

To The Board of Supervisors of Winnebago County, Wisconsin:

AMENDATORY ORDINANCE 020219

WHEREAS, it is desirable to amend the Zoning Map of the TOWN OF Clayton in accordance with the petition of Daniel Schutte 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 Agricultural District)** of said ordinance, which it now and heretofore had, to the zoned district of **R-1 (Rural Residential District)**.

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: **006-0817-06-01**; 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 _____, 2019.

Mark Harris

County Board Supervisory district **30 - Farrey**



Winnebago County

Zoning Department

The Wave of the Future

MEMO FOR P & Z MEETING AGENDA OF FEBRUARY 8, 2019

TO: Planning & Zoning Committee

FM: Zoning Administrator

RE: Review of Town Zoning Changes

1. Schutte - Town Zoning Change (Tax ID No: 006-0817-06-01) – Town of Clayton.

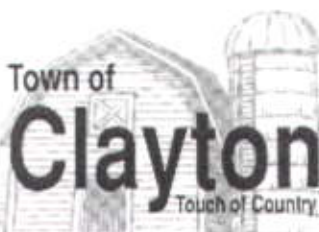
The town zoning change for Schutte is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from A-2 (General Agricultural District) to R-1 (Rural Residential District) and Winnebago County's land use plan shows future land use as Agricultural and Rural.

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

2. Town of Clayton - Town Zoning Change (Tax ID No: 006-0339 & 006-0339-01) – Town of Clayton.

The town zoning change for Town of Clayton is consistent with Winnebago County's Land Use Plan. The Town of Clayton approved the zoning change from I-1 (Light Industrial District) to B-3 (General Business District) and Winnebago County's land use plan shows future land use as Non-residential.

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



8348 County Road T – Larsen, WI 54947

Phone – 920-836-2007

Fax – 920-836-2026

Email – tocadmin@new.rr.com

Web Page – <http://www.townofclayton.net>

February 7, 2019

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

Dear Mr. 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 Town of Clayton, 8348 County Road T, Larsen, WI 54947 for property located on the south side of USH 10 between Clayton Avenue and STH 76 and specifically described as Tax ID# 006-0339 and Tax ID# 006-0339-01, located in Section 12, Township 20 North, Range 16 East, Town of Clayton, County of Winnebago, State of Wisconsin. The application is to re-zone the property from I-1 (Light Industrial District) to B-3 (General Business District).

