

ORDINANCE NO. 2013 - 09

**FIRST AMENDMENT TO ORDINANCE 2011-18 ESTABLISHING A
PLANNED DEVELOPMENT DISTRICT FOR LOT 1 OF 51 CERTIFIED
SURVEY MAPS 178, LOCATED ON LIBAL STREET**

WHEREAS, on July 19, 2011, the Village Board of the Village of Allouez adopted Ordinance 2011-18 Establishing a Planned Development District which is more particularly described as follows: Lot 1, Volume 51 of Certified Survey Maps, Page 178, Map No. 7501, Document No. 2257858, being part of Private Claim 14, East Side of Fox River, Brown County, Wisconsin, a copy of the CSM is incorporated by reference and made part of this ordinance.

WHEREAS, the Village Board received a request from Hillcrest Homes/Harry Macco for an extension of time to complete Phases 2 & 3 of the PDD.; and

WHEREAS, the Village Board for the Village of Allouez, Brown County, Wisconsin held a public hearing at 6:30 p.m. on the 16th day of July, 2013 for the purpose of hearing all interested persons concerning the request for a three year extension of time to complete construction.

NOW, THEREFORE, BE IT ORDAINED by the Village Board of the Village of Allouez, Brown County, Wisconsin as follows:

- 1. Ordinance 2011-18 Establishing a Planned Development District Lot 1, 51 Certified Survey Maps 178, located on Libal Street is hereby amended to extend the time period to complete construction to July 19, 2015 with the condition that the developer escrow the sum of \$8,500 to complete curb and gutter replacement and the abandoning of the tracking pad (\$3,500), and construction of the berm, grass and landscaping (\$5,000), with escrow to be by way of performance bond, letter of credit or other acceptable form of escrow.
- 2. Ordinance 2011-18 as approved on July 19, 2011 shall in all other respects remain in full force and effect.

Passed and approved by the Village Board of the Village of Allouez on this 20th day of August, 2013.

Steve VandenAvond, President

Debra Baenen, Clerk

Published on this ____ day of _____, 2013.

2257858

7501

Certified Survey Map

Part of Private Claim 14, East Side of Fox River,
Village of Allouez, Brown County, Wisconsin.

