

It is expected that a Quorum of the Board of Public Works, Park Board, Administration Committee, and/or Common Council may attend this meeting: (although it is not expected that any official action of any of those bodies will be taken)

**CITY OF MENASHA  
PLAN COMMISSION  
Council Chambers  
140 Main Street, Menasha**

**June 21, 2016  
3:30 PM**

**AGENDA**

- A. CALL TO ORDER
- B. ROLL CALL/EXCUSED ABSENCES
- C. MINUTES TO APPROVE
  - 1. [Minutes of the June 7, 2016 Plan Commission Meeting](#)
- D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA  
Five (5) minute time limit for each person
- E. CORRESPONDENCE
  - 1.
- F. DISCUSSION
  - 1.
- G. ACTION ITEMS
  - 1. [Certified Survey Map – Lake Cottage Estates](#)
- H. ADJOURNMENT

**CITY OF MENASHA**  
**Plan Commission**  
**Council Chambers, City Hall – 140 Main Street**  
**June 7, 2016**  
**DRAFT MINUTES**

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**A. CALL TO ORDER**

The meeting was called to order at 3:34 PM by Mayor Merkes.

**B. ROLL CALL/EXCUSED ABSENCES**

PLAN COMMISSION MEMBERS PRESENT: Mayor Merkes, Ald. Kevin Benner, DPW Radtke and Commissioners Sturm, DeCoster, Schmidt and Cruickshank.

PLAN COMMISSION MEMBERS EXCUSED:

PLAN COMMISSION MEMBERS ABSENT:

OTHERS PRESENT: AP Englebert, CDC Heim, Dave Schmalz (McMahon Associates), Michael H. Hagens (Woodland Development) and Ald. Arnie Collier.

**C. MINUTES TO APPROVE**

1. **Minutes of the May 17, 2016 Plan Commission Meeting**

Motion by Ald. Benner, seconded by Comm. Schmidt to approve the May 17, 2016 Plan Commission meeting minutes. The motion carried.

**D. PUBLIC COMMENT ON ANY ITEM OF CONCERN ON THIS AGENDA**

1. No one spoke.

**E. CORRESPONDENCE**

1. None.

**F. DISCUSSION**

1. None.

**G. ACTION ITEMS**

1. **Certified Survey Map – Lake Cottage Estates**

AP Englebert provided an overview of the history of this development. There was a plat submitted in 2015 however issues with the Department of Transportation (DOT) halted the development. In the meantime a single family residence was constructed on the parcel which is zoned R-1 Single Family Residence. It is the intention of the developer that this Certified Survey Map (CSM) will be further subdivided into a total of 9, single family lots.

Dave Schmalz with McMahon Associates provided additional information regarding the development. Originally the developer submitted a driveway permit which was approved by the DOT for 13 condominiums. When the developer submitted a plat for a single family development, the DOT had issues with driveway access and denied the plat. The developer had then requested a variance with the DOT for the driveway access point which was subsequently denied.

Mike Hagens, Woodland Development, provided some history on this property and other development sites within the city. He feels that providing 9, single family lots will be less controversial than 13 condominiums with the existing neighborhood to the north.

The Commissioners, staff, Mr. Schmalz and Mr. Hagens discussed the following:

- a. Stormwater pond on the far east end of the development is currently owned by the developer, plans would be to detach it from Town of Harrison and attach into the City of Menasha and placed under the ownership of the homeowners association
- b. DOT could revoke the driveway access in the future if Lake Cottage Court is transitioned from a private road to a public street; awaiting confirmation from DOT on their ruling
- c. CSM as presented today meets city standards and has 50 foot shoreland setback designated along with a trail easement
- d. Who would be responsible for maintenance of Lake Cottage Court if it remains a private road; City cannot plow private roads
- e. Could the street be indicated as a lot and deeded to the city – who maintains the road and assumes responsibility for maintenance, plowing, repairs, etc.
- f. Fence on west end of development will be under ownership of the homeowners

No action was taken on this item. The Commission, staff and developer agreed to hold this item until a decision from the DOT on the driveway permit is received.

#### **H. ADJOURNMENT**

Motion by Comm. Schmidt, seconded by Comm. DeCoster, to adjourn at 4:19 PM. The motion carried.

