

Department of Development

123 West Washington Avenue
Post Office Box 1970
Madison, Wisconsin 53707
608/266-3200

JUN 11 1987

Tommy G. Thompson
Governor

Bruno J. Mauer
Secretary

June 10, 1987

Mr. Len Leverence
Winnebago County Planning & Zoning
Committee
Courthouse, Box 2808
Oshkosh, Wisconsin 54901

PERMANENT FILE NO. 15849

Subject: FIRST ADDITION TO FOX CHASE
SE 1/4 S 29 T18N R16E
City of Oshkosh

Dear Mr. Leverence:

We have received the above-named plat. Your county planning agency has the authority to object to this plat under the provisions of s. 236.12 (2) (b), Wis. Stats. Enclosed are four copies for your review. Your agency must either object, or certify no objection within 20 days of your receipt of this submittal.

- If the plat is objected to, we must be notified by letter (the original drawing will be returned to the surveyor for revisions).
- If the plat is certified as nonobjectionable, we must receive a print bearing your certification so that we may finalize our review (see s. 236.12 (6), Wis. Stats.).

It is important that this matter be expedited to avoid delays in processing the plat and to comply with the time limits set by statute. By the date shown below* this office must either object to or certify the plat as nonobjectionable for all the objecting agencies involved, or, the subdivider can demand immediate objection.

Sincerely,

WINNEBAGO COUNTY PLANNING & ZONING COMMITTEE

Jeanne A. Storm
Jeanne A. Storm, Supervisor
Plat Review Unit
Telephone: 608/266-3200

BY

DATE

County Planner

SUBJECT TO THE CONDITION OF APPROVAL,
THAT THE FOLLOWING RESTRICTION FOR
PUBLIC BENEFIT BE ADDED ON THE FACE
OF THE FINAL PLAT. (SEE ATTACHED)

JAS:sg
15-1

Enc: Prints (4)

cc: Steven T. Chronis, Surveyor
Clerk, City of Oshkosh

DEPARTMENT OF DEVELOPMENT TIME LIMIT EXPIRES ON: Thursday, July 9, 1987

PURSUANT TO SECTION 17.02(6)(b) OF THE WINNEBAGO COUNTY
TOWN/COUNTY ZONING ORDINANCE, UPON FINAL GRADING, THE DEVELOPER
AND/OR OWNER SHALL COMPLY WITH THE SURFACE WATER DRAINAGE
PLAN AS APPROVED BY THE WINNEBAGO COUNTY PLANNING AND ZONING
COMMITTEE.

11-14-86 NOTIFIED TOM RUSCH OF
POTENTIAL VIOLATION IF
PLAN IS RECORDED AND BLDG.
CONSTRUCTION BEGINS W/O FINAL
COUNTY DRAINAGE PLAN APPROV.

11-17-86 MTG. W/ CITY ENG. DEPT,
TOM RUSCH, LUCY, AND STEVE
CHRONIS TO DRAINAGE PLAN
REQUIREMENTS. ALL PARTIES AGREED
ON A FINAL DESIGN. CITY
WILL FORWARD FINAL DRAINAGE
PLAN TO COUNTY FOR APPROVAL
WITHIN 1-2 WKS.

12/8/86 SEE TRANSMITTED LETTER OF 12/8/86
RE: DRAINAGE PLAN

1/9/87 ALL OBJECTIONS SATISFIED
~~APPROVED~~
[Signature]



Winnebago County

PLANNING AND ZONING DEPARTMENT

David E. Schmidt, *Director*
Leonard Leverence, *Principle Planner* • James Mabry, *Zoning Administrator*

January 22, 1987

Mr. Steve Chronis
Aero-Metric Engineering Inc.
P.O. Box 111
Chilton, WI 53014-0111

RE: Fox Chase Plat - Surface Water Drainage Plan

Dear Mr. Chronis:

The purpose of this letter is to inform you that Winnebago County has reviewed and approved the surface water drainage plan as designed and submitted by Mr. Ed Potempa of the City of Oshkosh Engineering Department.

Winnebago County wishes to thank you and the City of Oshkosh for the combined effort in resolving the surface water drainage concerns involved with this plat.

In closing, all of the County objections have been resolved and, therefore, the plat may proceed with development. Thank you.

