 1              |
| Town of Vandebroek                            | 1,627                          | 1%           |   | 1              |
| Town of Freedom                               | 1,353                          | 1%           |   | 1              |
| Town of Kaukauna                              | 1,020                          | 0%           |   | 1              |
| Town of Vinland                               | 1,202                          | 0%           |   | 1              |
| Town of Ellington                             | 945                            | 0%           |   | 1              |
| Village of Wrightstown                        | 292                            | 0%           |   | 1              |
| Town of Woodville                             | 149                            | 0%           |   | 1              |
| <b>MUNICIPALITY TOTALS</b>                    | <b>253,730</b>                 | <b>100%</b>  | <b>15</b>   | <b>12</b>      |
|   |                                |              | <b>Min. 1 vote; Additional vote(s) for each increment of 100,000 population</b> |                |
| <b>COUNTIES</b>                               |                                |              |   |                |
| Outagamie County                              | 152,522                        | 60%          | 2   |                |
| Winnebago County                              | 71,386                         | 28%          | 1   |                |
| Calumet County                                | 29,822                         | 12%          | 1   |                |
| <b>COUNTY TOTALS</b>                          | <b>253,730</b>                 | <b>100%</b>  | <b>4</b>  | <b>0</b>       |
| <b>REQUIRED MAJOR MODES OF TRANSPORTATION</b> |                                |              |   |                |
| WISDOT  |                                |              | 1   |                |
| Valley Transit                                |                                |              | 1   |                |
| Appleton International Airport                |                                |              | 1   |                |
| <b>MAJOR MODES TOTALS</b>                     |                                |              | <b>3</b>  | <b>0</b>       |
| <b>REQUIRED NON-VOTING MEMBERS</b>            |                                |              |   |                |
| FHWA  |                                |              |   | 1              |
| FTA   |                                |              |   | 1              |
| MPO Director                                  |                                |              |   | 1              |
| <b>REQUIRED NON-VOTING MEMBER TOTALS</b>      |                                |              | <b>0</b>  | <b>3</b>       |
| <b>GRAND TOTAL POLICY BOARD SEATS</b>         |                                |              | <b>22</b>   | <b>15</b>      |
|   |                                |              |   |                |
| % of pop w/direct representation              |                                |              | 91.1%   |                |

**AN AGREEMENT REDESIGNATING THE METROPOLITAN PLANNING  
ORGANIZATION POLICY BOARD STRUCTURE FOR THE APPLETON (FOX CITIES)  
URBANIZED AREA**

**Introduction**

The parties to this Agreement (hereinafter the “Signatories”) hereby agree to the redesignation of East Central Wisconsin Regional Planning Commission arising out of the need to address actions recommended by the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) pertaining to the organization and structure of the existing Metropolitan Planning Organization’s Policy Board.

**WHEREAS**, The Metropolitan Planning Organization (MPO) for the Appleton (Fox Cities) Urban Area is charged, under Title 23 U.S.C., Section 134, as the organization responsible for cooperative transportation planning and decision making for the Appleton (Fox Cities) Metropolitan Planning Area, and;

**WHEREAS**, the Metropolitan Planning Area consists of the City of Appleton, the Appleton Urban Area, and all or portions of the contiguous cities, villages, and towns which are or are likely to become urbanized within a 20-year period as shown on the attached map and agreed to by the MPO and the Governor, and;

**WHEREAS**, the responsibilities of the Metropolitan Planning Organization include:

1. Carrying out a cooperative, continuous, and comprehensive planning process for making transportation investment decisions in the metropolitan area with program oversight from the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), and the Wisconsin Department of Transportation (WisDOT).
2. Preparing and maintaining a Metropolitan Transportation Plan.
3. Preparing and implementing an annual unified planning work program.
4. Preparing a transportation improvement program to provide for transportation investments to meet metropolitan transportation needs.
5. Preparing and maintaining the Congestion Management Process, the Public Participation Process and the Title VI plan.
6. Establishing operating rules and procedures.
7. Working in cooperation with Valley Transit.
8. Other duties as required to comply with State and Federal regulations, and;

**WHEREAS**, the Appleton (Fox Cities) Urban Area was created through an agreement between the Governor and East Central Wisconsin Regional Planning Commission (ECWRPC), effective January 15, 1974 designating the MPO for the Appleton (Fox Cities) Urban Area in accordance with federal law. East Central Wisconsin Regional

Planning Commission assumed the responsibility to conduct transportation planning and programming for the Appleton (Fox Cities) Urban area, and;

**WHEREAS**, the Appleton (Fox Cities) MPO Policy Board membership and voting structure was identified by ECWRPC, Federal Highway Administration, and Federal Transit Administration as requiring adjustments to ensure compliance with federal requirements, and;

**WHEREAS**, federal law allows for the redesignation of the Metropolitan Planning Organization by agreement between the Governor and units of general-purpose local government that together represent at least 75 percent of the population within the Planning Area, including the largest incorporated city, and;

