

**MINUTES OF THE PLAN COMMISSION MEETING  
CITY OF CHIPPEWA FALLS  
MONDAY, OCTOBER 17, 2016 – 6:30 PM**

The Plan Commission met in City Hall on Monday, October 17, 2016 at 6:30 P.M. Present were Commissioners Dave Cihasky, Greg Misfeldt, Dennis Doughty, Mike Tzanakis, Beth Arneberg, Jerry Smith, Secretary Rick Rubenzer, Vice-Chairperson Tom Hubbard and Mayor Greg Hoffman. Absent were Commissioner Dan Varga and Alderperson Chuck Hull. Also attending was Katy Macek of the Chippewa Herald, Chris Vetter of the Eau Claire Leader Telegram, Dave Schafer, Heather Hunt, Robb Majeski and Alderperson Paul Nadreau.

1. **Motion** by Hubbard, seconded by Tzanakis to approve the minutes of the October 10, 2016 Plan Commission meeting. **All present voting aye. Motion carried.**
  
2. The Plan Commission considered the attached petition for a Commercial Planned Development Conditional Use Permit from Wisconsin Real Property Investments, LLC for parcel #4430 located at 303 E. Prairie View Road. Secretary Rubenzer gave background information stating owners of the Chippewa Commons would like to sell parcel #4428, which would create basically a zero setback lot line between existing buildings along the North property line of parcel #4430 and the South property line of parcel #4428. The two parcels are zoned C-2 General Commercial and the existing Declarations would apply for storm water, sanitary, water, parking and other common area needs between the two parcels. He stated that the Planned Developments would apply to the two parcels and run with the land for future owners as long as general commercial uses remained the same. Dave Schafer of Gordy's Market stated their goal had been to redevelop the grocery store and had accomplished that but weren't in the strip mall management business. He stated Wisconsin Real Property Investments, LLC wanted to sell parcel #4430 to a corporation in the business of managing a strip mall. He continued that the K-Mart building would continue to be used for storage of bottled water on a temporary basis.  
**Motion** by Hubbard, seconded by Rubenzer to recommend the Plan Commission conduct a public hearing to consider a Commercial Planned Development Conditional Use Permit to allow for separate ownership of parcel #4430 and adjacent parcel #4428 with a zero setback between the North property line of parcel #4430 and the South property line of parcel #4428. Said public hearing to be scheduled upon receipt of the \$300 advertising fee and proper notification of the adjacent property owners. **All present voting aye. Motion carried.**
  
3. The Plan Commission considered the attached petition for a Commercial Planned Development Conditional Use Permit from Wisconsin Real Property Investments, LLC for parcel #4428 located at 409 E. Prairie View Road.  
**Motion** by Hubbard, seconded by Tzanakis to recommend the Plan Commission conduct a public hearing to consider a Commercial Planned Development Conditional Use Permit to allow for separate ownership of parcel #4428 and adjacent parcel #4430 with a zero setback between the South property line of parcel #4428 and the North property line of parcel #4430. Said public hearing to be scheduled upon receipt of the \$300 advertising fee and proper notification of the adjacent property owners. **All present voting aye. Motion carried.**

Please note, these are draft minutes and may be amended until approved by the Common Council.

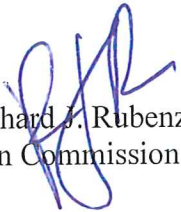
4. The Plan Commission considered the attached Certified Survey Map from Hiess-Loken and Associates for combining Lot #1, discontinued alley right-of-way and discontinued Grove Street right-of-way all in Block #36, Chippewa Falls Plat. Secretary Rubenzer noted that Grove Street had been discontinued in 2014 and Chippewa County required a survey in order to create a new parcel number.

**Motion** by Tzanakis, seconded by Hubbard to recommend the Common Council approve the attached Certified Survey Map for Tim and Lori Lorentz, (A Cut Above Beauty Shop), combining parcels in Block #36, Chippewa Falls Plat, prepared by Hiess-Loken Associates. Said Certified Survey Map be approved upon:

- 1) Receipt of the \$100 Certified Survey Map review fee.
- 2) Receipt of an original Certified Survey Map for signing.
- 3) Receipt of a copy of the recorded Certified Survey Map.

**All present voting aye. Motion carried.**

5. **Motion** by Smith, seconded by Hubbard to adjourn. **All present voting aye. Motion carried.** The Plan Commission adjourned at 6:45 P.M.

