PLAN COMMISSION AGENDA

July 14, 2025 5:30 PM

Meeting Room A

City-County Government Center

160 S Macy Street Fond du Lac, Wisconsin

I. OPENING CEREMONIES

- A. Attendance
- B. Declaration Quorum Present

II. CONSENT AGENDA

A. June 16, 2025

III. PUBLIC HEARING

A. Zoning Upon Annexation

Effect: Zone land to be annexed C-2 District (General Commercial) Location: W4786 State Road 23 (T08-15-18-99-HV-016-00); T08-15-18-99-HV-010-00; W4770 State Road 23 (T08-15-18-99-HV-020-00); T08-15-18-99-HV-030-00 Initiator: Snider, Koepke and Oelke

IV. ACTION

A. Final Plat

Location: Hidden Valley (north of Eastwind Lane and west of County Road K)

V. ADJOURN

COMMISSION AGENDA CITY OF FOND DU LAC, WISCONSIN June 16, 2025

<u>Subject:</u>
Effect:
<pre>Initiator:</pre>
Location:
Recommendation:

ATTACHMENTS:

File Name

MINUTES_6.16.2025.pdf

Monday, June 16, 2025 5:30 P.M.

Meeting Room A
City-County Government Center

160 South Macy Street Fond du Lac, Wisconsin

I. OPENING CEREMONIES

Attendance

Present

Jo Ann Giese-Kent

Craig Much

Derek TerBeest

Patrick Mullen

Absent

Alicia Hans

Bradley Leonhard

Administrative Staff

Dyann Benson, Community Development Director

Declaration Quorum Present

TerBeest declared a quorum present at 5:30 p.m.

II. CONSENT AGENDA

May 19, 2025

A Motion was made by Much to approve the May 19, 2025 minutes and seconded by Mullen, and the motion was **Passed**.

ROLL CALL VOTE: Aye – Much, Mullen, TerBeest, Giese-Kent

Nay – None

Carried.

III. PUBLIC HEARING

A. Special Use Permit 2025-06

Request: Construction of Mini Warehouse Storage Units

Location: South Park Avenue (Lot 2 CSM 9123) Applicant: South Fondy LLC/ Jared VanLanen

Appeared in Support of the Special Use Permit:

Jared VanLanen, South Fondy, LLC, Greenville

Appeared as Interest:

Jeff Uitenbroek, 54 Cougar Ct, FDL

June 16, 2025 Page 2

A Motion was made by Much to Approve Special Use Permit 2025-06 with the amendment to condition #3; seconded by Mullen. Motion **Passed.**

Amend Condition #3 to add lighting will include one pole mounted light fixture on the north side, one pole mounted light fixture on the south side - neither to exceed 16 feet. No more than 5 total poles on the north side and 4 total poles on the south side for Special Use Permits 2025-06 through 2025-10.

ROLL CALL VOTE: Aye – Much, Mullen, TerBeest, Giese-Kent

Nay - None

Carried.

B. Special Use Permit 2025-07

Request: Construction of Mini Warehouse Storage Units

Location: South Park Avenue (Lot 3 CSM 9123) Applicant: South Fondy LLC/ Jared VanLanen

Appeared in Support of the Special Use Permit: Jared VanLanen, South Fondy, LLC, Greenville

Appeared as Interest:

Jeff Uitenbroek, 54 Cougar Ct, FDL

A Motion was made by TerBeest to Approve Special Use Permit 2025-07 with the amendment to condition #3; seconded by Mullen. Motion **Passed.**

Amend Condition #3 to add lighting will include one pole mounted light fixture on the north side, one pole mounted light fixture on the south side - neither to exceed 16 feet. No more than 5 total poles on the north side and 4 total poles on the south side for Special Use Permits 2025-06 through 2025-10.

ROLL CALL VOTE: Aye – Much, Mullen, TerBeest, Giese-Kent

Nay - None

Carried.

C. Special Use Permit 2025-08

Request: Construction of Mini Warehouse Storage Units

Location: South Park Avenue (Lot 4 CSM 9124) Applicant: South Fondy LLC/ Jared VanLanen

Appeared in Support of the Special Use Permit: Jared VanLanen, South Fondy, LLC, Greenville

Appeared as Interest:

Jeff Uitenbroek, 54 Cougar Ct, FDL

June 16, 2025 Page 3

A Motion was made by Mullen to Approve Special Use Permit 2025-08 with the amendment to condition #3; seconded by Giese-Kent. Motion **Passed.**

Amend Condition #3 to add lighting will include one pole mounted light fixture on the north side, one pole mounted light fixture on the south side - neither to exceed 16 feet. No more than 5 total poles on the north side and 4 total poles on the south side for Special Use Permits 2025-06 through 2025-10.