*Minutes respectfully submitted by CDC Heim.*

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**From:** Nielsen, David - DOT [<mailto:david.nielsen@dot.wi.gov>]  
**Sent:** Thursday, June 16, 2016 9:18 AM  
**To:** Kevin Englebert; 'Dave Schmalz'  
**Cc:** Mike Hagens; Don Merkes; Nielsen, David - DOT; Eisch, Jackie - DOT  
**Subject:** RE: DOT - Lake Cottage Estates USH 10 /STH 114 City of Menasha Calumet County WI

We have looked at the proposed 4 lot CSM and would not have any objections if the following notes were added to the CSM so that all future owner know what conditions the DOT would enforce.

- 1) All lots within the boundaries of this survey are restricted to Residential / Non-Commercial use only.
- 2) No direct Public Road Connection will be allowed within the boundary of this CSM.
- 3) The Public Road shall be extended if either the Fire Lane 3 (north extension) or Kernan Ave (or new road connection to it) is connected to the boundary of this CSM.

Below this language we would require the following note.

It is expressly intended that these restrictions are for the benefit of the public and enforceable by the Wisconsin Department of Transportation or its assigns.

Once the CSM is recorded we would like the owner to submit a new permit so we can reference the notes in the CSM to the new permit.

If anyone has a minor edit(s) they think would clarify the points better please feel free to suggest.

**David B. Nielsen, P.E.**

*Access Management Engineer*

*WisDOT Northeast Region*

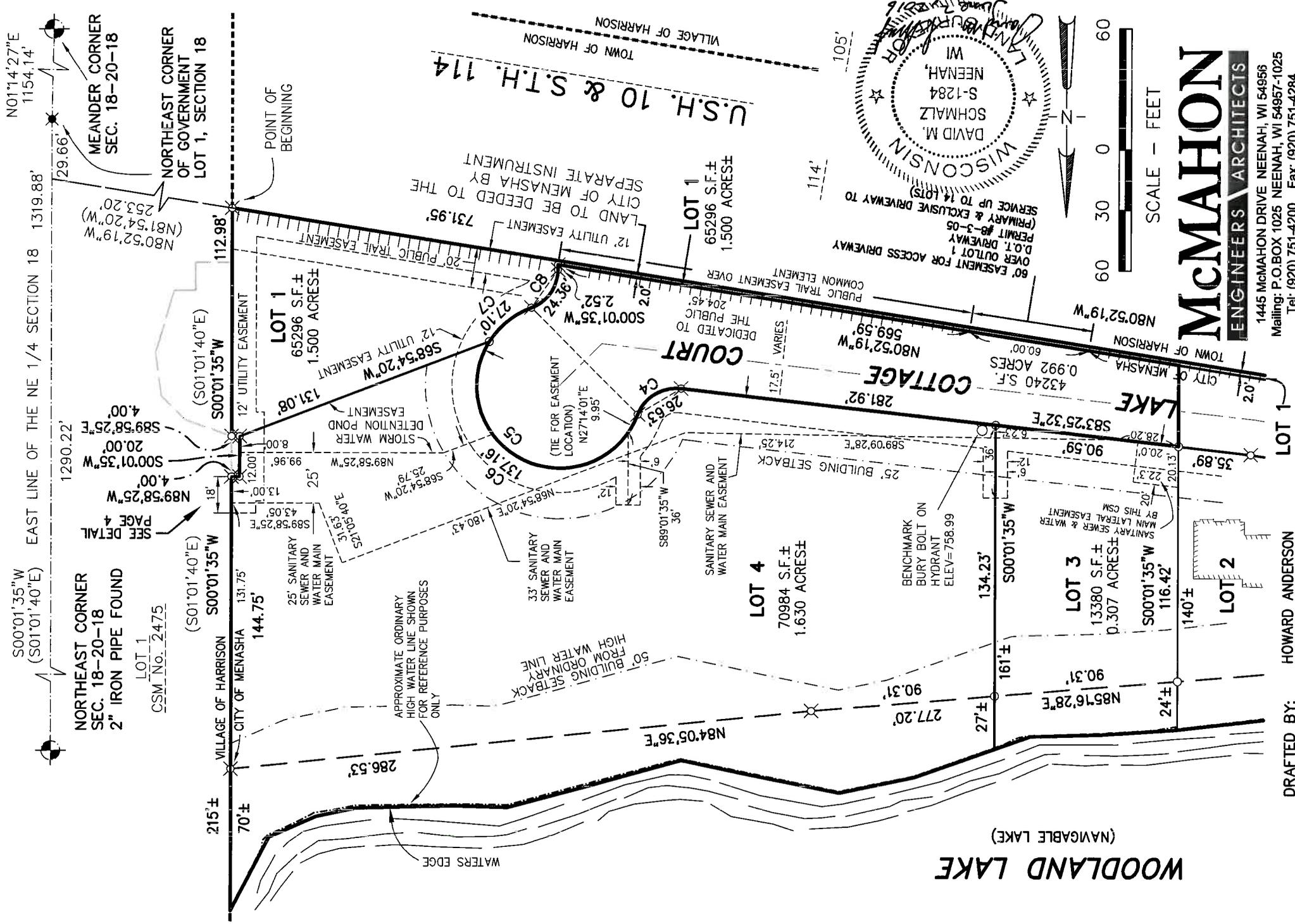
[david.nielsen@dot.wi.gov](mailto:david.nielsen@dot.wi.gov)