  
Richard J. Rubenzer, P.E., Secretary  
Plan Commission

**MINUTES OF THE PLAN COMMISSION MEETING  
CITY OF CHIPPEWA FALLS  
MONDAY, OCTOBER 10, 2016 – 6:30 PM**

The Plan Commission met in City Hall on Monday, October 10, 2016 at 6:30 P.M. Present were Commissioners Greg Misfeldt, Dennis Doughty, Dan Varga, Beth Arneberg, Jerry Smith, Alderperson Chuck Hull, Secretary Rick Rubenzer, Vice Chairman Tom Hubbard and Mayor Greg Hoffman. Absent were Commissioners Dave Cihasky and Mike Tzanakis. Also attending were Paul and Karla Hansen.

1. **Motion** by Hubbard, seconded by Doughty to approve the minutes of the August 8, 2016 Plan Commission meeting. **All present voting aye. Motion carried.**
  
2. The Plan Commission considered the attached Certified Survey Map which combined Lot #3 of Certified Survey Map #2112 with Lot #1 of Certified Survey Map #3354 into one Lot #4 of Certified Survey Map #4611.  
**Motion** by Hubbard, seconded by Hull to recommend the Common Council approve the attached Certified Survey Map #4611 upon:
  - 1) Receipt of the \$100 Certified Survey Map review fee.
  - 2) The property owner or the surveyor record the Certified Survey Map and provide the Engineering Department with a recorded copy.**All present voting aye. Motion carried.**
  
3. Paul Hansen appeared to request a temporary waiver of the requirement to hard surface the parking and drive areas around the proposed Star Blend facility. Mr. Hansen stated that future municipal water and sewer service locations from the street were unknown and he didn't want to remove "new" blacktop. Secretary Rubenzer noted that municipal water and sewer main installation would probably be years away but that the water and sewer locations in the building are known so a forty or fifty foot wide strip could be left out of the paving. Mr. Hansen requested a year waiver after building completion and giving Star Blends a chance to observe the traffic flow around the building. Commissioner Arneberg asked about dust control. Mr. Hansen explained that he didn't believe there would be a large volume of traffic and not much dust production.  
**Motion** by Smith, seconded by Varga to grant Star Blends a temporary waiver of the requirement to hard surface the parking lots and drive areas around their proposed building until November 30, 2018. **All present voting aye. Motion carried.**
  
4. **Motion** by Hubbard, seconded by Doughty to adjourn. **All present voting aye. Motion carried.** The Plan Commission adjourned at 6:48 P.M.

  
Richard J. Rubenzer, P.E., Secretary  
Plan Commission

Date Filed: Oct. 17, 2016

Fee Paid: \$25.00 Date: Oct. 17, 2016 TR#: 50538

Fee Paid: \_\_\_\_\_ Date: \_\_\_\_\_ TR#: \_\_\_\_\_

**PETITION FOR A CONDITIONAL USE PERMIT**

TO THE CITY OF CHIPPEWA FALLS, WISCONSIN:

I/We, the undersigned, hereby petition the Plan Commission of the City of Chippewa Falls, WI, for a Conditional Use Permit as authorized by the Chippewa Falls Zoning Code, Section 17.46, for the following described property:

Address of Property: 303 E. Prairie View Road, Chippewa Falls, WI 54729

Lot#: \_\_\_\_\_ Block#: \_\_\_\_\_ Subdivision: \_\_\_\_\_ Parcel# 4430

Legal Description: Please see attached for legal description of this Property and the Adjacent Property.

Zoning classification of property: General Commercial District

Purpose for which this Permit is being requested: Establishment of a Planned Development for this Property and the Adjacent Property to allow for separate ownership of the two parcels with a zero setback from the lot line on the Northeastern-most corner of this Property.

Existing use of property within 300 feet of subject property: (List or attach map)  
To the North, commercial properties consisting of an Arby's, and across Highway 124, a nursing home, and Walgreens; To the East, commercial property consisting of a former Kmart building being used in part to store water by Premium Waters, retail eyecare business; To the South, multiple-family residence and Kentucky Fried Chicken; To the West, commercial properties consisting of a McDonald's and Kwik Trip across Woodward Avenue.