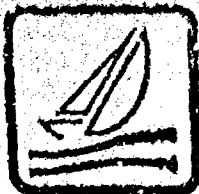
Sincerely,


Leonard Leverence
Principal Planner

LL/hc

pc: City of Oshkosh-Engineering Dept.
Ed Potempa

Jeanette Dialloff, Chairperson
Town of Algoma



Winnebago County

PLANNING AND ZONING DEPARTMENT

David E. Schmidt, Director
Leonard Leverage, Principle Planner • James Mabry, Zoning Administrator

October 7, 1986

Mr. Steve Chronis
Aero-Metric Engineering, Inc.
P. O. Box 111
Chilton, WI 53014-0111

RE: Fox Chase Plat

Dear Mr. Chronis:

This letter is in response to the submittal of the following documents for the above referenced plat.

10/10/86
OK
LFL

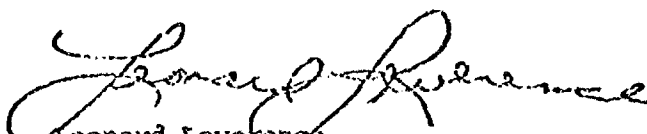
1. Avigation Easement is accepted; please notify this office when the document has been recorded with the Winnebago County Register of Deeds office. Document # 664065 (SEE THIS FILE IN CASE).

OK
1/9/87
LFL

2. Surface Water Drainage Plan as submitted by the City of Oshkosh Engineering Department on September 23, 1986 does not meet the requirements of section 17.02 (6) of the Winnebago County/Town County Zoning Office.

This office would appreciate your attention to these matters at your earliest convenience so that the final plat meets the Winnebago County Planning and Zoning Commission conditions of approval.

Sincerely,


Leonard Leverage
Principal Planner

Attachments: IWCD Report
Avigation Easement

cc: Ed Potempa
Tom Rusch

LL:pc

Courthouse • P. O. Box 2808 • Oshkosh, WI 54903-2808 • 414/235-2500

Document No.

AVIGATION EASEMENT

COPY

Recorded in the
Register of Deeds
Received for record
this 10th day of
October
A.D. 1986 at
11:30 o'clock A.M.
Margie Dahms
REGISTER OF DEEDS

664065

This indenture made this 21st day of
August, 1986, by and between
Thomas Busch and Richard L. Gabert
hereinafter referred to as Grantor, and Winne-
bago County, a municipal corporation organized
and existing under the laws of the State of
Wisconsin, hereinafter referred to as Grantee,
witnesseth:

Return to
Steven T. Chronis
Aero-Metric Engineering,
539 N. Madison St.
Chilton, WI 53014

WHEREAS, the Grantee is the owner and operator of the Wittman Field Airport, situated in the said County of Winnebago, State of Wisconsin, and in close proximity to the land of Grantor as hereinafter described and the Grantee desires to obtain and preserve for the use and benefit of the public a right of free and unobstructed right for aircraft landing upon, taking off from, or maneuvering about the said airport.

NOW THEREFORE, for and in consideration of the sum of \$1.00 and other good and valuable consideration, the receipt whereof by the Grantor is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, for the benefit of the general public at large, an easement and right-of-way for the free unobstructed passage of aircraft, and the right to cause such sound as may be inherent in the operation of such aircraft, by whomsoever owned or operated, in and through the airspace over and across those parts of the Grantor's said land which are bounded and described as follows: A part of the SE $\frac{1}{4}$ of Section 29, T.18N., R.16E., 13th Ward, City of Oshkosh, Winnebago County, Wisconsin; Commencing at the SE corner of said Section 29; thence N.00°-17'-14"E. 1100.00 feet; thence N.89°-04'-12"W. 900.86 feet; thence S.00°-17'-14"W. 1100.00 feet; thence S.89°-15'-40"E. 900.83 feet to the point of commencement, containing 22.75 acres of land.

Provided, however, that the air space in which the said easement and right-of-way is herein granted shall be that air space which lies at or above 869-887 feet above mean sea level (MSL) which is 75 feet above the present surface level of the land, which land is 794-812 feet above MSL. Determination of non-conforming obstructions shall be based on the height of the obstruction above mean sea level (MSL).

And in furtherance of the said easement and right-of-way the Grantor, for the consideration hereinabove set forth, does hereby grant and convey to the Grantee, its successors and assigns, a continuing right to keep the airspace above the aforesaid heights clear and free from any and all fences, crops, trees, poles, buildings, and other obstructions of any kind or nature whatsoever which now extend, or which may at any time in the future extend, above the aforesaid heights of land, together with the right of ingress to, egress from, and passage over the land of the Grantor first above described for the purpose of effecting and maintaining such clearances and of removing any and all obstructions which now or may hereafter extend above the said heights.