**WHEREAS**, a redesignation process to implement the necessary changes was initiated by ECWRPC, in partnership with FHWA, FTA, and WisDOT, in late 2023. On March 28, 2024, the East Central WI Regional Planning Commission Board took the first step in the process and approved a resolution in support of engaging the local impacted communities on the structure and membership of the Appleton (Fox Cities) MPO Policy Board to bring it into compliance with federal requirements, as outlined in 23 CFR 450.310, and;

**WHEREAS**, a Redesignation Agreement cannot be amended without the consent of all the Signatories, and so;

**NOW, THEREFORE, IT IS MUTUALLY AGREED:**

That the revised structure of the Appleton (Fox Cities) Metropolitan Planning Organization's Policy Board is described below.

**B. Composition of the Appleton (Fox Cities) MPO Policy Board**

The members of the Appleton (Fox Cities) Metropolitan Planning Organization Policy Board are appointed by the Wisconsin Department of Transportation, Valley Transit, City of Appleton, Outagamie, Calumet and Winnebago Counties, small villages, cities and towns within the Metropolitan Planning Area in recognition of their respective roles as the owners and operators of the major modes of transportation serving the Metropolitan Planning Area. Each appointee to the Policy Board shall reside within the Metropolitan Planning Area and shall serve until their successor is appointed. As of September 3, 2024, the Metropolitan Planning Organization Policy Board for the Appleton (Fox Cities) Urbanized Area and Appleton (Fox Cities) Metropolitan Planning Area consist of the following members:

**(INSERT NEW POLICY BOARD STRUCTURE)**

In addition, all appointments must be in accordance with Title 23, United States Code, Section 134, Paragraph (d)(2) that indicates the voting membership of the Policy Board shall consist of:

- a. Local elected officials;
- b. Officials of public agencies that administer or operate major modes of transportation in the metropolitan area; and
- c. Appropriate State officials.

When each of the appointing authorities is making an appointment under condition (b) above, the MPO also accepts members in good standing that come from local boards and commissions with a focus on transportation or land use, including mayoral representatives, or representatives of the chief executive officer of any city, village, or town in the MPO Planning area with said focus.

Policy board members representing any local government jurisdiction or collective group of local government jurisdictions (such as Cities, Villages, or Towns) must be selected by the elected officials of the local government jurisdiction(s) they represent.

### **C. Future Changes to the Policy Board Composition**

The composition of the Appleton (Fox Cities) MPO Policy Board will be reviewed following each decennial U.S. Census to ensure appropriate and proportional representation.

Revising the composition of the Policy Board (e.g. adding membership, the number or requirements of members appointed by each appointing authority) or expansion of the metropolitan planning area boundary does not necessarily require redesignation of the MPO.

A change to the Appleton (Fox Cities) MPO Policy Board can be made following the notification of the appointing authorities, all the local units of government in the MPO Planning Area, a public hearing on the proposed changes, and ratification by those units of government with 75 percent of the population in the planning area, including the City of Appleton as the largest incorporated city.

### **D. Designation of Fiscal Agent**

East Central Wisconsin Regional Planning Commission shall be designated to serve as the fiscal agent for the Appleton (Fox Cities) Metropolitan Planning Organization.

1. Location. MPO staff will be provided by the East Central WI Regional Planning Commission
2. Matching Contribution. Outagamie, Calumet and Winnebago Counties shall be responsible for providing the local matching contributions, through their annual levy contribution to ECWRPC.

### **E. Initial Plan Updates**

Subject to state and federal laws and fiscal constraint, to maintain consistency and continuity in the region planning efforts to-date the existing planning documents of the



previous MPOs are adopted, including the fiscally constrained TIPs, as the starting point for future updates, and prioritizing projects currently.

#### **F. Effective Date and Conditions of the Agreement**

1. This agreement is effective on **September 3, 2024** after obtaining signatures of approval by the Governor and representatives of units of government with 75 percent of the population in the MPO Planning Area, including Appleton as the largest incorporated city.
2. This agreement supersedes and voids the designation agreement entered into by the Governor and East Central Wisconsin Regional Planning Commission dated January 15, 1974.

#### **G. Amendments**

Any changes to the Redesignation Agreement shall be enacted by a written amendment executed by all signatories.

#### **H. Non-Discrimination**

In the performance of the services under this Agreement, the parties shall not discriminate against any employee or applicant because of race, religion, marital status, age, color, sex, handicap, national origin, or ancestry, income level, or source of income, arrest record or conviction record, less than honorable discharge, physical appearance, sexual orientation, political beliefs, or student status. The parties further agree not to discriminate against any subcontractor or person who offers to subcontract on this contract because of race, color, age, disability, sex or national origin.

**WITNESS WHEREOF**, the parties have caused this to be executed by individuals and officers duly authorized on the dates noted below.