Recite any facts indicating that the proposed use will not be detrimental to the general public's interest, the purposes of this Chapter and the general area in which it is located:

The building on this Property was constructed in approximately 1989 with multiple commercial tenants, mostly retail in nature and including an anchor store consisting previously and again, now, of a grocery store. The building has not changed in its footprint or use since construction. This Property had been commonly owned with the neighboring property and the owner of this Property is selling this Property to a third-party while retaining ownership of the neighboring property.

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Operational plans of the proposed use:

Hours of Operation: Same as currently exist for the strip mall and the grocery store

Days of Operation: \_\_\_\_\_

Number of Employees: \_\_\_\_\_

Part-time

Full-time

Capacity:

Number of Units: Same as currently exist. No changes proposed as a part of this request.

Size: \_\_\_\_\_

Number of Residents/Children: \_\_\_\_\_

Ages: \_\_\_\_\_

Other: \_\_\_\_\_

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Building plans:

Existing buildings: Same as currently exist. No changes proposed as a part of this request.

Proposed buildings: \_\_\_\_\_

Use of part of building: \_\_\_\_\_

Proposed additions: \_\_\_\_\_

Future additions: \_\_\_\_\_

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Change in use: \_\_\_\_\_  
\_\_\_\_\_

Outside appearance: \_\_\_\_\_  
\_\_\_\_\_

Number of buildings: \_\_\_\_\_  
\_\_\_\_\_

Planting & Landscaping:

Type: Same as currently exists. No changes proposed with this request. \_\_\_\_\_  
\_\_\_\_\_

Timetable: \_\_\_\_\_  
\_\_\_\_\_

Screening:

Type: Same as currently exists. No changes proposed with this request. \_\_\_\_\_  
\_\_\_\_\_

Fences: \_\_\_\_\_  
\_\_\_\_\_

Type: \_\_\_\_\_

Height: \_\_\_\_\_

Location: \_\_\_\_\_  
\_\_\_\_\_

Earth Bank:

Planting: Same as currently exists. No changes proposed with this request. \_\_\_\_\_  
\_\_\_\_\_

Maintenance: \_\_\_\_\_  
\_\_\_\_\_

Other: \_\_\_\_\_  
\_\_\_\_\_

Lights:

Number of lights: Same as currently exists. No changes proposed with this request.

\_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_

Hours: \_\_\_\_\_

\_\_\_\_\_

Type: \_\_\_\_\_

\_\_\_\_\_

Signs:

Type: Same as currently exists. No changes proposed with this request.

Lighted: \_\_\_\_\_

Size: \_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_

Setbacks: \_\_\_\_\_

Drives:

Number of: Same as currently exists. No changes proposed with this request.

Location: \_\_\_\_\_

\_\_\_\_\_

Width: \_\_\_\_\_

Parking:

Number of stalls: Same as currently exists. No changes proposed with this request.

Location of stalls: \_\_\_\_\_

\_\_\_\_\_

Setbacks: \_\_\_\_\_

Surfacing: \_\_\_\_\_

Screening: \_\_\_\_\_

Drainage:

Storm sewer: Same as currently exists. No changes proposed with this request.

Rock beds: \_\_\_\_\_

Detention pond: \_\_\_\_\_

Retention pond: \_\_\_\_\_

**Submit site plan showing property line, buildings and other structures.**

List any additional information being submitted with this permit application: \_\_\_\_\_

Attached please find a copy of the Declaration of Restrictions and Easements which has existed against this Property and the Adjacent Property since August 23, 1989. Such document address common area use, parking, maintenance, and the like.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IN ORDER FOR THIS PETITION TO BE CONSIDERED, THE OWNER(S) OF THE PROPERTY MUST SIGN BELOW:**

Owner(s)/Address(es):

Wisconsin Real Property Investments, LLC  
2423 Rivers Edge Drive, #1  
Altoona, WI 54720

Phone #: 715-723-8591

Email: hhunt@wileylaw.com

*David A. Hunt*

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

Petitioner(s)/Address(es):

Wisconsin Real Property Investments, LLC  
2423 Rivers Edge Drive, #1  
Altoona, WI 54720

Phone #: 715-723-8591

Email: hhunt@wileylaw.com

*David A. Hunt*

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_

Phone #: \_\_\_\_\_

Email: \_\_\_\_\_



**Legal Description**

(Property being sold by WRPI) Parcel # 4430

Outlot 1 of Certified Survey Map #801 as recorded in Volume 2 of Certified Survey Maps on Page 280 as Document #479180; being a part of the NW ¼ of the NW ¼ of Section 17, Township 28 North, Range 8 West, City of Chippewa Falls, Chippewa County, Wisconsin;