All rights hereby granted are limited to the exercise of such rights at or above the Mean Sea Level height limitations over the Grantor's land herein specified, and their effect on the parcel of land herein described.

To have and to hold said easement and all rights appertaining thereto unto the Grantee, its successors and assigns, until said airport shall be abandoned and shall cease to be used for airport purposes.

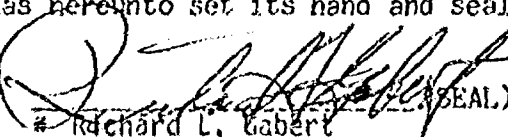
And for the consideration hereinabove set forth the Grantor hereby covenants, both for himself and his heirs, executors, administrators and assigns, for and during the life of this easement as follows:

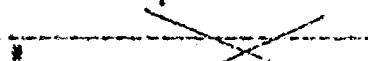
- (a) Grantor shall not hereafter construct nor permit nor suffer to remain upon said land any obstruction that extends above the heights aforesaid, and
- (b) Grantor shall not hereafter use or permit or suffer use of the land first above described in such a manner as to create electrical interference with radio communications between the installation upon the aforesaid. Airport and aircraft or as to make it difficult for flyers to distinguish between airport lights and others, or as to result in glare in the eyes of flyers using the said airport, or as to impair visibility in the vicinity of the airport, or as otherwise to endanger the landing, taking-off or maneuvering of aircraft.


and the aforesaid covenants and agreements shall run with the land of the Grantor, as hereinabove described, for the benefit of the Grantee, and its successors and assigns in the ownership and operation of the aforesaid Airport.

In witness whereof, the Grantor has hereunto set its hand and seal the day and year first above written.

 (SEAL)
* Thomas N. Rusch

 (SEAL)
* Richard L. Gabert

 (SEAL)
*

 (SEAL)
*

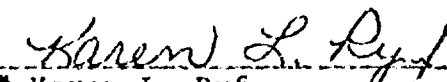
ACKNOWLEDGMENT

STATE OF WISCONSIN
Winnebago County

Personally came before me, this 25th day of August, 1986,
the above named Thomas N. Rusch and Richard L. Gabert

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

This instrument was drafted by:
Steven T. Chronis


* Karen L. Ryf
Notary Public Winnebago
County, Wisconsin

*Names of persons signing in any capacity should be typed or printed below their signatures.

NOTARY PUBLIC
State of Wisconsin
Karen L. Ryf

My commission expires 4-10-88



DEC 17 1986

URBAN DEVELOPMENT
STORMWATER MANAGEMENT/SOIL EROSION CONTROL PLAN REVIEW

TO: Len Leverence; Winnebago Co. Planning Department

FROM: Pete Van Airsdale DATE: 12-16-86

PROJECT: Fox Chase - First Addition

DESCRIPTION: Residential Plat

LOCATION: in part of the N.E. 1/4, S.E. 1/4 & S.E. 1/4, S.E. 1/4 Sec. 29 - T.18N.-R.16E.
13th Ward, City of Oshkosh

PROPERTY OWNER: Thomas Rusch

Plan prepared by: Ed Potempa, P.E.; City of Oshkosh Engineering Dept.

Review requested by: Winnebago County Planning Date: 12-9-86

On-site by: P. Van Airsdale w/Len Leverence Date: 9-29-86

(initial review comments submitted 9-30-86)

COMMENTS: The design and calculations to limit post-construction storm-
water runoff to pre-construction rates are adequate and meet Winnebago
County Zoning Ordinance requirements.

RECOMMENDATIONS: Approval of attached plan as submitted by City of
Oshkosh Engineering Dept.

Note: please forward a copy of final approved plan to this office.

CITY HALL
215 Church Avenue
P.O. Box 1130
Oshkosh, Wisconsin
54902-1130

City of Oshkosh

DEC 08 1986

(414) 236-5065

December 5, 1986



Winnebago County
Planning & Zoning Department
420 Jackson Street
Oshkosh, WI 54901

Attention: Leonard Leverence

Gentlemen:

The City of Oshkosh Engineering Department has developed a drainage plan showing proposed storm sewer and street grades for the First Addition to Fox Chase Plat. The plan is drawn on a copy of the preliminary plat of the proposed plat.