100 0 200 400

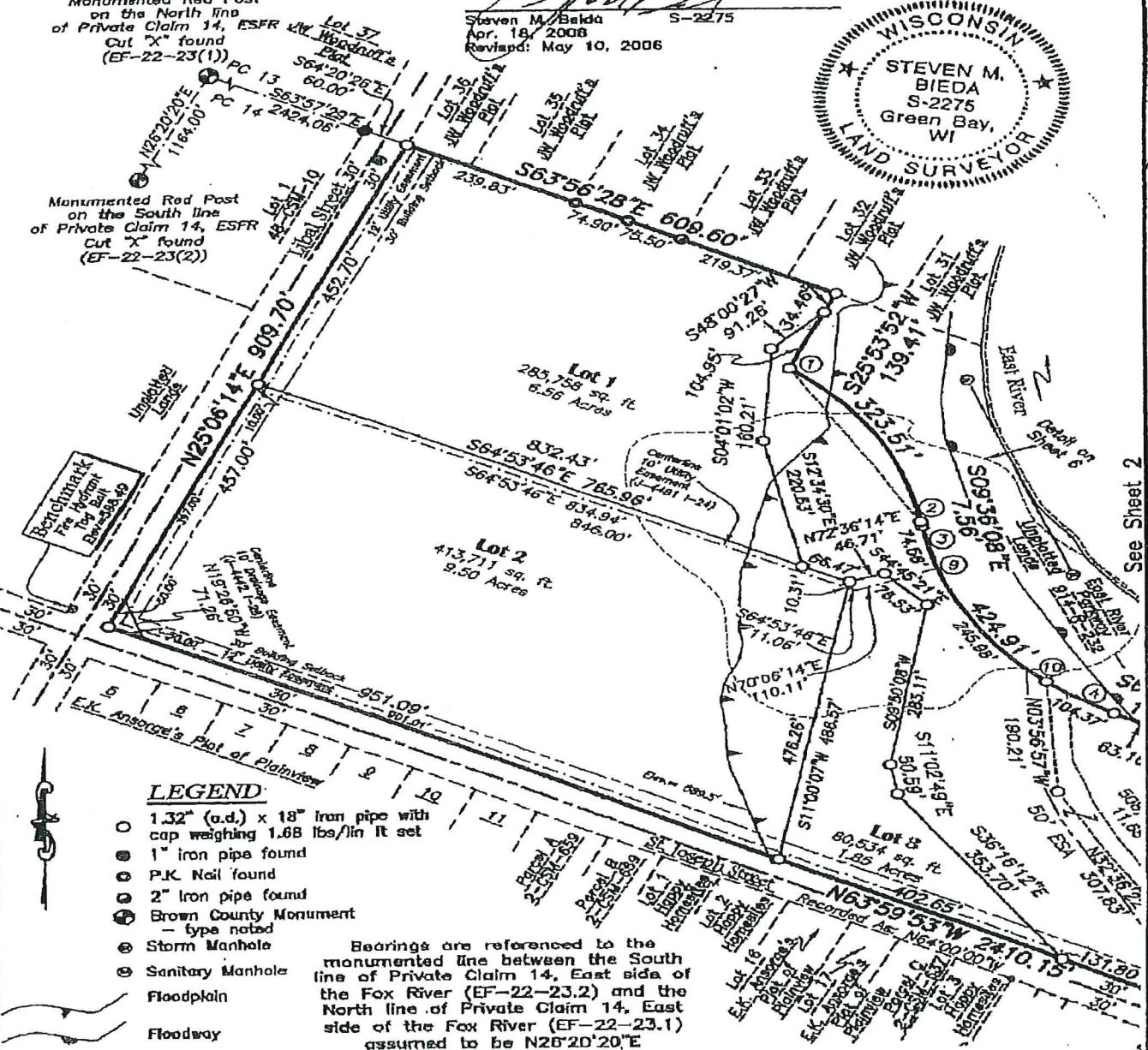


Graphic Scale

Monumented Red Post
on the North line
of Private Claim 14, ESFR
Cut "X" found
(EF-22-23(1))

Monumented Red Post
on the South line
of Private Claim 14, ESFR
Cut "X" found
(EF-22-23(2))

Steven M. Bieda
S-2275
Apr. 18, 2008
Revised: May 10, 2006



- LEGEND**
- 1.32" (o.d.) x 18" iron pipe with cap weighing 1.68 lbs./lin ft set
 - 1" iron pipe found
 - P.K. Nail found
 - 2" iron pipe found
 - Brown County Monument - type noted
 - Storm Manhole
 - Sanitary Manhole
 - ~ Floodplain
 - ~ Floodway

Bearings are referenced to the monumented line between the South line of Private Claim 14, East side of the Fox River (EF-22-23.2) and the North line of Private Claim 14, East side of the Fox River (EF-22-23.1) assumed to be N26°20'20"E

See Sheet 2

Client: Hillcrest Lumber Inc.
Data Drafted: Apr. 18, 2006
AutoCAD No.: CSML.dwg
Drafted By: JRL

Scale: 1"=200'
Tax Parcel Number: AL-50-6

Mau & Associates
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-444-9370 Fax: 920-444-9074

