

## Department of Development

123 West Washington Avenue  
Post Office Box 7570  
Madison, Wisconsin 53707  
608/266-3200

JUN 11 1987

Tommy G. Thompson  
Governor

Bruno J. Maurer  
Secretary

June 10, 1987

Mr. Len Leverage  
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. Leverage:

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 &amp; ZONING COMMITTEE

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

BY *[Signature]*  
County Planner

DATE

*June 16, 1987*

JAS:sg  
15-1

Enc: Prints (4)

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

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

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, LUCED, AND STEVE  
CHRONIS TO DRAINAGE PLAN  
REPORTS. 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 TRANSMITTAL 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.

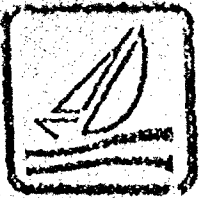
Sincerely,

  
Leonard Leverence  
Principal Planner

LL/hc

pc: City of Oshkosh-Engineering Dept.  
Ed Potempa

Jeanette Diakoff, Chairperson  
Town of Algoma



# Winnebago County

## PLANNING AND ZONING DEPARTMENT

David E. Schmidt, *Director*  
Leonard Levensence, *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 FOR COPY)*.

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 Levensence  
Principal Planner

Attachments: LWCD 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

# COPY

# EASEMENT

Register's Office  
Winnebago County, Wisconsin  
Received for record  
this 10<sup>th</sup> day of  
October  
A.D. 1986  
11:30 o'clock A.M.  
REGISTER OF DEEDS

664065

This indenture made this 21st day of August, 1986, 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

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 whosoever 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.

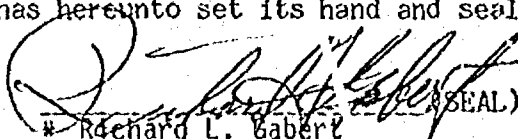
And for the consideration hereinabove set forth the Grantor hereby covenants, both for himself and his heirs, executors, administrators and assigns, for and during the life of this easement as follows:

- (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.

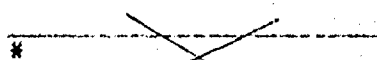
and the aforesaid covenants and agreements shall run with the land of the Grantor, as hereinabove described, for the benefit of the Grantee, and its successors and assigns in the ownership and operation of the aforesaid Airport.

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)  
\* \_\_\_\_\_

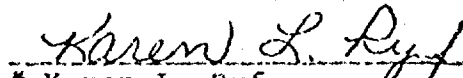
ACKNOWLEDGMENT

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

## State of Wisconsin

## Department of Development

Anthony S. Earl

Governor

James T. Flynn

Lieutenant Governor

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

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

10-3-86 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 Oshkosh, 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:

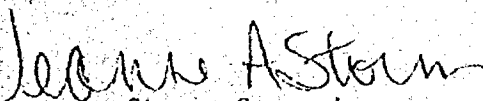
- complies with local master plans, official map or subdivision control ordinances;
- conforms with areawide water quality management plans, if sewerage;
- complies with Wisconsin shoreland management regulations;
- resolves possible problems with storm water runoff;

October 2, 1986

- 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, Supervisor

Plat Review Unit

Telephone: 608/266-3200

JAS:mas

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

cc: Clerk, City of Oshkosh  
Winnebago County Planning & Zoning Committee ✓  
Thomas R. 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, "hundredth" 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  
608/266-3270

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 &amp; ZONING COMMITTEE

*Jeanne A. Storm*  
Jeanne A. Storm, Supervisor

Plat Review Unit  
Telephone: 608/266-3200

*Ronald J. Kuehn*  
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 S. 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 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.

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,

Enc: Original

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

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

JAS:mac

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





*Aero-metric*  
ENGINEERING, INC.

509 NORTH MADISON STREET, P.O. BOX 111, CHILTON, WISCONSIN 53014-0111 (414) 849-7708  
(800) 472-5313

July 10, 1986

JUL 11 1986

Mr. Len Leverence, 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:mmmp  
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 avigation 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 avigation 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 Leverence, 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

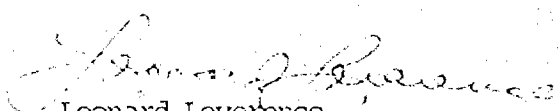
Dear Mr. Chronis:

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 Leverence  
Principal Planner

LL/hc

pc: Thomas Rusch  
Jeanne Storm, Department of Development



# Winnebago County

## PLANNING AND ZONING DEPARTMENT

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

### MEMORANDUM

TO: Surveyors  
FROM: Leonard Leverence, Winnebago County Planning Department  
LEL.  
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 Leverage, *Principal Planner* • James Mabry, *Zoning Administrator*

August 14, 1986

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

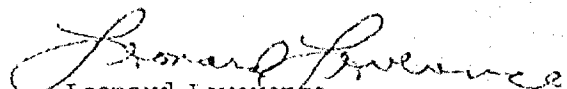
RE: Fox Chase Preliminary Plat

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 Leverage  
Principal Planner

IL/hc

Enclosure

Document No.

# AVIGATION EASEMENT

is space reserved for recording data.

This indenture made this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, by and between Thomas Rosch 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 cooperator 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 860-887 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 \_\_\_\_\_

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

\_\_\_\_\_  
\* \_\_\_\_\_  
Notary Public \_\_\_\_\_  
County, Wisconsin

My commission expires \_\_\_\_\_