The design intends to limit the storm sewer discharge to pre-construction rates (29.6 cfs) by restricted pipe sizes and grading the streets and rear lots to create valleys which would pond water when runoff exceeds pipe capacities. The yellow line on the attached drawing indicates drainage limits of those areas which fall in these valley zones. Water would be ponded in depths from 0" to 15" in these areas before it would overflow the crests of the streets or sidewalks and continue overland to Sawyer Creek. House elevations would be set such that overflow would begin before foundation levels are reached.

The large majority of the plat drainage is shown to pass through the lower collection points. By this method, it is hoped to limit runoff rates and meet the concerns of Winnebago County. Ample storage areas are provided which should not cause house flooding if the design is followed.

If you have any further questions, please contact me.

Sincerely,

Ed Potempa, P. E.

EP:bf

Enclosure

cc: Tom Rusch

Department of Development

123 West Washington Avenue
Post Office Box 7970
Madison, Wisconsin 53707
608/266-3200

Anthony S. Earl
Governor
James T. Flynn
Lieutenant Governor

October 16, 1986

Mr. Steven T. Chronis
AERO-METRIC ENGINEERING, INC.
539 N. Madison Street
Chilton, Wisconsin 53014

PERMANENT FILE NO. 15849

FIRST ADDITION TO FOX CHASE
SE 1/4 S 29 T18N R16E
City of Oshkosh, Winnebago County

Dear Mr. Chronis:

The Department of Development certifies this preliminary plat as nonobjectionable. On the final plat, the Winnebago County Planning & Zoning Committee will also be an objecting agency.

Local government units, during their review of the plat, will resolve, when applicable, that the plat:

- complies with local master plans, official map or subdivision control ordinances;
- conforms with areawide water quality management plans, if sewerage;
- complies with Wisconsin shoreland management regulations;
- resolves possible problems with storm water runoff;
- fits the design to the topography;
- displays well designed lot and street layout;
- includes service or is serviceable by necessary utilities.

COMMENTS FROM PRELIMINARY PLAT REVIEW:

- s. 236.16 (1) The lots have the minimum width and area required by this section.
- s. 236.16 (2) The streets meet the minimum width required by this section.

You have advised us that the certification regarding public sewers will be submitted with the final plat. A copy of our standard form is being sent to the clerk with her copy of this letter.

If there are any questions concerning this review or preparation and submittal of the final plat, please contact our office.

Sincerely,

Jeanne A. Storm
Jeanne A. Storm, Supervisor *by mas*
Plat Review Unit
Telephone: 608/266-3200

cc: Clerk, City of Oshkosh (w/print)
& (w/sewer certification form)
Winnebago County Planning & Zoning
Rusch & Gabert, Owners

JAS:mas

Enc: Original

ORIGINAL DRAWING RECEIVED FROM SURVEYOR ON 9/29/86; REVIEWED BY DOD ON 10/16/86.

Department of Development

123 West Washington Avenue
Post Office Box 7970
Madison, Wisconsin 53707
608/266-3200

Anthony S. Earl
Governor
James T. Flynn
Lieutenant Governor

October 2, 1986

10-8-86 LPL
SEE DRAINAGE COVENANT
RESTRICTION ON PAGE 2

Mr. Steven T. Chronis
AERO-METRIC ENGINEERING, INC.
539 N. Madison Street
Chilton, Wisconsin 53014

PERMANENT FILE NO. 15765

Subject: FOX CHASE
SE 1/4 S 29 T18N R16E
City of Oshtosh, Winnebago County

Dear Mr. Chronis:

We have examined FOX CHASE and do not object to this final plat. Today, we were notified by the Winnebago County Planning & Zoning Committee that they do not object to this plat. Therefore, the original drawing has been certified as complying with the requirements of: s. 236.15, s. 236.16, s. 236.20, and s. 236.21 (1) & (2), Wis. Stats.; and, the Winnebago County Planning & Zoning Committee.

The following changes or corrections must be made to satisfy the conditional certification. Underlining indicates corrected or added information that must be shown. Any variances with these conditions will require written notification to and verification by this office prior to plat approval.

s. 236.20 (2) (c) The 615.47' block length along the east line of lots 12-19 totals and must be changed to 615.86'.

The 525.47' street length along the west line of South Oakwood Road, adjacent to lots 13-19, totals and must be changed to 525.86'.

In the restriction on the face of the plat, full recording data must be shown for the avigation easement over lots 1-10.

s. 236.21 (1) A revision date, "Revised this ____ day of _____, 19__." must be placed near the land surveyor's seal and signature on the revised plat.