Sheet One of Six
Project No.: M-19191-FI
Drawing No.: L-6764

Certified Survey Map

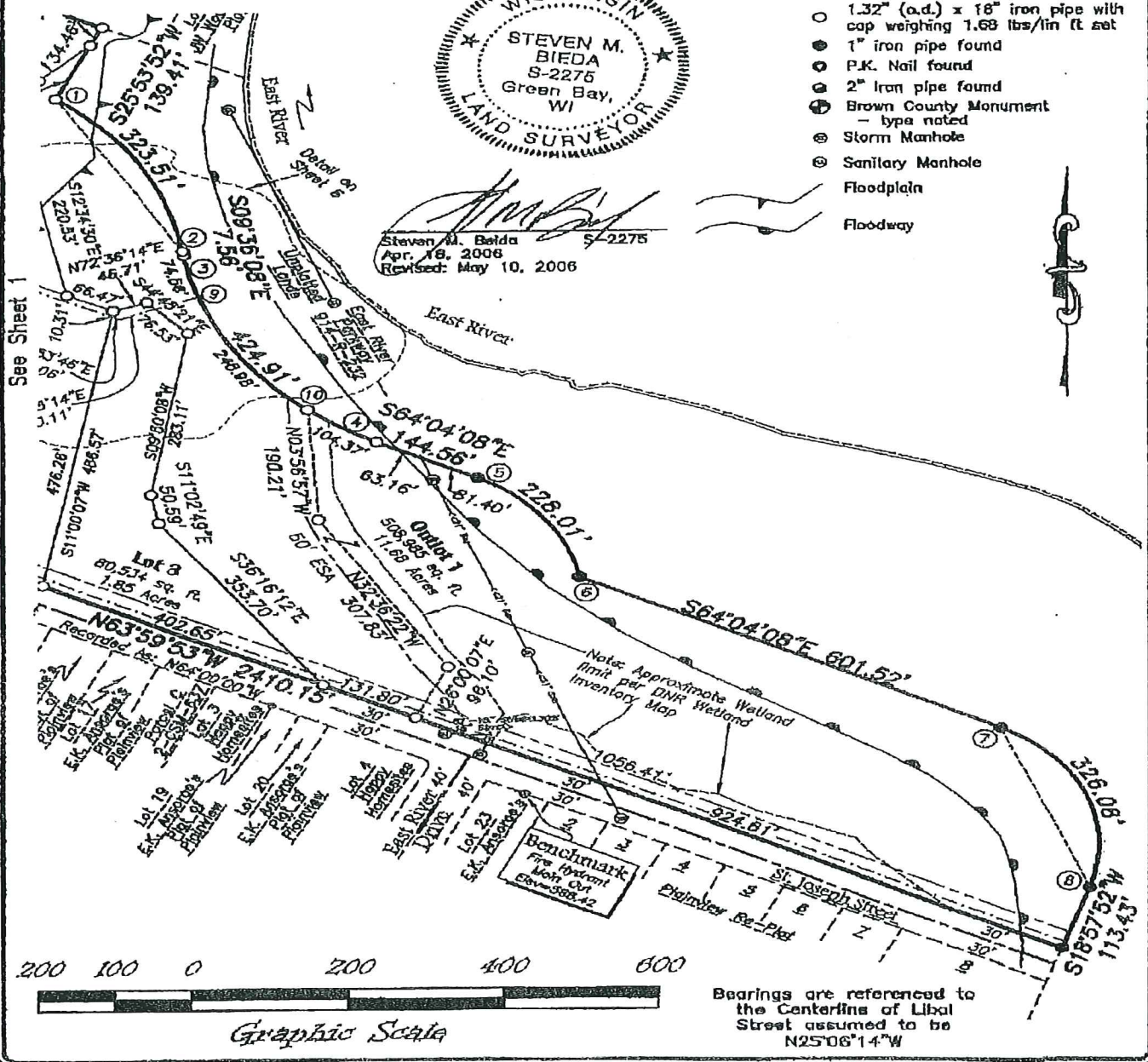
Part of Private Claim 14, East Side of Fox River,
Village of Allouez, Brown County, Wisconsin.



Steven M. Bieda
Steven M. Bieda S-2275
Apr. 18, 2006
Revised: May 10, 2006

LEGEND

- 1.32" (o.d.) x 18" iron pipe with cap weighing 1.68 lbs/lin ft set
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- 2" Iron pipe found
- ⊕ Brown County Monument - type noted
- ⊕ Storm Manhole
- ⊕ Sanitary Manhole
- Floodplain
- Floodway



Client: Hillcrest Lumber Inc.
Date Drafted: Apr. 18, 2006
AutoCAD No.: CSM.dwg
Drafted By: RLL

Scale: 1"=200'
Tax Parcel Number
AL-50-6

Mau & Associates
LAND SURVEYING & PLANNING
CIVIL & WATER RESOURCE ENGINEERING
Phone: 920-424-0570 Fax: 920-424-0572