ROLL CALL VOTE: Aye – Much, Mullen, TerBeest, Giese-Kent

Nay-None

Carried.

D. Special Use Permit 2025-09

Request: Construction of Mini Warehouse Storage Units

Location: South Park Avenue (Lot 5 CSM 9124) Applicant: South Fondy LLC/ Jared VanLanen

Appeared in Support of the Special Use Permit: Jared VanLanen, South Fondy, LLC, Greenville

Appeared as Interest:

Jeff Uitenbroek, 54 Cougar Ct, FDL

A Motion was made by Much to Approve Special Use Permit 2025-09 with the amendment to condition #3; seconded by TerBeest. Motion **Passed.**

Amend Condition #3 to add lighting will include one pole mounted light fixture on the north side, one pole mounted light fixture on the south side - neither to exceed 16 feet. No more than 5 total poles on the north side and 4 total poles on the south side for Special Use Permits 2025-06 through 2025-10.

ROLL CALL VOTE: Aye – Much, Mullen, TerBeest, Giese-Kent

Nay – None

Carried.

E. Special Use Permit 2025-10

Request: Construction of Mini Warehouse Storage Units

Location: South Park Avenue (Lot 2 CSM 9123) Applicant: South Fondy LLC/ Jared VanLanen

Appeared in Support of the Special Use Permit: Jared VanLanen, South Fondy, LLC, Greenville

Appeared as Interest:

Jeff Uitenbroek, 54 Cougar Ct, FDL

June 16, 2025 Page 4

A Motion was made by TerBeest to Approve Special Use Permit 2025-10 with the amendment to condition #3; seconded by Giese-Kent. Motion **Passed.**

Amend Condition #3 to add lighting will include one pole mounted light fixture on the north side, one pole mounted light fixture on the south side - neither to exceed 16 feet. No more than 5 total poles on the north side and 4 total poles on the south side for Special Use Permits 2025-06 through 2025-10.

ROLL CALL VOTE: Aye – Much, Mullen, TerBeest, Giese-Kent

Nay - None

Carried.

IV. ACTION

A. Final Plat

Location: Eastern Ridge Estates Phase 2

A Motion was made by TerBeest to Approve w/ Technical Corrections and seconded by Much, and the motion was **Passed.**

ROLL CALL VOTE: Aye – Much, Mullen, TerBeest, Giese-Kent

Nay - None

Carried.

V. ADJOURN

A Motion was made by Mullen to adjourn at 6:02 p.m. and seconded by Much, and the motion was **Passed.**

ROLL CALL VOTE: Aye – Much, Mullen, TerBeest, Giese-Kent

Nay - None

Carried.

DB/cc

COMMISSION AGENDA CITY OF FOND DU LAC, WISCONSIN Zoning Upon Annexation

<u>Subject:</u> Effect: Zone land to be annexed C-2 District (General

Commercial)

Location: W4786 State Road 23 (T08-15-18-99-HV-016-00); T08-15-18-99-HV-010-00; W4770 State Road 23 (T08-

15-18-99-HV-020-00); T08-15-18-99-HV-030-00

Initiator: Snider, Koepke and Oelke

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

A._Memo_and_Maps.pdf
A._Public_Hearing.pdf

CITY OF FOND DU LAC - Memorandum

Department of Community Development

Date: July 9, 2025

To: Plan Commission

From: Dyann Benson, Community Development Director

Re: Zoning Upon Annexation – W4786 State Road 23 (T08-15-18-99-HV-016-00);

T08-15-18-99-HV-010-00; W4770 State Road 23 (T08-15-18-99-HV-020-00);

T08-15-18-99-HV-030-00

Applicant: Snider, Koepke and Oelke

Request: Zone land to be annexed C-2 District (General Commercial)

Zoning: Site: Industrial and Residential District (Town of Empire)

North: A (Agriculture District)

South: O (Office Conversion District)

East: Residential District (Town of Empire)

West: C-2 District

Land Use: Site: The Hive/Vacant/Single Family Residential

North: Vacant/Agriculture
South: Vacant/Commercial
East: Vacant/Agriculture
West: Commercial (Aurora)

Analysis

The property to be annexed is comprised of 4.55 acres of land located on the south side of East Johnson Street. The land is located within the City's Growth Area of the Cooperative Plan and is currently home to the old Caddy Shack/The Hive and a single family home. The Cooperative Plan requires any further development of a property to annex into the City and if the applicant wishes to connect to City sewer and water. The Plan Commission is charged with the task to determine appropriate zoning for the property.