After all conditions of the certifications of no objection have been met, the plat may be submitted to the local governing bodies for approval. Local government units, during their review of the plat, will resolve, when applicable, that the plat:

- complies with local master plans, official map or subdivision control ordinances;
- conforms with areawide water quality management plans, if sewered;
- complies with Wisconsin shoreland management regulations;
- resolves possible problems with storm water runoff;

- fits the design to the topography;
- displays well designed lot and street layout;
- includes service or is serviceable by necessary utilities.

Any changes to the plat involving details checked by this Department, or, the Winnebago County Planning & Zoning Committee will require submission of the plat to the Department for recertification before the plat is eligible for recording. Such changes can be found by comparing the original drawing with the copy of this plat we furnish the letter recipients listed.

Sincerely,

Jeanne A. Storm

Jeanne A. Storm, Supervisor

Plat Review Unit

Telephone: 608/266-3100

JAS:mas

Enc: Original, Transparency, Marked Print, Closure Comps., Curve Comps.

cc: Clerk, City of Oshkosh
Winnebago County Planning & Zoning Committee ✓
Thomas N. Rusch & Richard L. Gabert, Owners
Register of Deeds
ECWRPC

ORIGINAL DRAWING RECEIVED FROM SURVEYOR ON 9/8/86; REVIEWED BY DOD ON 10/2/86.

NOTE TO SURVEYOR: The following item was noticed during our review. At your option, the spelling may be changed without return of the plat to this office:
- In the Legend, "hundredch" is misspelled.

NOTE TO ALL CONCERNED: Per our phone conversation with Leonard Leverage, County Planner, of the Winnebago County Planning & Zoning Committee, the following covenant will be added to the face of the plat prior to recording:

"PURSUANT TO SECTION 17.02(6) (b) OF THE WINNEBAGO COUNTY TOWN COUNTY ZONING ORDINANCE, UPON FINAL GRADING, THE DEVELOPER AND/OR OWNER SHALL COMPLY WITH THE SURFACE WATER DRAINAGE PLAN AS APPROVED BY THE WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE."

Department of Development

123 West Washington Avenue
Post Office Box 7970
Madison, Wisconsin 53707
608/266-3200

Anthony S. Earl
Governor
James T. Flynn
Lieutenant Governor

SEP 11 1986

September 11, 1986

Mr. Len Leverence
Winnebago County Planning Agency
Courthouse, Box 2808
Oshkosh, Wisconsin 54901

PERMANENT FILE NO. 15765

Subject: FOX CHASE
SE 1/4 S 29 T18N R16E
City of Oshkosh, Winnebago County

Dear Mr. Leverence:

We have received the above-named plat. Your county planning agency has the authority to object to this plat under the provisions of s. 236.12 (2) (b), Wis. Stats. Enclosed are four copies for your review. Your agency must either object, or certify no objection within 20 days of your receipt of this submittal.

- If the plat is objected to, we must be notified by letter (the original drawing will be returned to the surveyor for revisions).
- If the plat is certified as nonobjectionable, we must receive a print bearing your certification so that we may finalize our review (see s. 236.12 (6), Wis. Stats.).

It is important that this matter be expedited to avoid delays in processing the plat and to comply with the time limits set by statute. By the date shown below this office must either object to or certify the plat as nonobjectionable for all the objecting agencies involved, or, the subdivider can demand immediate certification of no objection.

NONOBJECTIONABLE

Sincerely,

WINNEBAGO COUNTY PLANNING & ZONING COMMITTEE

Jeane A. Storm
Jeane A. Storm, Supervisor

Plat Review Unit
Telephone: 608/266-3200

Ronald J. Buehner
County Planner

DATE Oct 2, 1986

JAS:mas

Enc: Prints (4)

cc: Clerk, City of Oshkosh
Mr. Steven T. Chronis, Surveyor

SUBJECT TO THE UNDERSTANDING THAT THE FOLLOWING COVENANT SHALL BE ADDED TO THE FACE OF THE PLAT PRIOR TO RECORDING OF THE PLAT. (SEE ATTACHED.)

DEPARTMENT OF DEVELOPMENT TIME LIMIT EXPIRES ON: Wednesday, October 8, 1986

COVENANT

PURSUANT TO SECTION 17.02(6) (b) OF THE WINNEBAGO COUNTY TOWN COUNTY ZONING ORDINANCE, UPON FINAL GRADING, THE DEVELOPER AND/OR OWNER SHALL COMPLY WITH THE SURFACE WATER DRAINAGE PLAN AS APPROVED BY THE WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE.

