

DATE: 04/20/21

R E S O L U T I O N

No. 009

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 04/09/21

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF CLAYTON in accordance with the petition of Luke and Ashley Herriges and

WHEREAS, said request is in compliance with the adopted Winnebago County Land Use Plan.

NOW, THEREFORE, the County Board of Supervisors of Winnebago County do ordain that the Zoning Ordinance and the Zoning Map of the TOWN OF CLAYTON, be and the same, are amended to provide that the attached described property be changed from the classification of **A-2 (General Agriculture)** of said ordinance, which it now and heretofore had, to the zoned district of **R-1 (Rural Residential)**.

AND BE IT FURTHER RESOLVED, by the Winnebago County Board of Supervisors, that the enclosed Ordinance is hereby ☐ **ADOPTED** OR ☐ **DENIED**.

County Board Supervisor
(Town of Clayton)

PARCEL NO: **006-0040-07-01, 006-0040-07-02, 006-0040-07-03, 006-0040-07-04;** FROM **A-2** TO **R-1**

COUNTY DISCLAIMER:

County Board approval does not include any responsibility for County liability for the legality or effectiveness of the Town Zoning Amendment or the Town Zoning Ordinance.

APPROVED BY WINNEBAGO COUNTY EXECUTIVE THIS _____ DAY OF _____, 2021.

Jon Doemel

County Board Supervisory district **29 - Youngquist**



Winnebago County
Zoning Department
The Wave of the Future

112 OTTER AVE, PO BOX 2808
OSHKOSH, WI 54903-2808

OSHKOSH (920) 232-3344
FOX CITIES (920) 727-2880
FAX (920) 232-3347

MEMO FOR P & Z MEETING AGENDA OF MARCH 5, 2021

TO: Planning & Zoning Committee

FM: Zoning Administrator

RE: Review of Town Zoning Changes

1. Thomas Vrhovnik - Town Zoning Change (Tax ID No: 004-0497-03) – Town of Black Wolf.

The town zoning change for Thomas Vrhovnik is consistent with Winnebago County's Future Land Use Plan. The Town of Black Wolf approved the zoning change from A-2 (General Agriculture) to R-1 (Rural Residential) and Winnebago County's future land use plan shows future land use as Agricultural & Rural and Environmental.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

Approved 5-0

2. Thomas & Patti Fenner - Town Zoning Change (Tax ID No: 004-0434-02) – Town of Black Wolf.

The town zoning change for Thomas & Patti Fenner is consistent with Winnebago County's Future Land Use Plan. The Town of Black Wolf approved the zoning change from R-1 (Rural Residential) to A-2 (General Agriculture) and Winnebago County's future land use plan shows future land use as Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

Approved 5-0

3. Rodney & Paula Measure - Town Zoning Change (Tax ID No: 004-0175-01) – Town of Black Wolf.

The town zoning change for Rodney & Paula Measure is consistent with Winnebago County's Future Land Use Plan. The Town of Black Wolf approved the zoning change from A-2 (General Farming) to R-1 (Rural Residential) and Winnebago County's future land use plan shows future land use as Residential and Environmental.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

Approved 5-0

4. Kenneth Kreiter - Town Zoning Change (Tax ID No: 004-0144-02) – Town of Black Wolf.

The town zoning change for Kenneth Kreiter is consistent with Winnebago County's Future Land Use Plan. The Town of Black Wolf approved the zoning change from A-2 (General Farming) to R-1 (Rural Residential) and Winnebago County's future land use plan which, incorporates the City of Oshkosh' future land use plan, shows future land use as Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

Approved 5-0

5. Keith & Amber Schneider - Town Zoning Change (Tax ID No: 004-0288-01-02) – Town of Black Wolf.

The town zoning change for Keith & Amber Schneider is consistent with Winnebago County's Future Land Use Plan. The Town of Black Wolf approved the zoning change from B-2 (Community Business) to R-1 (Rural Residential) and Winnebago County's future land use plan which, incorporates the City of Oshkosh' future land use plan, shows future land use as Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

Approved 5-0

6. Joshua & Carly Parker - Town Zoning Change (Tax ID No: 004-0505-02) – Town of Black Wolf.

The town zoning change for Joshua & Carly Parker is consistent with Winnebago County's Future Land Use Plan. The Town of Black Wolf approved the zoning change from A-2 (General Farming) to R-1 (Rural Residential) to and Winnebago County's future land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