A zoning designation of C-2 District (General Commercial) is proposed upon annexation of the property. The C-2 zoning designation allows for a variety of commercial uses and is consistent with the intent of development along STH 23/East Johnson Street. The proposed zoning is consistent with the zoning to the west, located within the City of Fond du Lac, and the annexation will allow the applicant to connect with City services and support additional development.

Recommendation

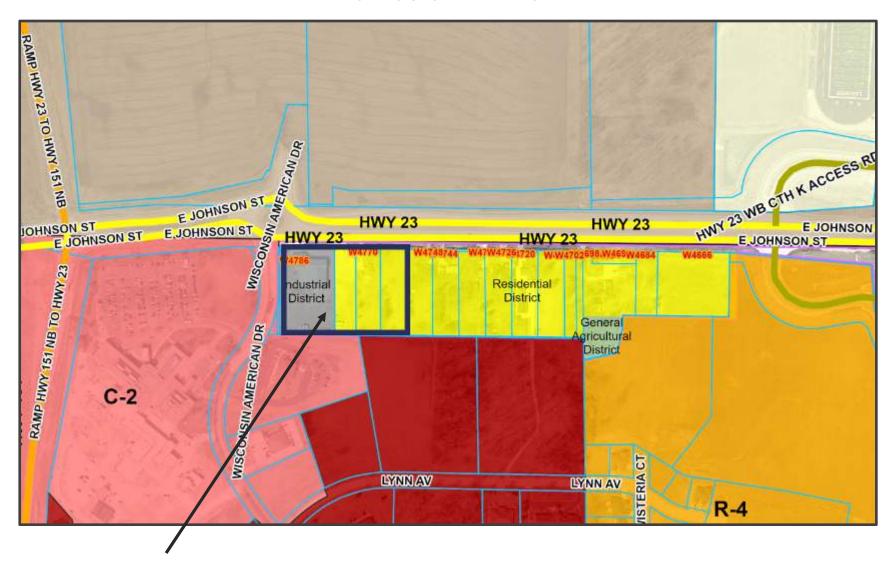
Community Development staff suggests that the Plan Commission recommend to the City Council a zoning designation of C-2 District (General Commercial) upon annexation of the subject property.

ZONING UPON ANNEXATION



SITE

ZONING UPON ANNEXATION



SITE - EXISTING ZONING; PROPSED ZONING: C-2 District (PINK/SALMON)

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Plan Commission of the City of Fond du Lac, Wisconsin, will conduct a Public Hearing at 5:30 p.m. on July 14, 2025 in Meeting Room A of the City-County Government Center, 160 South Macy Street, to zone property upon annexation to C-2 General Commercial District.

The land to be zoned upon annexation is described as follows: W4786 State Road 23 (T08-15-18-99-HV-016-00) T08-15-18-99-HV-010-00 W4770 State Road 23 (T08-15-18-99-HV-020-00) T08-15-18-99-HV-030-00

The meeting agenda for the Plan Commission can be accessed on the Calendar tab on the home page of the City's website; www.fdl.wi.gov

All persons having an interest in the area are invited to participate in the hearing and express their opinions. Written communications will also be considered. For further information you are invited to contact the Community Development Department at (920) 322-3440. Published in accordance with Section 62.23, Wisconsin Statutes.

Dated this June 26, 2025

MARGARET HEFTER City Clerk

Published: June 29th and July 2nd, 2025

Zone Property Upon Annexation

PIN	Street_address	MailingAddress1	MailingCity	MailingState	MailingZip
FDL-15-18-07-31-010-00	1395 LYNN AVE	N6499 COUNTY ROAD UU	FOND DU LAC	WI	54937
FDL-15-18-07-31-003-00	201 WIS AMERICAN DR	PO BOX 469	FOND DU LAC	WI	54936
T08-15-18-99-HV-041-00	W4748 STATE ROAD 23	W4747 STATE ROAD 23	FOND DU LAC	WI	54937
T08-15-18-99-HV-020-00	W4770 STATE ROAD 23	W4770 STATE ROAD 23	FOND DU LAC	WI	54937
T08-15-18-99-HV-010-00		W4770 STATE ROAD 23	FOND DU LAC	WI	54937
T08-15-18-99-HV-030-00		W4770 STATE ROAD 23	FOND DU LAC	WI	54937
T08-15-18-99-HV-016-00	W4786 STATE ROAD 23	W4770 STATE ROAD 23	FOND DU LAC	WI	54937
T08-15-18-99-HV-990-00		944 VANDERPERREN WAY	GREEN BAY	WI	54304