State of Wisconsin

Department of Development

123 West Washington Avenue
Post Office Box 7970
Madison, Wisconsin 53707
608/266-3200

Anthony E. Earl
Governor
James T. Flynn
Lieutenant Governor

JUL 21 1986

July 18, 1986

Mr. Steven T. Chronis
AERO-METRIC ENGINEERING, INC.
539 N. Madison Street
Chilton, Wisconsin 53014

PERMANENT FILE NO. 15765
FOX CHASE
SE 1/4 S 29 T18N R16E
City of Oshkosh, Winnebago County

Dear Mr. Chronis:

The Department of Development certifies this preliminary plat as nonobjectionable. The Department of Transportation, Division of Highways and Transportation Services will review the plat if it is an "abutting plat" as defined by s. Hy 33.03 (3), Wis. Admin. Code. On the final plat, the Winnebago County Planning Agency will also be an objecting agency.

Local government units, during their review of the plat, will resolve, when applicable, that the plat:

- complies with local master plans, official map or subdivision control ordinances;
- conforms with areawide water quality management plans, if sewerd;
- complies with Wisconsin shoreland management regulations;
- resolves possible problems with storm water runoff;
- fits the design to the topography;
- displays well designed lot and street layout;
- includes service or is serviceable by necessary utilities.

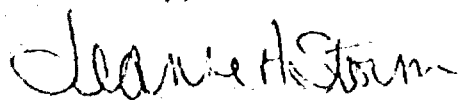
COMMENTS FROM PRELIMINARY PLAT REVIEW:

- s. 236.16 (1) The lots have the minimum width and area required by this section.
- s. 236.16 (2) The streets meet the minimum width required by this section.

We must receive the City Clerk's certification regarding public sewerage facilities with the final plat submittal.

If there are any questions concerning this review or preparation and submittal of the final plat, please contact our office.

Sincerely,



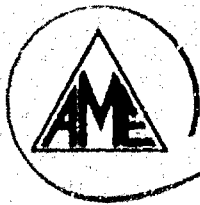
Jeanne A. Storm, Supervisor
Plat Review Unit
Telephone: 608/266-3200

Enc: Original

cc: Clerk, City of Oshkosh
(w/sewer certification form)
Winnebago County Planning Agency
Rusch & Gabert, Owners

JAS:mas

ORIGINAL DRAWING RECEIVED FROM SURVEYOR ON 7/9/86; REVIEWED BY DOD ON 7/18/86.



Aero-metric ENGINEERING, INC.

538 NORTH MADISON STREET, P.O. BOX 111, CHILTON, WISCONSIN 53014-0111 (414) 848-7708
(FAX) 472-5313

July 10, 1986

JUL 11 1986

Mr. Len Leverage, Principal Planner/Grants Coordinator
Winnebago County Courthouse
PO Box 2808
Oshkosh, WI 54903

RE: Preliminary Plat of Fox Chase

Dear Len:

Enclosed are two (2) copies of the preliminary plat of Fox Chase for your review. I have included a copy of the airport zoning district map and shaded in the area of the plat for your reference.

If there should be a problem of any kind or we need to attend a meeting, please let me know at your earliest convenience. Thank you for your cooperation in this matter.

Very truly yours,

AERO-METRIC ENGINEERING, INC.

Steven T. Chronis
Manager-Property Surveys

STC:mmp
Enclosures

REPORT

TO: Planning and Zoning Committee
FROM: Planning and Zoning Department Staff
DATE: July 25, 1986
SUBJECT: Staff Report - Preliminary Plat Fox Chase

LOCATION:

Part of NE-1/4, SE-1/4 and SE-1/4, SE-1/4, Section 29, T18N, R16E,
City of Oshkosh, Winnebago County, Approximately 8,000 ft. from
termination of Wittman Field East-West Runway.

ACRES:

Total area - approximately 6.0 acres
Affected area - approximately 3.2 acres
(Lots 1 through 8)

OWNER: Thomas Rusch & Richard Gabert

ZONING: City Zoning Jurisdiction R1B Single Family Residential.

County Zoning Jurisdiction Air-3 Overlay. Height permit not
required.

Adjacent Zoning and Uses:

County Jurisdiction

North - Agricultural and Residential Zoning and Uses.
South - Agricultural Zoning and Uses.
West - Agricultural Zoning and Uses.

City Jurisdiction

East - Single Family Residential Zoning and Uses.

EXPLANATION:

The applicant is proposing a development of 15 lots (Lots 1 through 8
acres effected by the Air-3 Overlay District) for Single Family
Residential Development. In addition, future plans propose an
approximate additional 40 lots within the Air-3 District.