Approved 5-0

7. John Willeford - Town Zoning Change (Tax ID No: 004-0196-06-01) – Town of Black Wolf.

The town zoning change for John Willeford is consistent with Winnebago County's Future Land Use Plan. The Town of Black Wolf approved the zoning change from A-2 (General Farming) to R-1 (Rural Residential) to and Winnebago County's future land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

Approved 5-0

8. Town of Clayton - Town Zoning Change (Tax ID No: 006-0340-03) – Town of Clayton.

The town zoning change for Town of Clayton is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture) to P-1 (Public Institutional) and Winnebago County's future land use plan shows future land use as Non-Residential.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

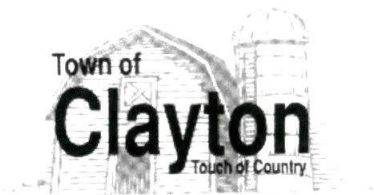
Approved 5-0

9. **Luke & Ashley Herriges** - Town Zoning Change (Tax ID Nos: 006-0040-07-01, 006-0040-07-02, 006-0040-07-03, 006-0040-07-04) – Town of Clayton.

The town zoning change for Luke & Ashley Herriges is consistent with Winnebago County's Future Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agriculture) to RR (Rural Residential) and Winnebago County's future land use plan shows future land use as Agricultural and Rural.

RECOMMENDATION: Approve a motion to forward zone change to County Board for action.

Approved 5-0



*A2 (general agriculture)
to RR (rural residential)
FLU: Ag & rural*

Thursday, August 20, 2020

County Zoning Office
Attn: Cary A. Rowe
112 Otter Avenue
Oshkosh, WI 54901

Re: Town Board approved amendment to the Town's Zoning Code of Ordinances Map.

Mr. Cary A. Rowe:

Enclosed please find the material relative to the following amendment(s) to the Zoning Code of Ordinances, Zoning Map in the Town of Clayton:

Re-zoning application submitted by the James Schloff, PLS, Davel Engineering, 1164 Province Terr, Menasha, WI 54952, for properties owned by Luke and Ashley Herriges, located west and north of 3022 W Shady Lane, Neenah, specifically described as Tax ID# 006-0040-07, being a part of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from A-2 (General Agriculture) to R-1 (Rural Residential).

*01
02
03
04*

Should you have any questions relative to this request please feel free to call or e-mail me.

Sincerely,

Tori Straw
Town Administrator

CC County Clerk, Sue Ertmer

TOWN OF CLAYTON

ORDINANCE 2020-Z010

**AN ORDINANCE TO AMEND THE OFFICIAL TOWN OF CLAYTON ZONING
ORDINANCE MAP**

WHEREAS, one or more applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances have been filed with the Town Clerk as described herein; and

WHEREAS, following the requisite Notices and Public Hearings the proposed amendments have been reviewed and recommended to the Town Board by the Town's Plan Commission; and

WHEREAS, the applications for amendments to the Map of the Town of Clayton Zoning Code of Ordinances does comply with both the Town's existing land use and future land use elements of the CY 2015/16 update to the Town's Comprehensive Plan; and

WHEREAS, all other procedural requirements have been met for purposes of consideration of the amendment(s) as provided in Section 7 of the Town of Clayton Zoning Code of Ordinances; and

NOW, THEREFORE BE IT ORDAINED THAT, the Town Board of the Town of Clayton, County of Winnebago, State of Wisconsin, pursuant to Article 7 of the Town of Clayton Zoning Code of Ordinances, hereby adopts the following Amendment(s) to the Map of the Town's Zoning Code of Ordinances:

Section 1: The Official Zoning Map of the Town of Clayton is amended as follows:

Property Owner:

Luke and Ashley Herriges, 1598 Redwing Drive, Neenah, WI 54956

Legal description of property:

For property located on Shady Lane specifically described as Tax ID# 006-0040-07, all of Lot 3, CSM 3310 and all of Lot 2, CSM 7628 all being part of the SW ¼ of the SE ¼ of Section 2, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin.

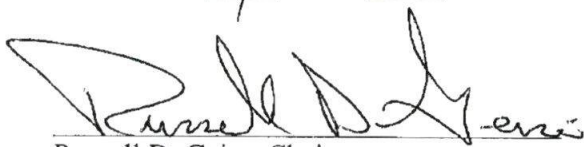
The above described property is hereby rezoned from:

The application is to re-zone the property from A-2 (General Agricultural District) to R-1 (Rural Residential District).