Sheet Two of Six
Project No.: M-19191-JJ
Drawing No.: T-6764

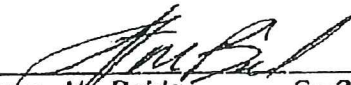
SURVEYOR'S CERTIFICATE

I, Steven M. Bieda, Registered Land Surveyor, do hereby certify that I have surveyed, divided and mapped part of Private Claim 14, East side of Fox River, Village of Allouez, Brown County, Wisconsin, more fully described as follows:

Commencing at the Red Post near Webster Avenue County Monument (EF-22-23(2)) on the South line of Private Claim 14, East of the Fox River; thence N26°20'20"E, 1164.00 to Brown County Monument (EF-22-23(1)) being the Red Post near Webster Avenue on the line between Private Claims 14 & 15 East Side of the Fox River; thence S63°57'29"E, 2424.06 feet along the North line of said Private Claim 14 to the Northeast Corner of Lot 1, Volume 48, Certified Survey Maps, Page 10, Map Number 7074, Brown County Records; thence S64°20'26"E, 60.00 feet to the East Right-of-Way of Libal Street and the point of beginning; thence S63°56'28"E, 609.60 feet along the South line of Lots 32-36 of the recorded "J.W. Woodruff's Plat", Brown County Records; thence S25°53'52"W, 139.41 feet along the West line of the East River Parkway as described in Volume 914, Records, Page 232, Brown County Records; thence 323.51 feet along the South line of said East River Parkway being the arc of a 414.98 foot radius curve to the right whose long chord bears S31°56'08"E, 315.38 feet; thence S09°36'08"E, 7.56 feet along said South line; thence 424.91 feet along said South line being the arc of a 446.98 foot radius curve to the left whose long chord bears S36°50'08"E, 409.09 feet; thence S64°04'08"E, 144.56 feet along said South line; thence 228.01 feet along said South line being the arc of a 240.00 foot radius curve to the right whose long chord bears S36°51'08"E, 219.53 feet; thence S64°04'08"E, 601.52 feet along said South line; thence 326.08 feet along the arc of a 225.00 foot radius curve to the right whose long chord bears S22°33'08"E, 298.28 feet; thence S18°57'52"W, 113.43 feet along a West line of said East River Parkway to the North Right-of-Way of St. Joseph Street; thence N63°59'53"W, 2410.15 feet along said North Right-of-Way; thence N25°06'14"E, 909.70 feet along the East Right-of-Way of Libal Street to the point of beginning.

Parcel contains 1,288,988 square feet\29.59 acres more or less.
Subject to easements and restrictions of record.

That such plat is a correct representation of all the exterior boundaries of the land survey and the division thereof. That I have made such a survey, land division and plat by the direction of the owners listed hereon. That I have fully complied with the provisions of Chapter 236, section 236.34 of the Wisconsin Statutes, the Village of Allouez, and the Brown County Planning Commission in surveying, dividing and mapping the same.


Steven M. Bieda S-2275
Apr. 18, 2006
Revised: May 10, 2006

RESTRICTIVE COVENANTS

- 1) The land on all side and rear lot lines of all lots shall be graded by the property owner and maintained by the abutting property owners to provide for adequate drainage of surface water.
- 2) Each lot owner shall grade the property to conform to the adopted sidewalk grade elevation and maintain said elevation for future sidewalks.
- 3) No poles, pedestals or buried cable are to be placed so as to disturb any survey stake or obstruct vision along any lot lines or street line, a disturbance of a survey stake by anyone is a violation of section 236.32 of the Wisconsin Statutes.
- 4) Outlot 1 contains an environmentally sensitive area (ESA) as defined in the Brown County Sewage Plan. The ESA includes wetlands, all land within 50 feet of wetlands 2 acres or greater and floodway plus all land within 50 feet or 75 feet beyond the ordinary high water mark - whichever is greater. Development and land disturbing activities are restricted in the ESA unless amendments are approved by the Brown County Planning Commission and the Wisconsin Department of Natural Resources.