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

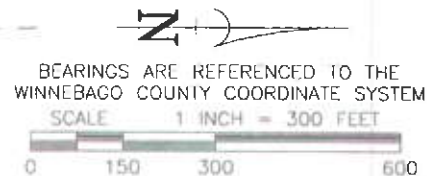
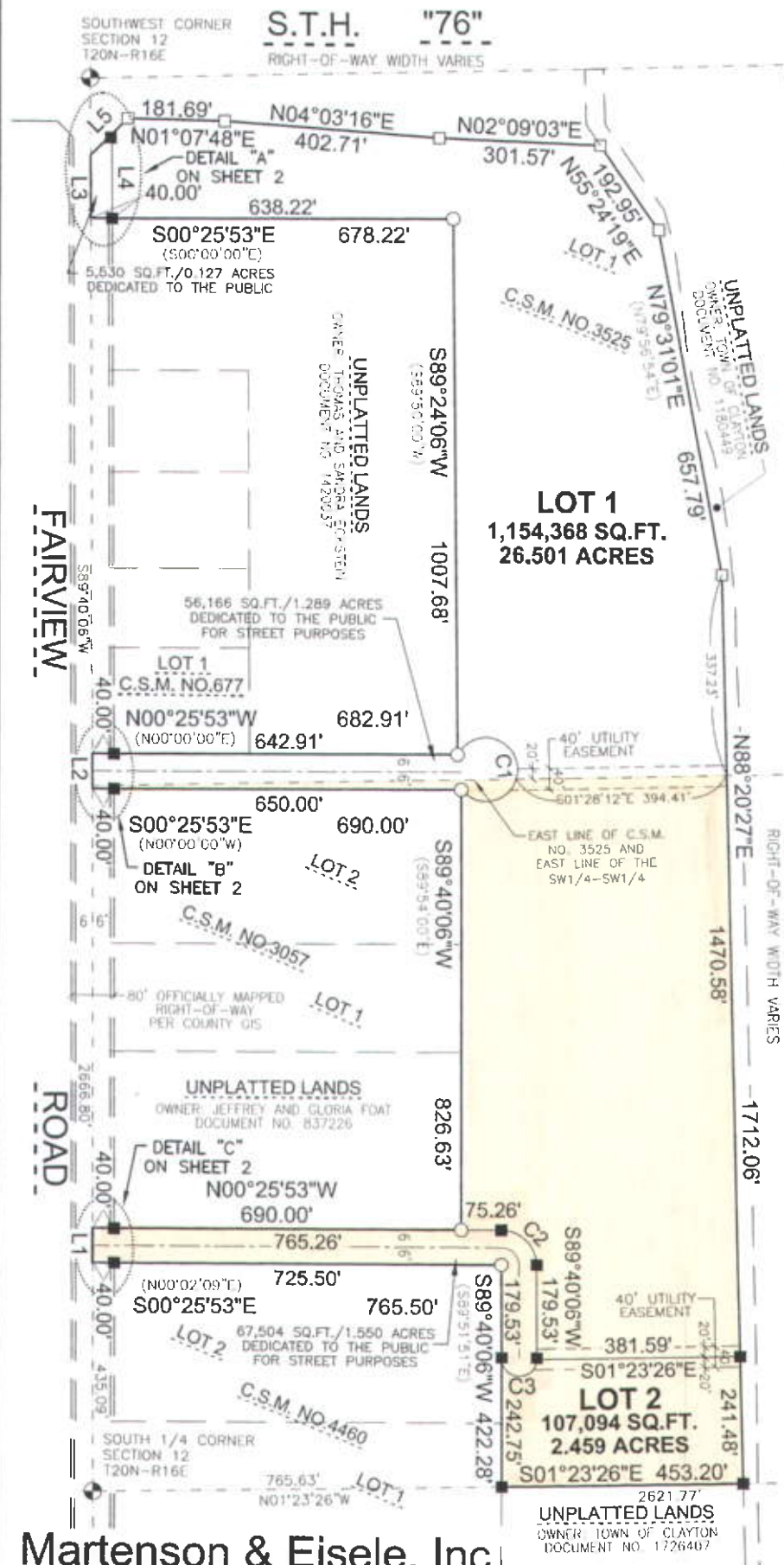
Sincerely,

Richard Johnston
Administrator

Cc: Sue Ertmer, County Clerk

CERTIFIED SURVEY MAP NO. _____

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3525, LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, ALL BEING PART OF SECTION 12, TOWNSHIP 20 NORTH, RANGE 16 EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.



LEGEND

- 1" O.D. IRON PIPE SET, 18" LONG, WEIGHING 1.130LBS. PER LIN. FOOT
- 3/4" O.D. REBAR FOUND
- 1" O.D. IRON PIPE FOUND
- GOVERNMENT CORNER
- () PREVIOUSLY RECORDED AS

CURVE TABLE

C1	
R =	60.00'
Δ =	292°50'30"
L =	306.66'
CH =	S 83°32'10" W 66.37'
C2	
R =	66.00'
Δ =	90°12'20"
L =	103.91'
CH =	S 44°33'57" W 93.51'
C3	
R =	33.00'
Δ =	180°00'00"
L =	103.67'
CH =	S 00°19'53" E 66.00'

LINE TABLE

L1 =	S89°40'06"W, 66.00'
L2 =	S89°40'06"W, 66.00'
L3 =	S89°40'06"W, 118.29'
L4 =	S89°40'06"W, 158.21'
L5 =	N45°19'09"W, 98.85'

TOWN OF CLAYTON RIGHT TO FARM NOTE IS STATED ON SHEET 2

Martenson & Eisele, Inc.