COMMISSION AGENDA CITY OF FOND DU LAC, WISCONSIN Final Plat

Subject: Location: Hidden Valley (north of Eastwind Lane and

west of County Road K)

Effect:

Initiator:

Location:

Recommendation:

ATTACHMENTS:

File Name

B._Hidden_Valley_Phase_1_-_Final_Plat_Memo.pdf

B._Hidden_Valley_Phase_1.pdf

CITY OF FOND DU LAC - Memorandum

Engineering and Traffic Division

Date: July 14, 2025

To: Plan Commission

From: Chris Johnson, P.E., City Engineer

Re: Hidden Valley Phase 1 - Final Plat

The land area of Hidden Valley Phase 1 consists of 24.192 acres of land north of Eastwind Lane, west of County Road V and east of US 151. The property is zoned R-1 Single Family Residential District.

Hidden Valley Phase 1 will create seventeen (17) residential lots that meet the zoning requirements for the R-1 Single Family Residential District for lot area, lot width and lot depth. The plat includes two (2) outlots; an outlot is a parcel of land that is not buildable. A 1.45-acre outlot is located at the northern area of the plat for stormwater management purposes. A 0.62-acre outlot is located at the northwest intersection of CTH V and Lynn Avenue and serves as a drainage area along with possible future development area.

The Preliminary Plat of Hidden Valley was reviewed and approved by the Plan Commission on February 17, 2025. A preliminary plat is the first step in the process to subdivide land. Approval of a preliminary plat reflects compliance with requirements of the City's subdivision and zoning codes, Comprehensive Plan, and Official Map. Following approval by the Plan Commission, a Final Plat is prepared to reflect technical revisions identified in the Preliminary Plat review. A Developer's Agreement, Street & Utility Plans, Stormwater Management Plan, and a Master Drainage Plan are separate components of the development review and approval process. Comments and revisions noted are necessary to the included due to the revisions of the Street & Utility Plans.

A Final Plat is reviewed by the Plan Commission and City Council, and by the State as an approving agency. If the Final Plat conforms substantially to the Preliminary Plat, including any conditions of that approval, and to local plans and ordinances, it is entitled to approval. (§ 236.11(1)(b), Wis. Stats.)

Recommendation

The Final Plat of Hidden Valley Phase 1 is consistent with the Preliminary Plat approved by the Plan Commission on February 17, 2025. Several minor technical revisions to the plat are required; however, the revisions do not affect lot layout or the plat configuration.

City Engineering and Community Development staff suggest the Plan Commission recommend to the City Council approval of the Final Plat, subject to the following:

- 1. Check meander distances, City Engineering calculated the southeast line from the POB being a distance of 477.73' and the next southwest line being 320.89'
- 2. Label the line near the center of the creek, OHWM (approx.), thread, etc.
- 3. The proposed sanitary sewer easement is shown on lots 2 through 7. The plat does not label the easement. Add label "Sanitary Sewer Easement."
- 4. Add standard city easement language below to plat.

Public Storm Drainage. BASM LLC (the "Grantor") hereby grants, conveys, and warrants unto to the City of Fond du Lac (the "City"), it's successors and assigns, the perpetual right and easement to construct, install, maintain, operate, repair, inspect, replace, add, relocate and remove in the Easement Area, as indicated on the plat, upon, in, over, through and across lands owned by the Grantor so that the City may maintain a storm sewer and appurtenances or drainage swale in the Easement Area. The easements are subject to the following conditions:

- a. Access: The City and its agents shall have the right of reasonable ingress and egress to, over and across the Grantor's land adjacent to and upon the Easement area, as well as over the area and under the surface of the Easement Area to install, lay, operate, repair and maintain a storm sewer and appurtenances and drainage swales.
- b. <u>Restoration</u>: If the City performs any work within the Easement Area, upon completion of that work the City shall, at its cost, restore any damages to property, lawns, or pavement in the Easement Area and immediate surrounding area and all improvements thereupon, caused by the construction and or maintenance of the storm sewer main and appurtenances and drainage swales.
- c. <u>Nature of Easements</u>: The easement and agreements contained in this Agreement shall run with the land, be appurtenant to and shall pass with the title to the Easement Area and any portion thereof; and may not be transferred separately from, or severed from, title to the Easement Area or the dominant tenement thereto.