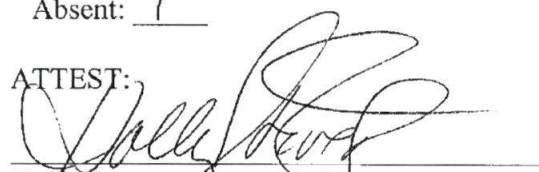
Section 2: This Ordinance shall be submitted to the Winnebago County Board for approval. This amendment to the Town of Clayton Zoning Code of Ordinances shall be effective upon approval by the Winnebago County Board.

Adopted this 19th day of August 2020

Vote: Yes: 4 No: 0 Abstain: 0 Absent: 1


Russell D. Geise, Chair

ATTEST:


Holly Stevens, Town Clerk



8 6 5 7 1 9 5
Tx: 4487645

DOC# 1836258
NATALIE STROHMEYER
REGISTER OF DEEDS
WINNEBAGO COUNTY, WI
RECORDED ON:
12/01/2020 01:21 PM
RECORDING FEE: 30.00
PAGES: 5

Certified Survey Map No. 7692

All of Lot 3, CSM 3310 and all of Lot 2, CSM 7628 all being part of the Southwest 1/4 of the Southeast 1/4 of Section 02, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

Survey for:
Luke & Ashley Hergges
1598 Redwing Drive
Neenah, WI 54956

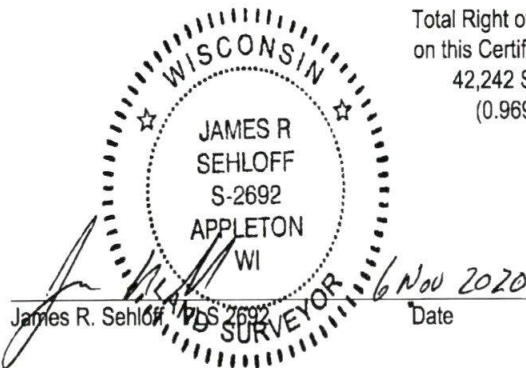
LEGEND

- 3/4" x 18" Steel Rebar
@ 1.50lbs/LF SET
- △ 1/4" Rebar Found
- 3/4" Rebar Found
- ⊕ Government Corner
- () Recorded As
- Delineated Wetlands



Bearings are referenced to the South line of the Southeast 1/4, Section 02, T20N, R16E, assumed to bear N88°22'52"W, base on the Winnebago County Coordinate System.

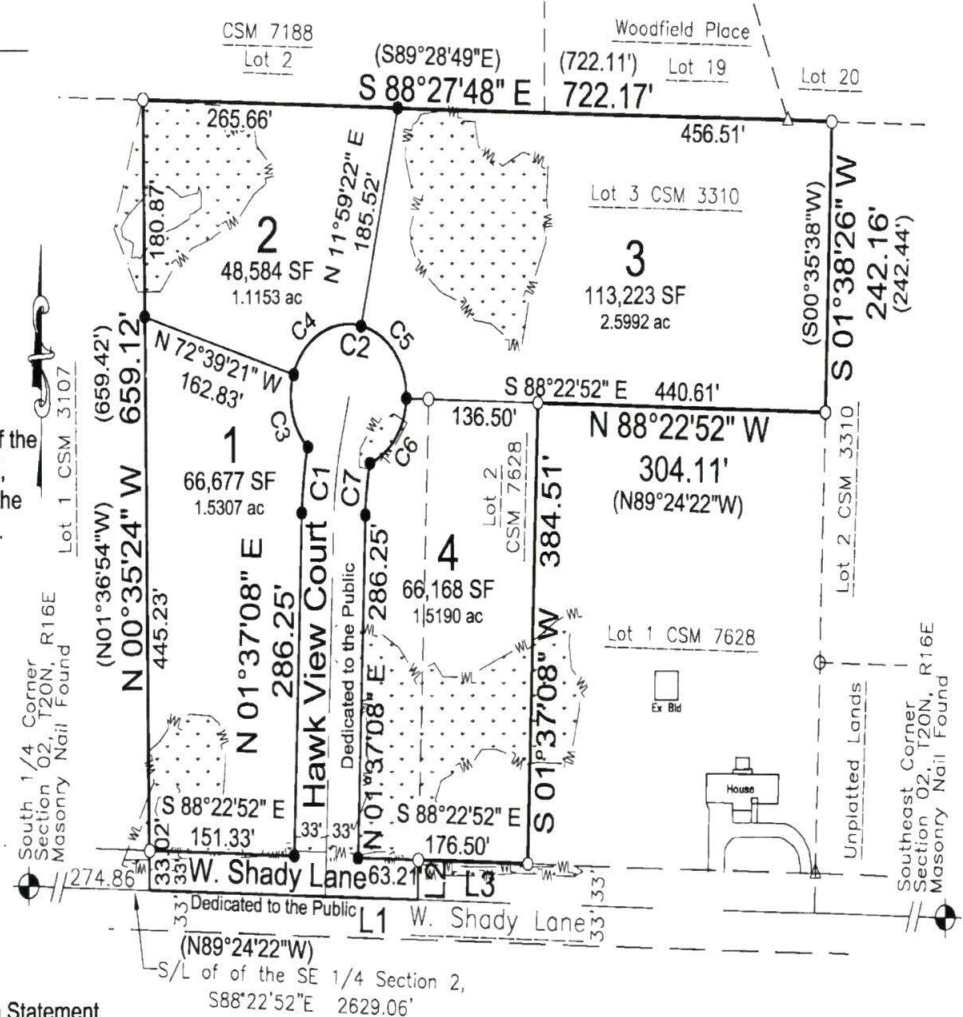
Total Right of Way Dedicated
on this Certified Survey Map:
42,242 Square Feet
(0.9697 Acres)