1377 Midway Road
Menasha, WI 54952
www.martenson-eisele.com
info@martenson-eisele.com
920.731.0381 1.800.236.0381

Planning
Environmental
Surveying
Engineering
Architecture

SURVEY FOR
TOWN OF CLAYTON
8348 COUNTY ROAD "T"
LARSEN, WI 54947

PROJECT NO. 1-0018-083
FILE 1-0018-083csm SHEET 1 OF 5
THIS INSTRUMENT WAS DRAFTED BY: LWL/AMS

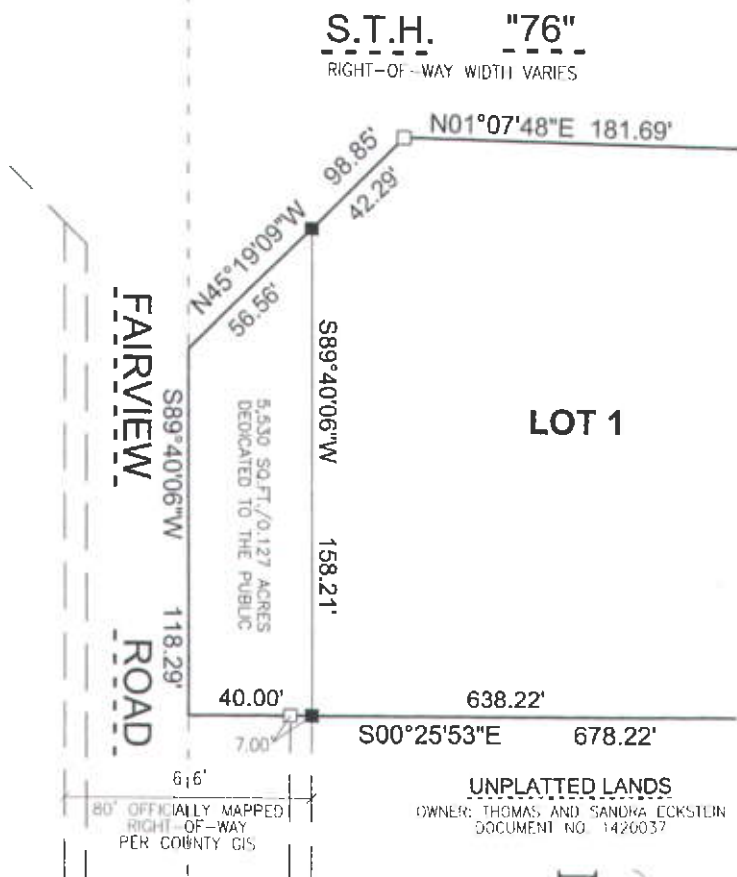
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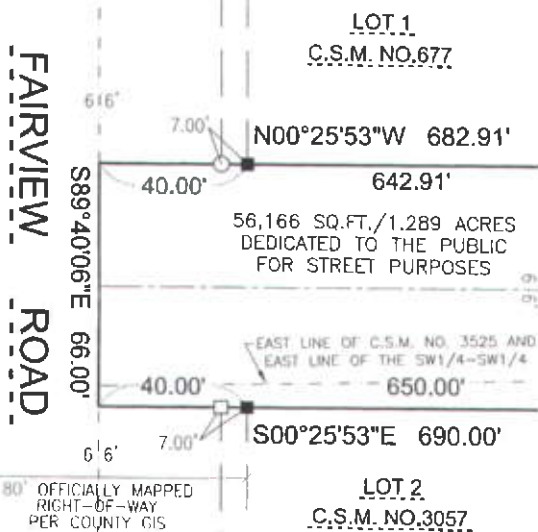
TOWN OF CLAYTON RIGHT TO FARM NOTE:

THE LOTS CREATED IN THIS CERTIFIED SURVEY MAP ARE ADJACENT TO PROPERTIES THAT, AS OF THE DATE 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.

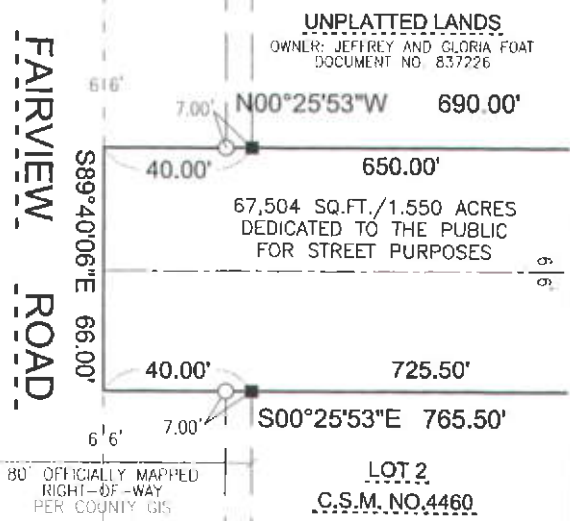
DETAIL "A"