920-492-0148



CERTIFIED SURVEY MAP NO.

A PART OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 2980 AS RECORDED IN VOLUME 24 OF MAPS ON PAGE 288 AS DOCUMENT NO. 414583 AND A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF MENASHA, CALUMET COUNTY, WISCONSIN.



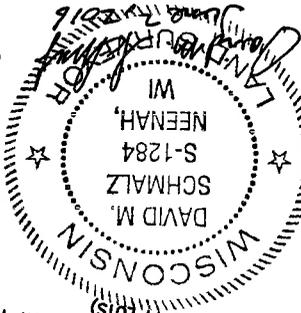
DRAFTED BY: HOWARD ANDERSON

WOODLAND LAKE  
(NAVIGABLE LAKE)

SCALE - FEET

**McMAHON**  
ENGINEERS ARCHITECTS

1445 McMAHON DRIVE NEENAH, WI 54956  
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025  
Tel: (920) 751-4200 Fax: (920) 751-4284  
www.mcmgrp.com





A PART OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 2980 AS RECORDED IN VOLUME 24 OF MAPS ON PAGE 288 AS DOCUMENT NO. 414583 AND A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF MENASHA, CALUMET COUNTY, WISCONSIN.

SURVEYOR'S CERTIFICATE: I, DAVID M. SCHMALZ, WISCONSIN PROFESSIONAL LAND SURVEYOR S-1284, CERTIFY THAT I HAVE SURVEYED, DIVIDED AND MAPPED A PART OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 2980 AS RECORDED IN VOLUME 24 OF MAPS ON PAGE 288 AS DOCUMENT NO. 414583 AND A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF MENASHA, CALUMET COUNTY, WISCONSIN, CONTAINING 205,444 SQUARE FEET (4.716 ACRES) OF LAND BEING MORE FULLY DESCRIBED AS FOLLOWS:

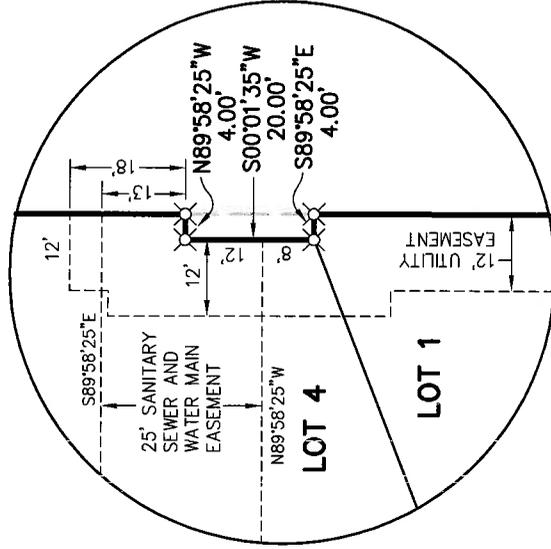
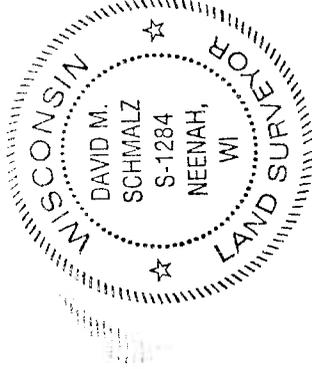
COMMENCING AT THE NORTHEAST CORNER OF SAID SECTION 18; THENCE S00°01'35"W (RECORDED AS S01°01'40"E), 1290.22 FEET ALONG THE EAST LINE OF THE NORTHEAST 1/4 OF SAID SECTION 18 TO THE NORTH RIGHT-OF-WAY LINE OF U.S.H. 10 AND S.T.H. 114; THENCE N80°52'19"W (RECORDED AS N81°54'20"W), 253.20 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE TO THE POINT OF BEGINNING ON THE WEST LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 2475 AS RECORDED IN VOLUME 19 OF MAPS ON PAGE 117; THENCE CONTINUE N80°52'19"W, 731.95 FEET ALONG SAID NORTH RIGHT-OF-WAY LINE OF U.S.H. 10 AND S.T.H. 114 TO THE START OF A 11,573.18 FOOT RADIUS CURVE TO THE LEFT; THENCE 184.84 FEET ALONG THE ARC OF SAID CURVE BEING THE NORTH RIGHT-OF-WAY LINE OF SAID U.S.H. 10 & S.T.H. 114 HAVING A 184.84 FOOT CHORD WHICH BEARS N81°20'10"W TO THE WEST LINE OF THE EAST 35 ACRES OF SAID NORTHEAST 1/4; THENCE N00°01'35"E, 237.86 FEET ALONG SAID WEST LINE TO A POINT 15.00 FEET NORTH OF THE SOUTHWEST CORNER OF OUTLOT 1 OF SAID CERTIFIED SURVEY MAP NO. 2980; THENCE N89°57'17"E, 159.52 FEET ALONG A LINE 15 FEET NORTH OF AND PARALLEL WITH THE SOUTH LINE OF SAID OUTLOT 1 TO THE STARTING POINT OF A MEANDER LINE OF THE SOUTHERLY SHORE OF WOODLAND LAKE, SAID POINT BEARS S89°57'17"W, 36 FEET MORE OR LESS FROM SAID SOUTHERLY SHORE; THENCE THE FOLLOWING FOUR CALLS ALONG SAID MEANDER LINE; THENCE S14°08'37"E, 128.18 FEET; THENCE S78°07'25"E, 156.66 FEET ; THENCE N85°16'28"E, 277.20 FEET; THENCE N84°05'36"E, 286.53 FEET TO THE WEST LINE OF LOT 1 OF SAID CERTIFIED SURVEY MAP NO. 2475 AND THE TERMINATION POINT OF SAID MEANDER LINE; SAID POINT BEARS S00°01'35"W (RECORDED AS S01°01'40"E), 70 FEET MORE OR LESS FROM THE SOUTHERLY SHORE OF SAID WOODLAND LAKE; THENCE S00°01'35"W (RECORDED AS S01°01'40"E), 144.75 FEET ALONG THE WEST LINE OF SAID LOT 1; THENCE N89°58'25"W, 4.00 FEET; THENCE S00°01'35"W, 20.00 FEET; THENCE S89°58'25"E, 4.00 FEET TO THE WEST LINE OF SAID LOT 1; THENCE S00°01'35"W (RECORDED AS S01°01'40"E), 112.98 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING, INCLUDING ALL THOSE LANDS LYING BETWEEN THE ABOVE DESCRIBED MEANDER LINE AND THE SOUTHERLY SHORE OF WOODLAND LAKE AND THE RESPECTIVE LOT LINE EXTENDED TO SAID SOUTHERLY SHORE.

THAT I HAVE MADE THIS SURVEY BY THE DIRECTION OF THE OWNER(S) OF SAID LAND.

I, FURTHER CERTIFY THAT THIS MAP IS A CORRECT REPRESENTATION OF THE EXTERIOR BOUNDARY LINES OF THE LAND SURVEYED AND THE DIVISION OF THAT LAND, AND THAT I HAVE COMPLIED WITH SECTION 236.34 OF THE WISCONSIN STATUTES AND THE CITY OF MENASHA SUBDIVISION ORDINANCE IN SURVEYING, DIVIDING AND MAPPING THE SAME.

GIVEN UNDER MY HAND AND SEAL THIS 2nd DAY OF June, 2015.

*David M. Schmalz*  
 DAVID M. SCHMALZ, WI PROFESSIONAL LAND SURVEYOR S-1284



DETAIL (PAGE 1)  
 SCALE: 1"=30'

A PART OF OUTLOT 1 OF CERTIFIED SURVEY MAP NO. 2980 AS RECORDED IN VOLUME 24 OF MAPS ON PAGE 288 AS DOCUMENT NO. 414583 AND A PART OF THE NORTHEAST 1/4 OF THE NORTHEAST 1/4 OF SECTION 18, TOWNSHIP 20 NORTH, RANGE 18 EAST, CITY OF MENASHA, CALUMET COUNTY, WISCONSIN.