- d. <u>Buildings and Structures</u>: The Grantor, along with their successors and assigns, agrees within the Easement Area not to construct or place buildings, structures or other improvements, or place additional water, sewer, drainage, electric, gas, or communication facilities without the express written consent of the City.
- e. <u>Landscaping and Vegetation</u>: No plantings and landscaping are allowed within the Easement Area that will interfere with the easement rights herein granted.

Sanitary Sewer. BASM LLC (the "Grantor") hereby grants, conveys, and warrants unto to the City of Fond du Lac (the "City"), it's successors and assigns, the perpetual right and easement to construct, install, maintain, operate, repair, inspect, replace, add, relocate and remove in the Easement Area, as indicated on the plat, upon, in, over, through and across lands owned by the Grantor so that the City may maintain a sanitary sewer and appurtenances in the Easement Area. The easements are subject to the following conditions:

- a. Access: The City and its agents shall have the right of reasonable ingress and egress to, over and across the Grantor's land adjacent to and upon the Easement area, as well as over the area and under the surface of the Easement Area to install, lay, operate, repair and maintain a sanitary sewer and appurtenances.
- b. <u>Restoration</u>: If the City performs any work within the Easement Area, upon completion of that work the City shall, at its cost, restore any damages to property, lawns, or pavement in the Easement Area and immediate surrounding area and all improvements thereupon, caused by the construction and or maintenance of the sanitary sewer main and appurtenances.
- c. <u>Nature of Easements</u>: The easement and agreements contained in this Agreement shall run with the land, be appurtenant to and shall pass with the title to the Easement Area and any portion thereof; and may not be transferred separately from, or severed from, title to the Easement Area or the dominant tenement thereto.
- d. <u>Buildings and Structures</u>: The Grantor, along with their successors and assigns, agrees within the Easement Area not to construct or place buildings, structures or other improvements, or place additional water, sewer, drainage, electric, gas, or communication facilities without the express written consent of the City.
- e. <u>Landscaping and Vegetation</u>: No plantings and landscaping are allowed within the Easement Area that will interfere with the easement rights herein granted.

Private Storm Drainage. Drainage easements are hereby granted by BASM LLC (the "Grantor"). The Grantor agrees within the Easement Area not to construct or place buildings, structures or other improvements, or modify the grading from the elevations shown on the drainage plan for individual lots, as approved by the City of Fond du Lac, without the express written consent of all other property owners within the drainage easement. Enforcement of the drainage easement provisions shall be by the property owners and any homeowner's association, if one is created. The easement and agreements contained in this Agreement shall run with the land, be appurtenant to and shall pass with the title to

the Easement Area and any portion thereof; and may not be transferred separately from, or severed from, title to the Easement Area or the dominant tenement thereto.