DETAIL "B"



DETAIL "C"



CERTIFIED SURVEY MAP NO. _____

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SURVEYOR'S CERTIFICATE:

I, GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR, DO HEREBY CERTIFY: THAT I HAVE SURVEYED, DIVIDED AND MAPPED, AT THE DIRECTION OF THE TOWN OF CLAYTON, PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3525, LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, ALL BEING PART OF SECTION 12, TOWNSHIP 20 NORTH, RANGE 16 EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN, MORE FULLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SAID SECTION 12; THENCE SOUTH 89 DEGREES 40 MINUTES 06 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 435.09 FEET TO THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 40 MINUTES 06 SECONDS WEST, CONTINUING ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 66.00 FEET; THENCE NORTH 00 DEGREES 25 MINUTES 53 SECONDS WEST, ALONG THE EAST LINE OF LANDS DESCRIBED IN DOCUMENT NO. 837226, A DISTANCE OF 690.00 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 06 SECONDS WEST, ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 3057 AND ITS EASTERLY EXTENSION, A DISTANCE OF 826.63 FEET; THENCE SOUTH 00 DEGREES 25 MINUTES 53 SECONDS EAST, ALONG THE WEST LINE OF SAID CERTIFIED SURVEY MAP NO. 3057, A DISTANCE OF 690.00 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 06 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 66.00 FEET; THENCE NORTH 00 DEGREES 25 MINUTES 53 SECONDS WEST, ALONG AN EASTERLY LINE OF CERTIFIED SURVEY MAP NO. 3525, A DISTANCE OF 682.91 FEET; THENCE SOUTH 89 DEGREES 24 MINUTES 06 SECONDS WEST, ALONG A SOUTHERLY LINE OF SAID CERTIFIED SURVEY MAP NO. 3525, A DISTANCE OF 1007.68 FEET; THENCE SOUTH 00 DEGREES 25 MINUTES 53 SECONDS EAST, ALONG A WESTERLY LINE OF CERTIFIED SURVEY MAP NO. 3525, A DISTANCE OF 678.22 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 06 SECONDS WEST, ALONG THE SOUTH LINE OF THE SOUTHWEST 1/4 OF SAID SECTION, A DISTANCE OF 118.29 FEET; THENCE NORTH 45 DEGREES 19 MINUTES 09 SECONDS WEST, ALONG THE WEST RIGHT-OF-WAY LINE OF S.T.H. "76", A DISTANCE OF 98.85 FEET; THENCE NORTH 01 DEGREES 07 MINUTES 48 SECONDS EAST, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF S.T.H. "76", A DISTANCE OF 181.69 FEET; THENCE NORTH 04 DEGREES 03 MINUTES 16 SECONDS EAST, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF S.T.H. "76", A DISTANCE OF 402.71 FEET; THENCE NORTH 02 DEGREES 09 MINUTES 03 SECONDS EAST, CONTINUING ALONG THE WEST RIGHT-OF-WAY LINE OF S.T.H. "76", A DISTANCE OF 301.57 FEET; THENCE NORTH 55 DEGREES 24 MINUTES 19 SECONDS EAST, ALONG THE SOUTH RIGHT-OF-WAY LINE OF U.S.H. "10", A DISTANCE OF 192.95 FEET; THENCE NORTH 79 DEGREES 31 MINUTES 01 SECONDS EAST, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF U.S.H. "10", A DISTANCE OF 657.79 FEET; THENCE NORTH 88 DEGREES 20 MINUTES 27 SECONDS EAST, CONTINUING ALONG THE SOUTH RIGHT-OF-WAY LINE OF U.S.H. "10", A DISTANCE OF 1712.06 FEET; THENCE SOUTH 01 DEGREES 23 MINUTES 26 SECONDS EAST, ALONG THE EAST LINE OF THE SOUTHWEST 1/4 OF SAID SECTION 12, A DISTANCE OF 453.20 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 06 SECONDS WEST, ALONG THE NORTH LINE OF CERTIFIED SURVEY MAP NO. 4460, A DISTANCE OF 422.28 FEET; THENCE SOUTH 00 DEGREES 25 MINUTES 53 SECONDS EAST, ALONG THE WEST LINE OF SAID CERTIFIED SURVEY MAP NO. 4460, A DISTANCE OF 765.50 FEET TO THE POINT OF BEGINNING; CONTAINING 1,390,662 SQUARE FEET [31.926 ACRES]. SUBJECT TO ALL EASEMENTS AND RESTRICTIONS OF RECORD.