NOTES:

- THE LOCATION OF THE APPROXIMATE ORDINARY HIGH WATER MARK SHALL BE THE POINT ON THE BANK OF A NAVIGABLE STREAM OR ON THE SHORE OF A LAKE UP TO WHICH THE PRESENCE AND ACTION OF SURFACE WATER IS CONTINUOUS AS TO LEAVE A DISTINCTIVE MARK BY EROSION, DESTRUCTION OF TERRESTRIAL VEGETATION, OR OTHER EASILY RECOGNIZED CHARACTERISTICS.
- 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.
- ELEVATIONS AS SHOWN ON THIS PLAN ARE REFERENCED FROM PREVIOUS ELEVATION WORK PREPARED BY OTHERS. BASED ON GPS OBSERVATIONS TO NGS DATA POINT 4K05 (PID #DE7787). THE ELEVATIONS SHOWN ARE 0.27 FEET ABOVE NAVD 88(12) DATUM.
- FRONTYARD BUILDING SETBACKS TO BE 25 FEET
- THIS CERTIFIED SURVEY MAP IS A PORTION OF TAX PARCEL NUMBERS: 770181101, 770181102, AND 770181103.
- THE PROPERTY OWNER OF RECORD IS: WOODLAND DEVELOPMENT, LLC
- THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN DOCUMENT NOS. 380967 AND 362613
- CITY OF MENASHA SETBACK REQUIREMENTS FROM WATERWAYS MUST BE FOLLOWED.

CURVE	RADIUS	DELTA ANGLE	CHORD LENGTH	CHORD BEARING	ARC LENGTH	TANGENT BEARINGS
C1	11573.18'	0°54'54"	184.84'	N 81°20'10" W	184.84'	N 80°52'42" W N 81°47'37" W
C2	11575.19'	0°52'26"	176.57'	N 81°18'56" W	176.57'	N 80°52'42" W N 81°45'09" W
C3	46.00'	98°55'34"	69.92'	S 40°30'37" E	79.42'	S 89°58'25" E S 08°57'10" W
C4	20.00'	76°17'23"	24.71'	N 58°25'46" E	26.63'	S 83°25'32" E N 2017°05" E
C5	41.00'	229°31'59"	74.46'	N 44°56'56" W	164.25'	
C6	41.00'	191°39'45"	81.57'	S 63°53'03" E	137.16'	
C7	41.00'	37°52'14"	26.61'	S 50°52'57" W	27.10'	
C8	20.00'	69°47'28"	22.88'	S 34°55'19" W	24.36'	N 00°01'35" E S 69°49'04" W

OWNER'S CERTIFICATE

Woodland Development, LLC, as Owner(s) I/We hereby certify that I/we caused the land described on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented on this Certified Survey Map. We also certify that this Certified Survey Map is required to be submitted to the following for approval.

City of Menasha

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2015

Authorized Signature \_\_\_\_\_

Authorized Signature \_\_\_\_\_

Printed Name \_\_\_\_\_

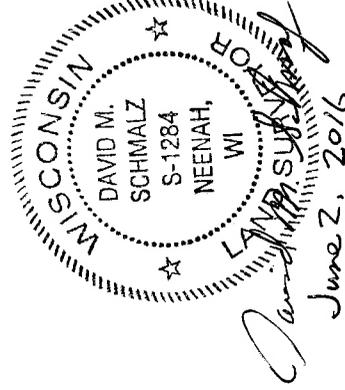
Printed Name \_\_\_\_\_

State of \_\_\_\_\_ )  
 \_\_\_\_\_ )ss  
 \_\_\_\_\_ County)

Personally appeared before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, the above named persons to me known to be the persons who executed the foregoing instrument, and acknowledged the same.

Notary Public \_\_\_\_\_

My commission expires \_\_\_\_\_ County, \_\_\_\_\_



# McMAHON

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CERTIFIED SURVEY MAP NO. \_\_\_\_\_

PAGE 6 OF 6

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COMMON COUNCIL RESOLUTION

RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MENASHA, THAT THIS CERTIFIED SURVEY MAP IS HEREBY APPROVED BY RESOLUTION NUMBER \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2016.