The affected property had been annexed by the City of Oshkosh in May,
1986 and rezoned from Agricultural to Single Family Residential.

As presented, the proposed development will not be served by City Storm Sewer and, therefore, additional concern should address surface water drainage affects on adjacent unincorporated properties.

Prior to annexation the County standards for residential development in the agricultural district required a minimum lot size of five (5) acres. The City of Oshkosh R-1B standard is 7,200 sq. ft. The development is proposing lots of approximately 13,500 sq. ft.

FINDINGS OF FACT:

1. Winnebago County retains jurisdictional platting authority as an approval authority within County Zoning jurisdiction and as an objecting authority in municipalities located within Winnebago County. In either situation, Chapter 236.12(3), State Stats. states that no instance can a plat be approved until all objections have been satisfied.
2. Section 17.24(4)(c) Air-3 Airport Overlay Zone of the Winnebago County Town/County Zoning Ordinance specifies that the "zoning shall reflect a consideration that the establishment of a substantial number of residential uses within this zone would be inconsistent with operations of an airport in general and incompatible with the business/industrial development, traffic flow and other nonresidential development patterns that will be generated by both the specific operations and presence of Wittman Field itself".
3. The developer has expressed a willingness to provide Winnebago County an aviation easement.

ADVISORY RECOMMENDATIONS:

- A. For approval - The proposed development meets the intent of Section 17.24(4)(c) of the Winnebago County Town/County Zoning Ordinance in that the development is compatible with the operations of the airport in that the proposed development is separated and buffered by substantial existing residential development of similar density to the East.

Conditions:

1. Final plat contains restriction identifying aviation easement.
 2. Surface water drainage plan shall be submitted addressing offsite conveyance of surface water due to development.
- (ENTIRE DEVELOPMENT)
- B. For disapproval - The preliminary plat as presented does not meet the requirements of Section 17.24(4)(c) Air-3 Airport Overlay Zoning of the Winnebago County Town/County Zoning Ordinance; in that it substantially increases residential uses within the General Airport Zone and therefore, is incompatible with the operations of Wittman Field Airport.

3. C.S.M.'s INCLUDED w/ Final PLAT.



Winnebago County

PLANNING AND ZONING DEPARTMENT

David E. Schmidt, Director

Leonard Leverage, Principle Planner • James Mabry, Zoning Administrator

August 7, 1986

Mr. Steven Chronis
Aero-Metrics Engineering, Inc.
539 North Madison Street
Chilton, WI 53014

RE: Fox Chase-Preliminary Plat

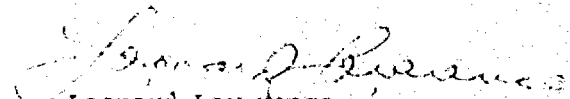
Dear Mr. Chronis:

The purpose of this letter is to notify you that the Winnebago County Planning and Zoning Committee met on August 6, 1986 and approved the above referenced preliminary plat with the following conditions:

1. Final plat contains avigation easement restriction on face of lot or reference of avigation easement to individual deeds.
2. Surface water drainage plan to include entire proposed plat addressing 25 year storm frequency offsite conveyance. Drainage plan shall meet standards as required by Section 17.02(6) of the Winnebago County Town/County Zoning Ordinance.

If you have any questions concerning this information, please contact this office.

Sincerely,


Leonard Leverage
Principal Planner

LL/hc

pc: Thomas Rusch
Jeanne Storm, Department of Development



Winnebago County

PLANNING AND ZONING DEPARTMENT

David E. Schindt, *Director*

Leonard Leverage, *Principle Planner* • James Mabry, *Zoning Administrator*

MEMORANDUM

TO: Surveyors

FROM: Leonard Leverage, Winnebago County Planning Department
L.E.L.

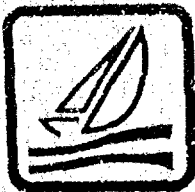
DATE: August 8, 1986

SUBJECT: Subdivision Restrictions Chapter 236.293 Wisconsin Statutes

The following format is recommended for restrictions on plats:

Restrictions for Public Benefit

- A. Winnebago County
 - 1. List Restrictions
- B. Town of _____
 - 1. List Restrictions
- C. City of _____
 - 1. List Restrictions
- D. Owner/Developer
 - 1. List Restrictions



Winnebago County

PLANNING AND ZONING DEPARTMENT

David E. Schmidt, *Director*
Leonard Leverence, *Principle Planner* • James Mabry, *Zoning Administrator*

August 14, 1986

Mr. Steve Chronis
Aero-Metric Engineering, Inc.
539 N. Madison Street
Chilton, WI 53014

RE: Fox Chase Preliminary Plat

Dear Steve:

Please find enclosed Avigation Easement required for the preliminary plat of Fox Chase located in the City of Oshkosh, Winnebago County. Please obtain owner's signatures and insert revised legal description for the affected lots covered by this easement. Upon completion, please submit to this office for final approval.