Sheet Three of Six
Project No.: M-19191-H
Drawing No.: L-6764

CORPORATE OWNER'S CERTIFICATE

Hillcrest Lumber, Inc., a corporation duly organized and existing under and by virtue of the laws of the State of Wisconsin, does hereby certify that we caused the land described and easements granted on this Certified Survey Map to be surveyed, divided, mapped and dedicated as represented hereon. Hillcrest Lumber, Inc. also certifies that this Certified Survey Map is required by S.236.10 or S.236.12 to be submitted to the Brown County Planning Commission and the Village of Allouez for approval or objection in accordance with current Land Subdivision Ordinances:

In Witness Whereof, the said Hillcrest Lumber, Inc. has caused these presents to be signed by Harry Macco, it's President and Veronica A. Trofka, it's Secretary on this 18 day of MAY, 2006.

Harry Macco
Harry Macco - President

Veronica A. Trofka
Veronica A. Trofka - Secretary

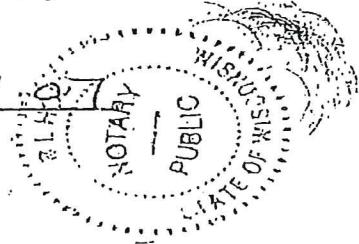


Personally came before me this 18 day of MAY, 2006, the above named officer of said corporation and acknowledged that they executed the foregoing instrument as such officer as the deed of said corporation, by its authority.

P B L HOLT
Notary Public P B L HOLT
Brown County, Wisconsin

My Commission Expires 4.1

STATE OF WISCONSIN }
 } SS
COUNTY OF BROWN }



CERTIFICATE FOR THE VILLAGE OF ALLOUEZ

Approved for the Village of Allouez this 18th day of May, 2006

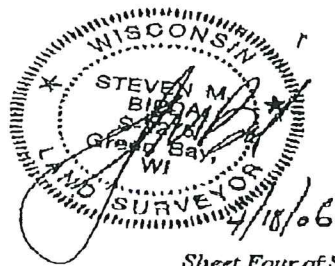
Susan Foxworthy
Susan Foxworthy
Village Clerk



BROWN COUNTY PLANNING COMMISSION

Approved for the Brown County Planning Commission this 25th day of MAY, 2006.

Peter Schlein
Peter Schlein
Senior Planner



Sheet Four of Six
Project No.: M-19191-II
Drawing No.: L-6764

CONSENT OF CORPORATE MORTGAGEE

Nicolet National Bank, a corporation duly organized and existing under and by virtue of the laws of Wisconsin, mortgagee of the above described land, does hereby consent to the surveying, dividing, mapping and dedication of the land described on this plat and does hereby consent to the above certificate of Hillcrest Lumber, Inc., Owners. IN WITNESS WHEREOF, Nicolet National Bank has caused these presents to be signed by Timothy J. Zeske, its Vice President and countersigned by Michael J. Vogel, its Vice President, at Green Bay, Wisconsin, this 24 day of May, 2006.

Michael J. Vogel

Timothy J. Zeske, V.P.

Personally came before me this 24th day of May, 2006, the above named officers of said corporation to me known to be the persons who executed the foregoing instrument and to me known to be such officers of said corporation, and acknowledged that they executed the foregoing instrument as such officers as the deed of said corporation, by its authority.

Melissa M. Mentum
Notary Public
Brown County, Wisconsin



Expires December 13, 2009

STATE OF WISCONSIN]
] ss
COUNTY OF BROWN]

NOTES

- 1) Outlot 1 includes wetland areas that may require permits from the Wisconsin Department of Natural Resources, Army Corp of Engineers, or the Brown County Zoning Administrator's Office prior to any development activity.
- 2) The property owners, at the time of construction, shall implement the appropriate soil erosion control methods outlined in "Wisconsin Construction Site Best Management Practice Handbook" (available from the Wisconsin Department of Natural Resources) to prevent soil erosion. However, if at the time of construction the Village has an adopted soil erosion control ordinance, it shall govern over this requirement. This provision applies to any grading, construction, or installation-related activities.