CITY CLERK  
DEBBIE GALEAZZI

DATE

CITY MAYOR  
DON MERKES

DATE

TREASURER'S CERTIFICATE

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS SHOWN HEREON.

CITY TREASURER  
PEGGY STEENO

COUNTY TREASURER  
MIKE SCHLAAK

UTILITY EASEMENT PROVISIONS

An easement for electrical and communication service is hereby granted by Woodland Development, LLC to A T & T, MENASHA UTILITIES and TIME WARNER CABLE MIDWEST LLC, Grantees, to their respective successors and assigns, to construct, install, operate, repair, maintain and replace from time to time, facilities used in connection with overhead and underground transmission and distribution of electricity and electric energy for such purposes as the same is now or may hereafter be used and for sounds and signals, all in, over, under, across, along and upon the property shown within those areas on the CSM designated as "Utility Easement Areas" and the property designated on the CSM for streets and alleys, whether public or private, together with the rights to install service connections upon, across within and beneath the surface of each lot to serve improvements thereon, or on adjacent lots, also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or caused to have restored, the property, as nearly as is reasonably possible, to the conditions existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities or communications facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Buildings shall not be placed over grantees' facilities or in, upon or over the property within the lines marked "Utility Easement 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.

NO UTILITY TRANSFORMERS OR PEDESTALS ARE TO BE SET WITHIN 2 FEET OF A LOT CORNER MONUMENT.

NO CONDUCTORS ARE TO BE BURIED WITHIN 1 FOOT OF A LOT CORNER MONUMENT.



*David M. Schmalz*  
June 2, 2016

**McMAHON**  
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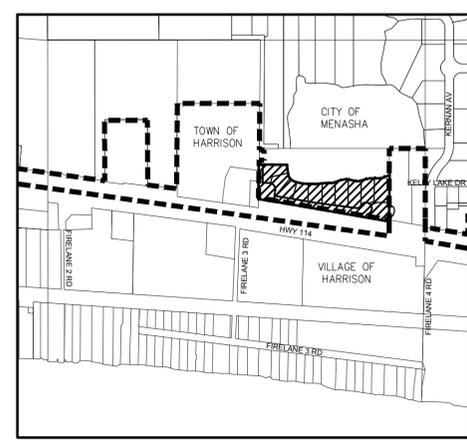
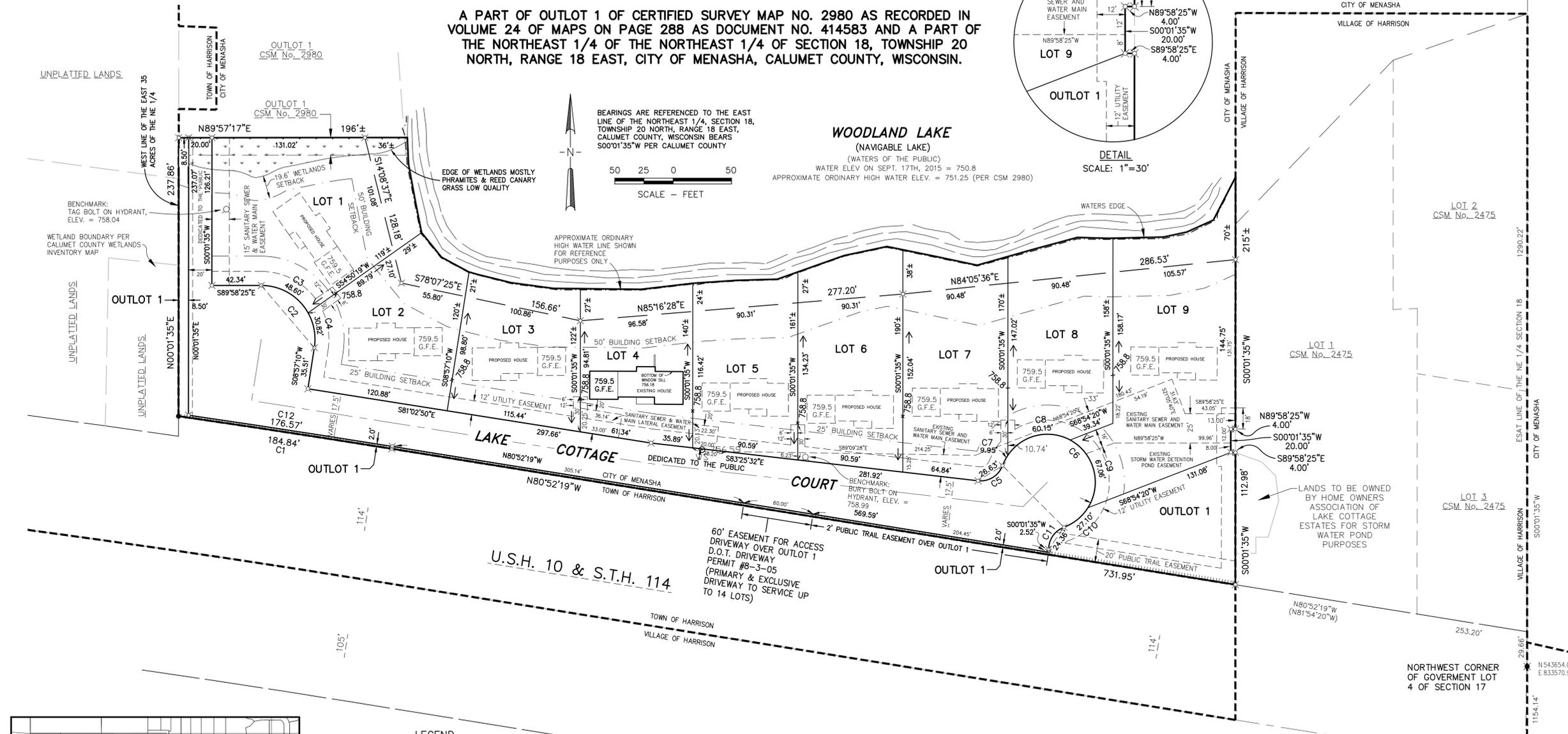
# CONCEPT ONLY PROPERTY TO BE DIVIDED BY CERTIFIED SURVEY MAP