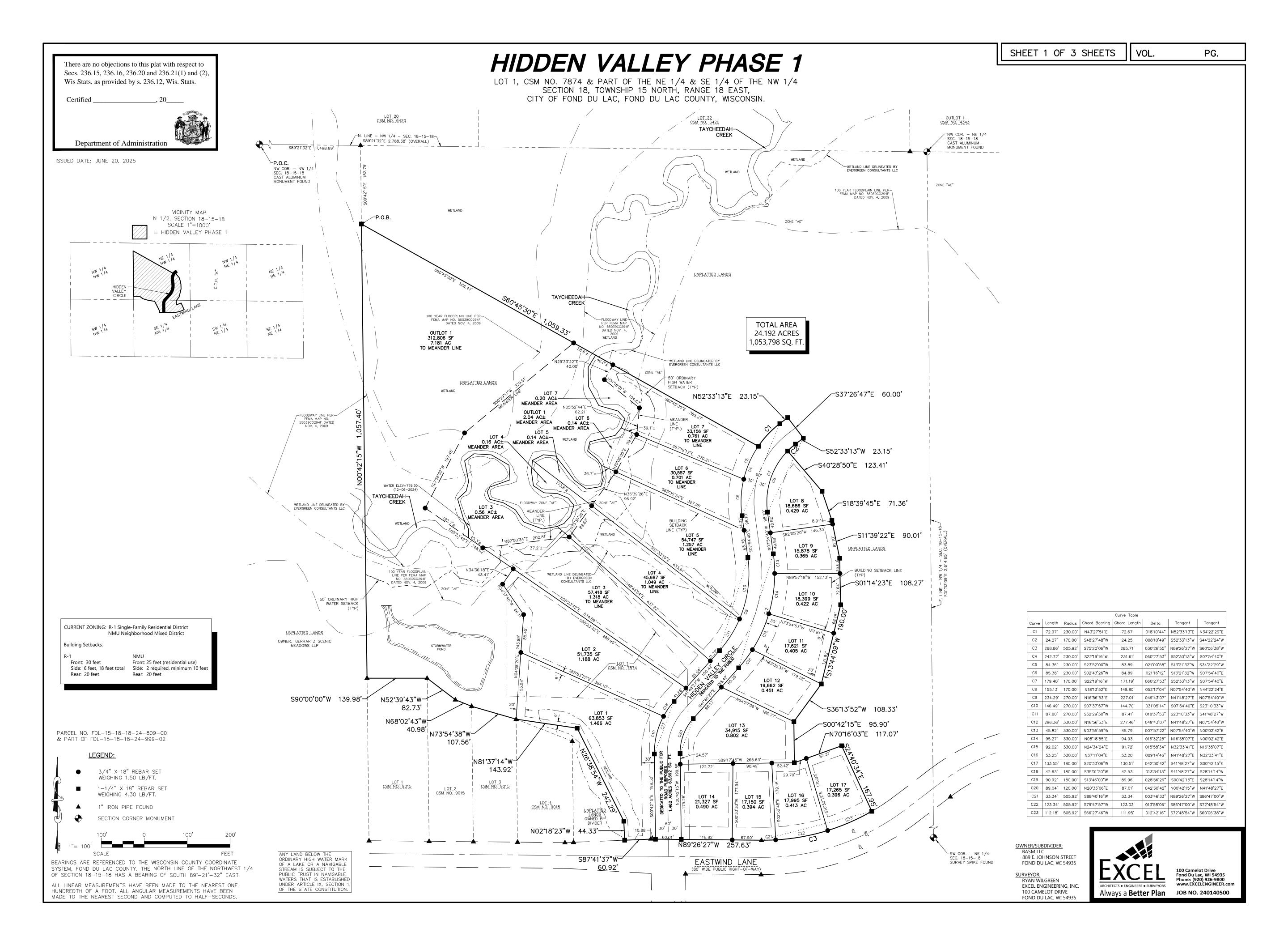
- 5. Provide public storm drainage easements and private storm drainage easements for properties adjacent to the plat as noted on the plat. Use easement language noted above.
- 6. Provide easement for streambank maintenance applying to lands between stream and meander line of stream.

Streambank Maintenance. BASM LLC (the "Grantor") hereby grants, conveys, and warrants unto to the City of Fond du Lac (the "City"), it's successors and assigns, the perpetual right and easement for the purpose of dredging, excavating, filling, repairing, reconstructing, and any other acts relating to the upkeep and maintenance of the streambank in the Easement Area, as indicated on the plat, over, upon, across, in, and through lands owned by Grantor so that the City may maintain the streambank in the Easement Area.

The easement is subject to the following conditions:

- i. <u>Access</u>: The City and its agents shall have the right of reasonable ingress and egress to, over and across the Grantor's land adjacent to and upon the Easement area to maintain streambanks.
- ii. <u>Restoration</u>: If the City performs any work within the Easement Area, upon completion of that work the City shall, at its cost, restore any damages to property, lawns, or pavement in the Easement Area and immediate surrounding area and all improvements thereupon, caused by the maintenance of the streambank.
- iii. Watercourse Protection: The Grantor shall maintain the Easement Area, so at all times, it continues to function as intended. The Grantor shall comply with § 325-35 of the City of Fond du Lac Code. The Grantor shall be responsible for the removal of trees, branches, and other obstructions from the Easement Area.
- iv. Nature of Easements: The easement and agreements contained in this Agreement shall run with the land, be appurtenant to and shall pass with the title to the Easement Area and any portion thereof; and may not be transferred separately from, or severed from, title to the Easement Area or the dominant tenement thereto.
- v. Ownership: This easement does not grant or convey to City, or any member of the general public, any right of ownership or possession of the Easement Area.
- 7. Provide electrical easement to city for electrical service for street lighting as needed.
- 8. Extend the utility easement that is shown on lot 15 to the west onto lot 14 to right-of-way.
- 9. Make utility easements at least 15 feet. Alternatively reduce easement width to 10 feet if both front yard and back yard easements will be provided.