**DAVEL ENGINEERING &
ENVIRONMENTAL, INC.**

Civil Engineers and Land Surveyors

1164 Province Terrace, Menasha, WI 54952
Ph: 920-991-1866 Fax: 920-441-0804
www.davel.pro



Right to Farm Statement

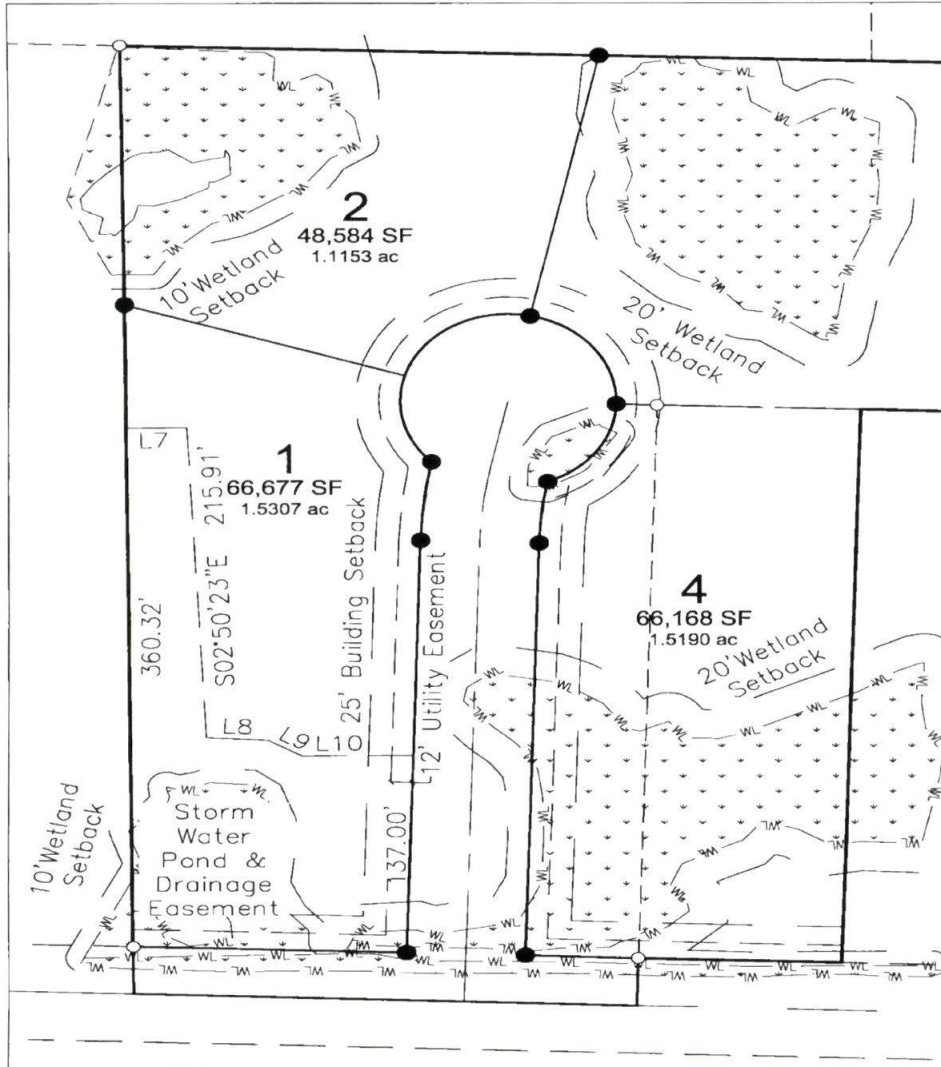
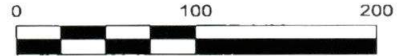
The Lot created on the Certified Survey Map is adjacent to properties that, as of this document, are being used for agricultural purposes. Some individuals believe that the activities associated with the agricultural use constitute a nuisance or conflict with the quiet enjoyment of their property. This statement is intended to provide third parties with notice that agricultural activities may exist on the adjacent properties.