AND

A parcel of land being part of the NW ¼ of the NW ¼ of Section 17, Township 28 North, Range 8 West, City of Chippewa Falls, Chippewa County, Wisconsin, described as follows: Commencing at the northwest corner of said Section 17; thence 89°42'55" East along the north line of the NW ¼ - NW ¼ of said Section 17 a distance of 1188.00 feet; thence South 00°00'00" West 660.00 feet thence South 89°42'55" West 170.00 feet to the point of beginning; thence N 00°00'00" West 115.00 feet; thence South 89°42'55" West 129.40 feet; thence North 45°00'00" West 21.21 feet; thence South 89°42'55" West 385.00 feet; thence North 00°00'00" West 385.23 feet; thence South 69°30'45" East 487.07 feet; thence South 00°00'00" East 512.20 feet; thence South 89°42'55" West 595.00 feet; thence North 00°00'00" West 165.00 feet; thence South 89°42'55" West 390.00 feet to the point of beginning, except for the parcel dedicated for street right of way described below as the Right of Way, said parcel contains 6.92 acres more or less (after Right of Way) subject to easements and restrictions of record.

"The Right of Way" is described as follows: That part of the Northwest Quarter of the Northwest Quarter of Section 17, Township 28 North, Range 8 West, Chippewa County, Wisconsin, more fully described as follows:

Commencing at the Northwest corner of said Section 17; thence N 89°42'55" E along the North line of said Northwest Quarter, 1188.00 feet; thence S 00°00'00" W, 37.50 feet; thence S 89°48'00" W, 406.60 feet; thence S 69°30'45" W, 456.78 feet to the point of beginning; thence 286.47 feet along the arc of a curve to the left having a radius of 236.12 feet, the long chord of which bears S 34°45'22" W, 269.22 feet; thence S 00°00'00" W, 70.00 feet; thence S 42°54'45" E, 14.69 feet; thence S 00°00'00" W, 170.00 feet; thence 206.89 feet along the arc of a curve to the right having a radius of 140.00 feet, the long chord of which bears S 42°20'10" W, 188.57 feet; thence S 00°00'00" W, 20.36 feet; thence S 89°42'55" W, 50.00 feet; thence N 00°00'00" E, 512.20 feet; thence N 69°30'45" E, 9.61 feet; thence S 00°00'00" W, 367.05 feet; thence 78.45 feet along the arc of a curve to the left having a radius of 36.00 feet, the long chord of which bears S 62°25'30" E, 63.82 feet to a point of compound curve; thence 48.13 feet along the arc of a curve to the left having a radius of 50.00 feet, the long chord of which bears N 27°34'30" E, 46.29 feet; thence N 00°00'00" E, 250.76 feet; thence 153.59 feet along the arc of a curve to the right having a radius of 316.12 feet, the long chord of which bears N 13°55'09" E, 152.09 feet; thence N 69°30'45" E, 210.19 feet to the point of beginning of this description;

Said parcel contains 1.35 acres more or less.