- 10.Provide utility easement in the front yards of lots 8-17.
- 11. Provide access to utility easement from lots 9-14 to future lots to east. The purpose is to provide access to the electrical, communication, etc. facilities placed in the utility easement for services to future lots. Provide a 10-foot wide utility easement at lot corners or other locations to serve future adjacent parcels. These easements would allow the private utilities to cross the public storm drainage easement at select locations.
- 12. The utility easement provisions are written to specifically apply only to Alliant Energies, Spectrum, and AT&T. Consider allowing TDS or other communications service companies to also install facilities in the utility easement area.
- 13. Corrections/revisions of lot lines across the meander line.



ISSUED DATE: JUNE 20, 2025

HIDDEN VALLEY PHASE 1

LOT 1, CSM NO. 7874 & PART OF THE NE 1/4 & SE 1/4 OF THE NW 1/4 SECTION 18, TOWNSHIP 15 NORTH, RANGE 18 EAST, CITY OF FOND DU LAC, FOND DU LAC COUNTY, WISCONSIN.

OWNER'S CERTIFICATE OF DEDICATION

BASM LLC, a limited liability company duly organized and existing under and by virtue of the laws of the State of Wisconsin, as 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.

submitted to the following agencies for approval or objection:

2. City of Fond du Lac

limited liability company at Fond du Lac, Wisconsin this	day of	, 20
Ву:		
STATE OF WISCONSIN)		
COUNTY OF		
Personally came before me this day of above named BASM LLC, to me known to be the person(s) w acknowledged the same.		

My Commission Expires: _____

BASM LLC, does further certify that this plat is required by \$236.10 or \$236.12 Wisconsin Statutes to be

- Department of Administration

3. Fond du Lac County
In witness whereof, BASM LLC, has caused these presents to be signed be limited liability company at Fond du Lac, Wisconsin this day of _
Ву:
STATE OF WISCONSIN)
COUNTY OF) S.S
Personally came before me this day of, 20, the above named BASM LLC, to me known to be the person(s) who execute acknowledged the same

Notary Public,	County, WI
My Commission Evniros:	

PLAN COMMISSION APPROVAL CERTIFICATE:

Resolved, that the plat of HID Plan Commission	DDEN VALLEY PHASE 1, in the	e City of Fond du Lac, is hereby approved by the
Approved as of the	_ day of	_, 20

SHEET 3 OF 3 SHEETS

		Chairperson	
Date	Signed		
		Secretary	•

Approved

COMMON COUNCIL APPROVAL CERTIFICATE:

Resolved, that the plat of HIDDEN VALLEY PHASE 1, in the City of Fond du Lac, is hereby approved by th
Common Council.

All conditions have been met as of the _	day of	, 20

I hereby certify that the forgoing is a true copy of a Resolution duly adopted by the Common Council of the City of Fond du Lac.

Date	Signed	
	_	Margaret Hefter - City Clerk

CITY TREASURER'S CERTIFICATE

I, Margaret Hefter, being the duly elected, qualified, and acting Treasurer of the City of Fond du Lac, do nereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or speciassessments as of this day of, 20 affecting the land included in the plat of HIDDEN VALLEY PHASE 1.

Margaret Hefter - City Treasurer

COUNTY TREASURER'S CERTIFICATE

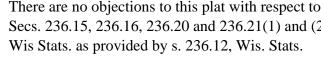
I, Brenda Schneider, being the duly elected, qualified, and acting Treasurer of Fond du Lac County, do hereby certify that the records in my office show no unredeemed tax sales and no unpaid taxes or special assessments as of this _____ day of ______, 20__ affecting the land included in the plat of HIDDEN VALLEY PHASE 1.

Date	Brenda Schneider - Fond du Lac County Treasurer

OWNER/SUBDIVIDER:



RYAN WILGREEN EXCEL ENGINEERING, INC. 100 CAMELOT DRIVE FOND DU LAC, WI 54935



Department of Administration

SURVEYOR'S CERTIFICATE

I, Ryan Wilgreen, Professional Land Surveyor, hereby certify that under the direction of BASM LLC, I have surveyed, divided and mapped a parcel of land described hereon, being Lot 1 of Certified Survey Map No. 7874, recorded in Volume 58 of Certified Survey Maps on Pages 83, 83A and 83B in the Fond du Lac County Register of Deeds Office as Document No. 1033892 and part of the Northeast 1/4 and Southeast 1/4 of the Northwest 1/4 of Section 18, Township 15 North, Range 18 East, City of Fond du Lac, Fond du Lac County, Wisconsin being more particularly described as follows:

Commencing at the Northwest corner of the Northwest 1/4 of said Section 18; thence South 89°-21'-32" East along the North line of said Northwest 1/4, a distance of 1,468.89 feet; thence South 00°-42'-15" East along the West line of the Northeast 1/4 of said Northwest 1/4, a distance of 182.79 feet to the point of beginning; thence South 60°-45'-30" East, a distance of 1,059.33 feet; thence Northeasterly 72.97 feet on a curve to the right having a radius of 230.00 feet, the chord of said curve bears North 43°-27'-51" East, a chord distance of 72.67 feet; thence North 52°-33'-13" East, a distance of 23.15 feet; thence South 37°-26'-47" East, a distance of 60.00 feet; thence South 52°-33'-13" West, a distance of 23.15 feet; thence Southwesterly 24.27 feet on a curve to the left having a radius of 170.00 feet, the chord of said curve bears South 48°-27'-48" West, a chord distance of 24.25 feet; thence South 40°-28'-50" East, a distance of 123.41 feet; thence South 18°-39'-45" East, a distance of 71.36 feet; thence South 11°-39'-22" East, a distance of 90.01 feet; thence South 01°-14'-23" East, a distance of 108.27 feet; thence South 13°-44'-09" West, a distance of 190.00 feet; thence South 36°-13'-52" West, a distance of 108.33 feet; thence South 00°-42'-15" East, a distance of 95.90 feet; thence North 70°-16'-03" East, a distance of 117.07 feet; thence South 24°-40'-34" East, a distance of 167.95 feet to the Northerly right-of-way line of Eastwind Lane; thence Southwesterly 268.86 feet on a curve to the right having a radius of 505.92 feet, the chord of said curve bears South 75°-20'-06" West, a chord distance of 265.71 feet; thence North 89°-26'-27" West along said Northerly line, a distance of 257.63 feet; thence South 87°-41'-37" West along said Northerly line, a distance of 60.92 feet; thence North 02°-18'-23" West, a distance of 44.33 feet; thence North 26°-38'-54" West, a distance of 242.29 feet; thence North 81°-37'-14" West, a distance of 143.92 feet to the Northeast corner of Lot 3 of Certified Survey Map No. 9015, recorded in the Fond du Lac County Register of Deeds Office as Document No. 1195350; thence North 73°-54'-38" West along the Northerly line of said Certified Survey Map, a distance of 107.56 feet; thence North 68°-02'-43" West along said Northerly line, a distance of 40.98 feet; thence North 52°-39'-43" West along said Northerly line, a distance of 82.73 feet; thence South 90°-00'-00" West along the North line of said Certified Survey Map, a distance of 139.98 feet to the Northwest corner of said Certified Survey Map; thence North 00°-42'-15" West along the West line of the Northeast 1/4 of said Northwest 1/4, a distance of 1,057.40 feet to the point of beginning and containing 24.192 acres (1,053,798 sq. ft.) of land more or less.

That such plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision thereof made.

That I have fully complied with the provisions of Chapter 236, Wis. Stats. and the Subdivision Ordinance of the City of Fond du Lac in surveying, dividing and mapping the same.

Ryan Wilgreen, P.L.S. No. S-2647 ryan.w@excelengineer.com Excel Engineering, Inc. Fond du Lac, Wisconsin 54935

UTILITY EASEMENT PROVISIONS

An easement for electric and communications service is hereby granted by BASM LLC, to Alliant Energies, Spectrum, AT&T and 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, telephone and cable TV facilities for such purposes as the same is now or may hereafter be used, all in, over, under, across, along and upon the property shown within those areas on the plat designated as "Utility Easement Areas" and the property designated on the plat for streets and alleys, whether public or private, together with the right to install service connections upon, across within and beneath the surface of each lot to serve improvements, thereon, or on adjacent lots; also the right to trim or cut down trees, brush and roots as may be reasonably required incident to the rights herein given, and the right to enter upon the subdivided property for all such purposes. The Grantees agree to restore or cause to have restored, the property, as nearly as is reasonably possible, to the condition existing prior to such entry by the Grantees or their agents. This restoration, however, does not apply to the initial installation of said underground and/or above ground electric facilities, or telephone and cable TV facilities or to any trees, brush or roots which may be removed at any time pursuant to the rights herein granted. Structures shall not be placed over Grantees' facilities or in, upon or over the property within the lines marked "Utility Easement" 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 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.