If you have any questions, please feel free to call me.

Sincerely,


Leonard Leverence
Principal Planner

LL/hc

Enclosure

Document No.

AVIGATION EASEMENT

is space reserved for recording data.

This indenture made this _____ day of _____, 19____, by and between Thomas Rusch and Richard L. Gabert hereinafter referred to as Grantor, and Winnebago County, a municipal corporation organized and existing under the laws of the State of Wisconsin, hereinafter referred to as Grantee, witnesseth:

Return to

WHEREAS, the Grantee is the owner and operator of the Wittman Field Airport, situated in the said County of Winnebago, State of Wisconsin, and in close proximity to the land of Grantor as hereinafter described and the Grantee desires to obtain and preserve for the use and benefit of the public a right of free and unobstructed right for aircraft landing upon, taking off from, or maneuvering about the said airport.

NOW THEREFORE, for and in consideration of the sum of \$1.00 and other good and valuable consideration, the receipt whereof by the Grantor is hereby acknowledged, the Grantor does hereby grant, bargain, sell and convey unto the Grantee, its successors and assigns, for the benefit of the general public at large, an easement and right-of-way for the free unobstructed passage of aircraft, and the right to cause such sound as may be inherent in the operation of such aircraft, by whomsoever owned or operated, in and through the airspace over and across those parts of the Grantor's said land which are bounded and described as follows:

Provided, however, that the air space in which the said easement and right-of-way is herein granted shall be that air space which lies at or above 869-887 feet above mean sea level (MSL) which is 75 feet above the present surface level of the land, which land is 794-812 feet above MSL. Determination of non-conforming obstructions shall be based on the height of the obstruction above mean sea level (MSL).

And in furtherance of the said easement and right-of-way the Grantor, for the consideration hereinabove set forth, does hereby grant and convey to the Grantee, its successors and assigns, a continuing right to keep the airspace above the aforesaid heights clear and free from any and all fences, crops, trees, poles, buildings, and other obstructions of any kind or nature whatsoever which now extend, or which may at any time in the future extend, above the aforesaid heights of land, together with the right of ingress to, egress from, and passage over the land of the Grantor first above described for the purpose of effecting and maintaining such clearances and of removing any and all obstructions which now or may hereafter extend above the said heights.

All rights hereby granted are limited to the exercise of such rights at or above the Mean Sea Level height limitations over the Grantor's land herein specified, and their effect on the parcel of land herein described.

To have and to hold said easement and all rights appertaining thereto unto the Grantee, its successors and assigns, until said airport shall be abandoned and shall cease to be used for airport purposes.

And for the consideration hereinabove set forth the Grantor hereby covenants, both for himself and his heirs, executors, administrators and assigns, for and during the life of this easement as follows:

- (a) Grantor shall not hereafter construct nor permit nor suffer to remain upon said land any obstruction that extends above the heights aforesaid, and
- (b) Grantor shall not hereafter use or permit or suffer use of the land first above described in such a manner as to create electrical interference with radio communications between the installation upon the aforesaid. Airport and aircraft or as to make it difficult for flyers to distinguish between airport lights and others, or as to result in glare in the eyes of flyers using the said airport, or as to impair visibility in the vicinity of the airport, or as otherwise to endanger the landing, taking-off or maneuvering of aircraft.

and the aforesaid covenants and agreements shall run with the land of the Grantor, as hereinabove described, for the benefit of the Grantee, and its successors and assigns in the ownership and operation of the aforesaid Airport.

In witness whereof, the Grantor has hereunto set its hand and seal the day and year first above written.

_____(SEAL)
*

_____(SEAL)
*

_____(SEAL)
*

_____(SEAL)
*

ACKNOWLEDGMENT
STATE OF WISCONSIN
Winnebago County

Personally came before me, this _____ day of _____
the above named _____

to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

This instrument was drafted by _____

*Name of persons signing in any capacity should be typed or printed below their signatures.

Notary Public
County, Wisconsin

My commission expires _____