Parcel Identification Number: 22808-1722-70801001B

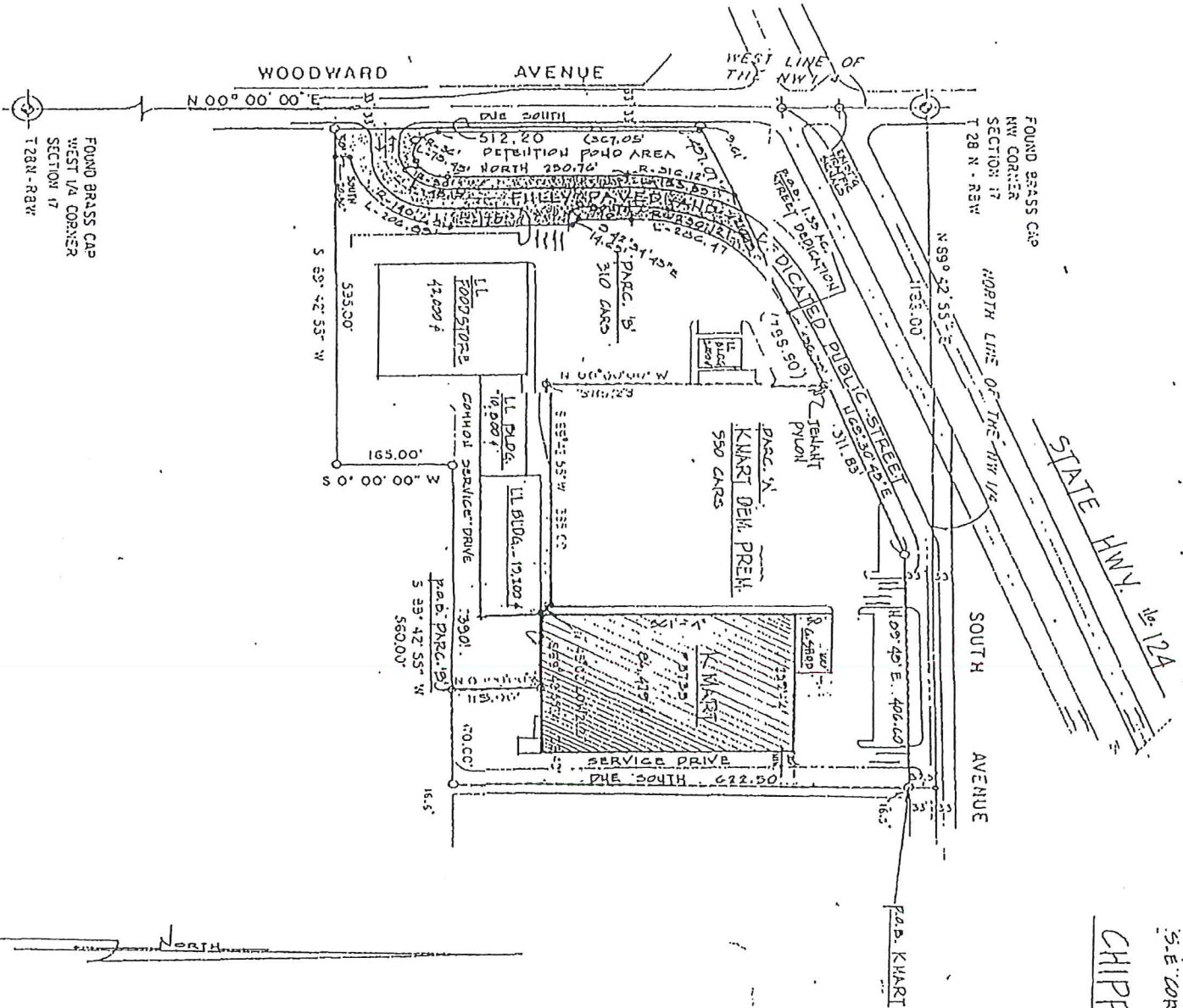
**Legal Description**

(Property retained by WRPI) *Parcel # 4428*

A parcel of land being part of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 17, Township 28 North, Range 8 West, City of Chippewa Falls, Chippewa County, Wisconsin.

Commencing at the Northwest corner of said Section 17; thence N 89°42'55" E. along the North line of the NW  $\frac{1}{4}$  - NW  $\frac{1}{4}$  of said Section 17 a distance of 1188.00 feet; thence S 00°00'00" W. 37.50 feet to the point of beginning; continuing thence S 00°00'00" W 622.50 feet; thence S 89°42'55" W. 170.00 feet; thence N 0°00'00" W. 115.00 feet; thence S 89°42'55" W. 129.40 feet; thence N 45°00'00" W 21.21 feet; thence S 89°42'55" W. 385.00 feet; thence N 0°00'00" W. 385.23 feet; thence N 69°30'45" E. 311.83 feet; thence N 89°48'00" E. 406.60 feet to the point of beginning. Containing 8.10 acres more or less, subject to easements and restrictions of record.

Site Plan.



STORE # 3735  
 S.E. CORNER STATE HIGHWAY # 124 AND  
 WOODWARD AVENUE  
 CHIPPEWA FALLS, WI.

EXHIBIT B

DATE:  
 AUG. 1, 1969

SCALE:  
 100 FT. TO 1 INCH  
 0 50 100 200'

INDEXED \_\_\_\_\_

486705

DECLARATION OF RESTRICTIONS AND EASEMENTS

THIS DECLARATION OF EASEMENT made as of the 23rd day of August, 1989, by CHIPPEWA COMMONS a Michigan Partnership, (sometimes hereinafter referred to as "DECLARANT").