THAT I HAVE FULLY COMPLIED WITH CHAPTER 236.34 OF THE WISCONSIN STATUTES IN SURVEYING, DIVIDING AND MAPPING THE SAME AND THE TOWN OF CLAYTON AND WINNEBAGO COUNTY SUBDIVISION ORDINANCES.

THIS MAP IS A CORRECT REPRESENTATION OF ALL OF THE EXTERIOR BOUNDARIES OF LAND SURVEYED AND THE DIVISION THEREOF.

GIVEN UNDER MY HAND THIS 4TH DAY OF JANUARY, 2019.

GARY A. ZHRINGER, PROFESSIONAL LAND SURVEYOR S-2098 _____

THIS CERTIFIED SURVEY MAP IS CONTAINED WHOLLY WITHIN THE PROPERTY DESCRIBED IN THE FOLLOWING RECORDED INSTRUMENTS:

OWNERS OF RECORD:
TOWN OF CLAYTON

RECORDING INFORMATION:
DOCUMENT NO. 1726407

PARCEL NUMBER:
006-0338-05, 006-0339,
006-0339-01 AND 006-0345

VILLAGE OF FOX CROSSING EXTRA TERRITORIAL APPROVAL:

THIS CERTIFIED SURVEY MAP WAS APPROVED BY THE VILLAGE OF FOX CROSSING, AS SURVEYED AND MAPPED.

DATED THIS _____ DAY OF _____, 2019.

VILLAGE CLERK

CERTIFIED SURVEY MAP NO. _____

PART OF LOT 1 OF CERTIFIED SURVEY MAP NO. 3525, LOCATED IN THE SOUTHWEST 1/4 OF THE SOUTHWEST 1/4 AND PART OF THE SOUTHEAST 1/4 OF THE SOUTHWEST 1/4, ALL BEING PART OF SECTION 12, TOWNSHIP 20 NORTH, RANGE 16 EAST, TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.

TOWN BOARD APPROVAL:

THIS CERTIFIED SURVEY MAP IN THE TOWN OF CLAYTON, IS HEREBY APPROVED AS SURVEYED AND MAPPED BY THE TOWN BOARD OF THE TOWN OF CLAYTON, WINNEBAGO COUNTY, WISCONSIN.

DATED THIS _____ DAY OF _____, 2019.

TOWN CHAIRPERSON

TOWN CLERK

TREASURER'S CERTIFICATE:

I HEREBY CERTIFY THAT THERE ARE NO UNPAID TAXES OR UNPAID SPECIAL ASSESSMENTS ON ANY OF THE LANDS SHOWN HEREON.

TOWN TREASURER

DATE

COUNTY TREASURER

DATE

WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE APPROVAL:

PURSUANT TO THE LAND SUBDIVISION REGULATIONS OF THE COUNTY OF WINNEBAGO, WISCONSIN, ALL THE REQUIREMENTS FOR APPROVAL HAVE BEEN FULFILLED. THIS MINOR SUBDIVISION WAS APPROVED BY THE WINNEBAGO COUNTY PLANNING AND ZONING COMMITTEE

ON _____ DAY OF _____, 2019.

CHAIRMAN, PLANNING AND ZONING COMMITTEE

TOWN OF CLAYTON OWNERS CERTIFICATE:

THE TOWN OF CLAYTON, A WISCONSIN MUNICIPAL CORPORATION DULY ORGANIZED AND EXISTING UNDER AND BY VIRTUE OF THE LAWS OF THE STATE OF WISCONSIN, HEREBY CERTIFY THAT WE CAUSED THE LAND ABOVE DESCRIBED TO BE SURVEYED, DIVIDED, MAPPED AND DEDICATED ALL AS SHOWN AND REPRESENTED ON THIS MAP.

DATED THIS _____ DAY OF _____, 2019.