File: 6039CSM2.dwg
Date: 11/06/2020
Drafted By: jim
Sheet: 1 of 5

Certified Survey Map No. 7692

All of Lot 3, CSM 3310 and all of Lot 2, CSM 7628 all being part of the Southwest 1/4 of the Southeast 1/4 of Section 02, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

Easement & Setback Detail

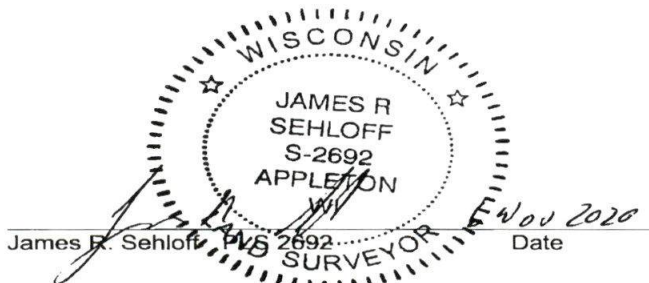


Note

Wetland are shown based on a delineation prepared by Travis A. Stuck, WDNR "Professionally Assured Wetland Delineator" with a report dated May 12, 2020.

LINE TABLE

Line	Bearing	Length
L1	N 88°22'52" W	279.27'
L2	N 01°37'08" E	33.00'
L3	S 88°22'52" E	113.29'
L7	S 89°24'36" W	33.67'
L8	S 86°54'13" E	34.02'
L9	S 59°23'38" E	21.82'
L10	N 89°24'36" E	61.74'



Certified Survey Map No. 7692

All of Lot 3, CSM 3310 and all of Lot 2, CSM 7628 all being part of the Southwest 1/4 of the Southeast 1/4 of Section 02, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

Surveyor's Certificate

I, James R. Sehloff, Professional land surveyor, hereby certify: That in full compliance with the provisions of Chapter 236 of the Wisconsin Statutes and the subdivision regulations of the Town of Clayton and Winnebago County, and under the direction of Luke C. & Ashley R. Herriges, the property owners of said land, I have surveyed divided and mapped this Certified Survey Map; that such map correctly represents all exterior boundaries and the subdivision of the land surveyed; and that this land is all of Lot 3, CSM 3310, recorded as Doc No. 919706, and all of Lot 2, CSM 7628, recorded as Doc No. 1820212, all being part of the Southwest 1/4 of the Southeast 1/4 of Section 02, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin, containing 336,895 Square Feet (7.7340 Acres) of land, subject to all easements, and restrictions of record.

Given under my hand this 6 day of NOVEMBER, 2020.

James R. Sehloff, Wisconsin Professional Land Surveyor No. S-2692



Owners' Certificate

As the property owners, we hereby certify that we caused the land described on this certified survey map to be surveyed, divided, mapped and dedicated all as shown and represented on this map.

We do further certify this plat is required by s.236.10 or s.236.12 to be submitted to the following for approval or objection:

Winnebago County Planning and Zoning Dept.
Town of Clayton

Dated this 12 day of NOVEMBER, 2020

Luke C. Herriges
Luke C. Herriges, Owner

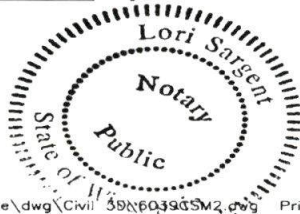
Ashley R. Herriges
Ashley R. Herriges, Owner

State of Wisconsin)
)SS
WINNEBAGO County)

Personally came before me on the 12 day of NOVEMBER, 2020, the above the property owner(s) to me known to be the persons who executed the foregoing instrument and acknowledge the same.