Curve Data

Curve No.	Arc Length	Radius	Chord Length	Chord Bearing	Central Angle	Tangent Bearing
1-2	323.51	414.98	315.38	S31°56'08"E	44°40'00"	N54°16'08"W
3-4	424.91	446.98	409.09	S36°50'08"E	54°28'00"	
5-6	228.01	240.00	219.53	S36°51'08"E	54°26'00"	S09°38'08"E
7-8	326.08	225.00	298.28	S22°33'08"E	83°02'00"	
3-9	74.56	446.98	74.48	S14°22'52"E	9°33'28"	
9-10	245.98	446.98	242.89	S34°55'32"E	31°31'52"	
10-4	104.37	446.98	104.13	S57°22'48"E	13°22'40"	

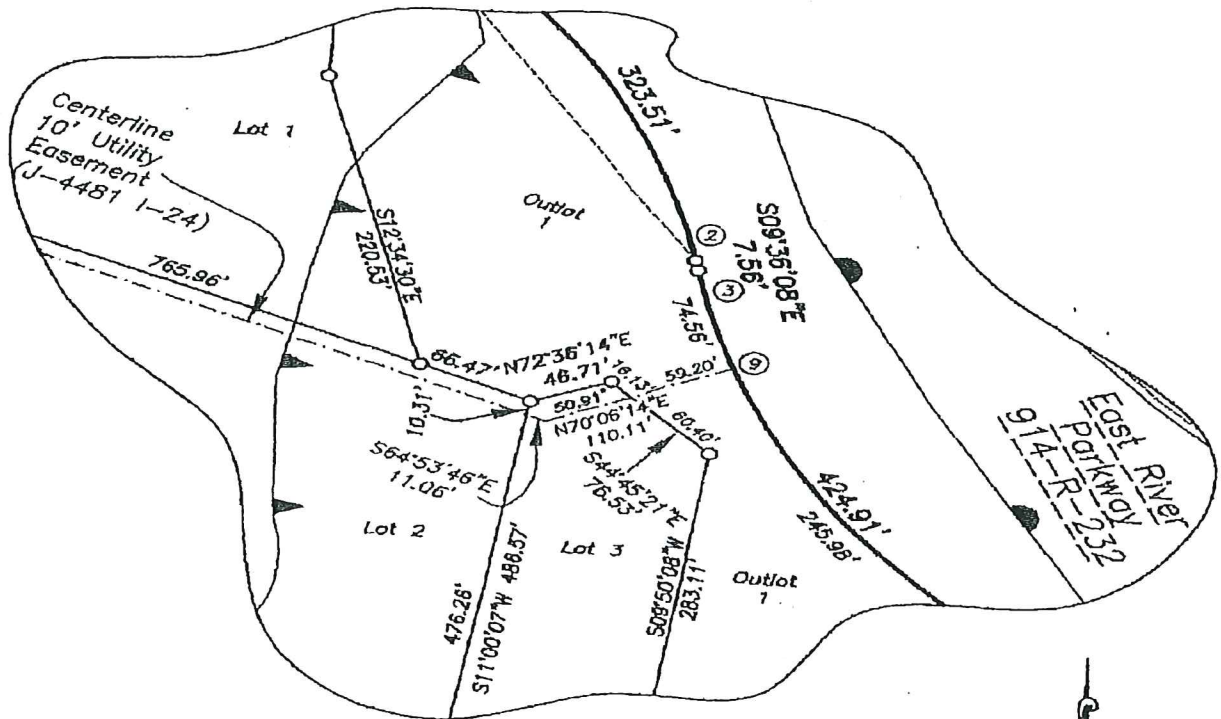
Steven M. Bieda
S-2275
Apr. 18, 2006
Rescinded: May 10, 2006



Sheet Five of Six
Project No.: M-19191-II
Drawing No.: L-6764

2257858

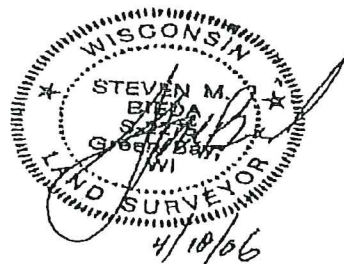
Detail From Sheet 1



100 50 0 100 200 300



Graphic Scale



Office of the Register of Deeds
Brown County, Wisconsin

Received for Record May 24th, 2006
at 10:12 o'clock P.M and recorded as
Document # 2257858 In
Volume 51 of CEMB on Page 178
Delina A. Kent Deputy
Cathy Wilkquetta, Register of Deeds