TOWN CHAIRPERSON

TOWN CLERK

STATE OF WISCONSIN)
) SS
WINNEBAGO COUNTY)

PERSONALLY CAME BEFORE ME ON THE _____ DAY
OF _____, 2019, THE ABOVE OWNER(S)
TO ME KNOWN TO BE THE PERSON(S) WHO EXECUTED
THE FOREGOING INSTRUMENT AND ACKNOWLEDGE THE SAME.

SIGNATURE
NOTARY PUBLIC,
STATE OF _____
MY COMMISSION (IS PERMANENT)
(EXPIRES: _____)

CERTIFIED SURVEY MAP NO. _____

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UTILITY EASEMENT PROVISIONS

AN EASEMENT FOR SANITARY SEWER, STORM SEWER, AND WATER MAIN IS HEREBY GRANTED BY TOWN OF CLAYTON, GRANTORS, TO

TOWN OF CLAYTON, GRANTEE,

THE GRANTOR, THEIR RESPECTIVE LESSEES, SUCCESSORS, HEIRS OR ASSIGNS, SHALL HAVE FULL USE AND ENJOYMENT OF THE PROPERTY REFERENCED ABOVE PROVIDED THAT SUCH USE DOES NOT INTERFERE WITH GRANTEE'S RIGHT TO INSTALL, REPLACE, OPERATE, MAINTAIN AND REPAIR SANITARY SEWER, STORM SEWER AND WATER MAIN. IT IS FURTHER AGREED THAT AFTER MAINTAINING, REPAIRING, REPLACING OR RELOCATING OF SAID SANITARY SEWER, STORM SEWER AND WATER MAIN AND ASSOCIATED APPURTENANCES GRANTEE SHALL RESTORE UNIMPROVED SURFACES SUCH AS GRASS, GRAVEL AND DIRT ON SAID PROPERTY, AS CLOSELY AS POSSIBLE, TO THE CONDITION PREVIOUSLY EXISTING. GRANTEE SHALL NOT BE REQUIRED TO RESTORE OR COMPENSATE FOR ANY IMPROVEMENTS OR IMPROVED SURFACES SUCH AS, BUT NOT LIMITED TO, CURB AND GUTTER, HARD PAVEMENTS, TREES, SHRUBS AND LANDSCAPING, DISTURBED AS A RESULT OF THE MAINTENANCE ACTIVITIES DESCRIBED HEREIN. GRANTEE DOES HEREBY AGREE TO COMPENSATE FULLY FOR ANY DAMAGE CAUSED DIRECTLY OR INDIRECTLY FROM SAID MAINTENANCE, REPAIR, REPLACEMENT OR RELOCATION OF SAID STORM SEWER AND ASSOCIATED APPURTENANCES, THAT OCCUR OUTSIDE OF THE ABOVE DESCRIBED EASEMENT AREA. BUILDINGS OR ANY OTHER TYPE OF STRUCTURE SHALL NOT BE PLACED OVER GRANTEE'S FACILITIES OR IN, UPON OR OVER THE PROPERTY WITHIN THE LINES MARKED "UTILITY EASEMENT" GRANTEE AGREES THAT IT SHALL GIVE TIMELY NOTICE TO THE GRANTOR OF ROUTINE MAINTENANCE WORK. THE GRANT OF EASEMENTS SHALL BE BINDING UPON AND INURE TO THE BENEFIT OF THE HEIRS, SUCCESSORS AND ASSIGNS OF ALL PARTIES HERETO.

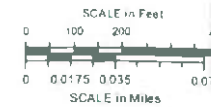
TOWN CHAIRPERSON

TOWN CLERK

ToC Parcel ReZone 006-0339 and 006-0339-01



November 19, 2018



WJ NGS Project Disclaimer
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Winnipeg County disclaims all liability
regarding fitness of the information for any use
other than Winnipeg County business. Data
for this map copyrighted December 31, 2006.

TOWN OF CLAYTON

ORDINANCE 2019-001

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:

Town of Clayton, 8348 CTR T, Larsen, WI 54947.

Legal description of property:

For property located on the south side of USH 10 between Clayton Avenue and STH 76 and specifically described as Tax ID# 006-0339 and Tax ID# 006-0339-01, located in Section 12, 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 I-1 (Light Industrial District) to B-3 (General Business 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 16th day of January, 2019

Vote: Yes: 5 No: 0 Absent: 0


Russell D. Geise, Chair

ATTEST:


Richard Johnston, Town Administrator