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NORTHEAST CORNER  
SEC. 18-20-18  
2" IRON PIPE FOUND

**WETLAND NOTE:**

WETLAND BOUNDARY LINE PER SETTLEMENT OF CALUMET COUNTY CIRCUIT COURT CASE #08 CX 001 STATE OF WISCONSIN vs. MICHAEL HAGENS, et al AS FIELD VERIFIED BY NICK DOMER US ARMY CORPS OF ENGINEERS & JOHN BRAND WDNR



SHOWING NE 1/4 SECTION 18, T20N, R18E, CITY OF MENASHA, CALUMET COUNTY, WISCONSIN.

- LEGEND**
- ✕ - 1 1/4" x 30" ROUND STEEL REBAR WEIGHING 4.30 lbs./lineal ft. SET
  - ✕ - 1 1/4" ROUND STEEL REBAR FOUND
  - ✕ - 3/4" ROUND STEEL REBAR FOUND
  - ⊙ - CERTIFIED LAND CORNER CALUMET COUNTY
  - ( ) - RECORDED BEARING AND/OR DISTANCE
  - S.F. - SQUARE FEET
  - - - - - CORPORATE BOUNDARY
  - G.F.E. - PROPOSED GARAGE FLOOR ELEVATION
  - ALL OTHER LOT CORNERS STAKED WITH 3/4" x 24" ROUND STEEL REBAR, WEIGHING 1.50 LBS./LIN. FT.
  - UTILITY EASEMENT (10' UNLESS NOTED)
  - ACCESS RESTRICTED ROAD
  - UTILITY EASEMENT FOR SANITARY SEWER, STORM SEWER AND WATERMAIN LATERALS BY THIS CSM SUBJECT TO SAME CONDITIONS AS THE FINAL PLAT OF WOODLAND TRAILS II
  - LOW TO MEDIUM VALUE WETLANDS

**APPROVAL AGENCIES**  
CITY OF MENASHA  
**AGENCIES HAVING AUTHORITY TO OBJECT**  
DEPARTMENT OF ADMINISTRATION  
CALUMET COUNTY PLANNING & ZONING COMMITTEE

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

Certified \_\_\_\_\_, 20\_\_\_\_

Department of Administration

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**OWNERS & DEVELOPERS:**  
- WOODLAND DEVELOPMENT, LLC  
- C/O MIKE HAGENS  
- N319 BREEZEWOOD DRIVE  
- APPLETON, WISCONSIN 54915  
- PHONE #(920) 788-5879

SHEET 1 OF 2  
**McMAHON**  
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