Sheet Six of Six
Project No.: M-19191-E
Drawing No.: L-6764

VOL 51 PAGE 183

ORDINANCE 2011-18

THE ESTABLISHMENT OF A PLANNED DEVELOPMENT DISTRICT FOR LOT 1, 51 CERTIFIED SURVEY MAPS 178, LOCATED ON LIBAL STREET

WHEREAS, on December 20, 2005 by Ordinance No. 2005-13 the Village of Allouez established a Planned Development District for part of AL-50-6 located at the Northeast Corner of Libal Street and East St. Joseph Street which included: a planned unit development of a 50-unit CBRF/Assisted Living Facility, 50-unit Memory Care/Alzheimer-Dementia Facility, eight condominium buildings consisting of eight 2-bedroom units in each building, a regional detention pond and parkland-green space dedication.

WHEREAS, on May 6, 2008 by Ordinance No. 2008-5 the Village of Allouez amended the Planned Development District located at the Northeast Corner of Libal and East St. Joseph Street which included:

1. A new building layout on the CBRF area.
2. The addition of two more condominium units to the vacant property between the existing approval of Haven Way Condominiums and the detention pond.
3. Moving the northerly row of condominiums to the same setback on Libal Street as the southerly row of condominiums.

WHEREAS, the five year period for further amendments to the Planned Development District at the Northeast Corner of Libal Street and East St. Joseph Street has expired and the Developer/Owner of the property has filed a Petition for a new Planned Development District which will include a portion of the original Planned Development District as amended.

The Village Board of the Village of Allouez, County of Brown, State of Wisconsin, do ordain as follows:

SECTION 1. That the property on Libal Street described herein is hereby rezoned as a Planned Development District which is more particularly described as follows: Lot 1, Volume 51 of Certified Survey Maps, Page 178, Map No. 7501, Document No. 2257858, being part of Private Claim 14, East Side of Fox River, Brown County, Wisconsin, a copy of the CSM is incorporated by reference and made part of this ordinance.

SECTIONS 2. That this rezoning is subject to the following conditions:

- a. The intended use of the property is a Planned Unit Development of
 1. The addition of wings to the exiting 50-unit CBRF/Assisted Living Facility
 2. Construction of a garage for the existing 50-unit CBRF/Assisted Living Facility
 3. Construction of a 50-unit Memory Care/Alzheimer-Dementia Facility.
- b. The rezoning to a Planned Development District shall be for the benefit of the present owner of the land, and all subsequent owners of the property.
- c. This rezoning is subject to all of the required submittals and the terms and conditions of the final approval of this Planned Development District, all provisions of this ordinance, and all provisions of Section 11.25 of the Village's Code of General Ordinances; and in the event

that any of these conditions are not met, then the property shall immediately revert back solely to the present underlying zoning and this ordinance shall be null and void.

- d. The permitted use of the land within this Planned Development District shall be only that which is in compliance with the final approval as hereinbefore granted and any amendment which may be hereafter made from time to time of and to such Planned Development District by the Village Board. The terms and conditions of the final approval are attached hereto and made a part hereof the same as if they were set forth in full herein.

SECTION 3. That Schedule H, Planned Development District, to Chapter 11 of the Code of General Ordinances of the Village of Allouez, is hereby amended by adding the property described in Section 1.

SECTION 4. That the several sections of this Ordinance are hereby declared to be severable, and in the event that any Section hereof shall hereafter be declared by a decision of a court of competent jurisdiction to be invalid, such decision shall not effect the validity of the other provisions of this ordinance.

SECTION 5. That this Ordinance shall take effect on the day following the day of the publication of this Ordinance.

PASSED AND APPROVED by the Village Board of the Village of Allouez on this 19th day of July, 2011.

Attest: _____
Debra M. Baenen
Village Clerk-Treasurer

Steve VandenAvond, Village President
Village President

PUBLISHED on this 25th day of July, 2011