Lori Sargent
Notary Public, Wisconsin

My Commission Expires 1-22-21



Certified Survey Map No. 7692

All of Lot 3, CSM 3310 and all of Lot 2, CSM 7628 all being part of the Southwest 1/4 of the Southeast 1/4 of Section 02, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

Utility Easement Provisions

An easement for electric, natural gas, and communications service is hereby granted by

Luke C. & Ashley R. Herriges, Grantors, to:

Wisconsin Electric Power Company and Wisconsin Gas, LLC, Wisconsin corporations doing business as We Energies, Grantee,
SBC, Grantee,
and
Time Warner Cable, Grantee

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, natural gas, 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, natural gas 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 Areas" without the prior written consent of Grantees. After installation of any such facilities, the grade of the subdivided property shall not be altered by more than four inches without 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.


Luke C. Herriges

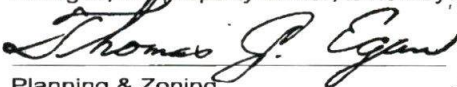
11-12-2020
Date


Ashley R. Herriges

11/12/2020
Date

County Planning & Zoning Committee Approval Certificate

Resolved, that this certified survey map in the Town of Clayton, Winnebago County, Luke C. & Ashley R. Herriges, the property owner, is hereby approved by Winnebago County.


Planning & Zoning
Committee Chairman

12-01-2020
Date


James R. Sehloff Professional Land Surveyor No. S-2692 Date 12-01-2020

File: 6039CSM2.dwg
Date: 10/08/2020
Drafted By: jlm
Sheet: 4 of 5

Certified Survey Map No. 7692

All of Lot 3, CSM 3310 and all of Lot 2, CSM 7628 all being part of the Southwest 1/4 of the Southeast 1/4 of Section 02, Township 20 North, Range 16 East, Town of Clayton, Winnebago County, Wisconsin.

Town Board Approval Certificate

Resolved, that this certified survey map in the Town of Clayton, Winnebago County, Luke C. & Ashley R. Herriges, the property owner, is hereby approved by the Town Board of the Town of Clayton.

[Signature]
Chairman

11-17-20
Date

I hereby certify that the foregoing is a copy of a resolution adopted by the Town Board of the Town of Clayton.

[Signature]
Clerk

11-17-2020
Date

Treasurers' Certificate

We, being the duly elected, qualified and acting Treasurers' of the Town of Clayton and Winnebago County, do hereby certify that in accordance with the records in our office, there are no unredeemed tax sales and unpaid taxes, or special assessments on and of the land included in this certified survey map.

[Signature]
Town Treasurer

11/16/20
Date

[Signature]
County Treasurer

11/20/20
Date

This Certified Survey Map is contained wholly within the property described in the following recorded instruments:

the property owners of record:
Luke C. & Ashley R. Herriges

Recording Information:
Doc No. 1793696
Doc No. 1825087

Parcel Number(s):
006004007
006003805

CURVE TABLE							
Curve	Radius	Chord Direction	Chord Length	Arc Length	Central Angle	Tangent Bearing-in	Tangent Bearing-out
C1	333.00'	N 06°21'41" E	55.07'	55.13'	9°29'07"	N 01°37'08" E	N 11°06'15" E
C2	60.00'	S 78°03'39" E	66.01'	307.10'	293°15'22"	N 44°41'20" W	S 68°34'02" W
C3	60.00'	N 13°40'20" W	61.83'	64.96'	62°01'59"	N 44°41'20" W	N 17°20'39" E
C4	60.00'	N 59°40'01" E	80.80'	88.64'	84°38'43"	N 17°20'39" E	S 78°00'38" E
C5	60.00'	S 38°11'45" E	76.84'	83.39'	79°37'45"	S 78°00'38" E	S 01°37'08" W
C6	60.00'	S 35°05'35" W	66.19'	70.11'	66°56'54"	S 01°37'08" W	S 68°34'02" W
C7	267.00'	N 06°15'30" E	43.19'	43.24'	9°16'44"	N 01°37'08" E	N 10°53'52" E



James R. Sehloff, Professional Land Surveyor No. S-2692 Date 6 Nov 2020