W I T N E S S E T H :

WHEREAS, DECLARANT is the owner of certain parcels of real estate located in the County of Chippewa and in the State of Wisconsin, said parcels being sometimes hereinafter referred to as "K mart Demised Premises" and "Balance of Shopping Center" and more particularly described in Parcel A of Exhibit "A" and Parcel B of Exhibit "A" respectively, attached hereto; the K MART DEMISED PREMISES and BALANCE OF SHOPPING CENTER are sometimes collectively hereinafter referred to as "SHOPPING CENTER."

WHEREAS, DECLARANT intends to improve said SHOPPING CENTER with retail stores and/or other buildings and site improvements in conformance to the Exhibit "B" attached hereto and DECLARANT desires for the benefit of said SHOPPING CENTER to provide, create, reserve and grant certain mutual, non-exclusive easement rights for access, ingress, egress, in, on, over, under and through said property, to provide, create, reserve and grant certain mutual non-exclusive rights to use the parking areas of the SHOPPING CENTER and to provide for the common mutual use, maintenance and repair of certain common facilities on and about said property.

NOW, THEREFORE, in consideration of the foregoing, DECLARANT, for itself, its successors and assigns, does hereby declare as follows:

1.(a) Declarant hereby grants to each and every person, partnership, corporation or other entity now or hereinafter owning or having any interest in all or any portion of the K MART DEMISED PREMISES and the BALANCE OF SHOPPING CENTER, a mutual reciprocal and non-exclusive easement, license, right and privilege, for the installation, maintenance, and connection to all underground utilities including all utility lines, wires, pipes, conduits, sewer and drainage lines, and the rights and privileges of passage and use both pedestrian and vehicular including but not limited to, the parking of vehicles, and for ingress and egress to and from the roadways adjoining the SHOPPING CENTER, in, to, upon, through and over the Common Areas from time-to-time located on the SHOPPING CENTER. Common Areas shall include, but not be limited to the parking areas, service drives, driveways, entrances and exits, pedestrians walks and all other areas within the SHOPPING CENTER intended to be used in common as shown on the plot plan which is Exhibit "B" attached hereto. DECLARANT agrees that any future connections to the existing "underground utility lines", the term "underground utility lines" as used herein shall include by way of reference but not limitation, all wires, pipes, conduits, sewer lines, etc., and located on the K MART DEMISED PREMISES shall be subject to the advanced written approval of the Construction Department of K mart Corporation while K mart Corporation is the Tenant thereof, said consent not to be unreasonably withheld. If any future connections are located on the BALANCE OF SHOPPING CENTER, they shall be subject to the prior written approval of the owner thereof, said consent not to be unreasonably withheld.

Notwithstanding any of the foregoing, however, it is specifically understood and agreed that the easement referred to herein shall not affect nor shall it be over, through or under any building or structure located on any Site. No building may be affected, damaged or destroyed in connection with work on utility easements.

(b) DECLARANT agrees that any costs or expenses incurred by the owner or Tenant of the K MART DEMISED PREMISES or the BALANCE OF SHOPPING CENTER in repairing or maintaining the underground sanitary sewer line (or other underground Lines) shall be paid by the owner or Tenant (if obligated pursuant to a valid existing lease).

(c) The easements, rights, and privileges granted hereby shall be for the benefit of and be restricted solely to the owner or owners and/or Tenants from time-to-time of all or any portion of the property described in Parcel A of Exhibit "A" and Parcel B of Exhibit "A" and such owner or owners shall grant the benefit of such easement, rights, privileges to its tenants now or hereafter occupying a building or portions thereof on the SHOPPING CENTER for the period of such tenancy, and to the customers, employees, and business invitees of said tenants, but the same is not intended and shall not be constructed as creating any rights in and for the benefit of the general public.

(d) The easements, rights, and privileges hereinbefore granted shall be used and enjoyed in such a manner as to cause the least possible interference with the conduct and operations of the business at any time existing on the SHOPPING CENTER.

2. The owner or owners and/or tenants (if obligated to do so pursuant to any lease) of the respective parcels of property comprising the SHOPPING CENTER shall be responsible at their own expense for all costs and expenses of the maintenance of the Common Area located on their respective parcels which shall include but not be limited to all utilities, cleaning, snow removal, repairs and replacements, including resurfacing and restriping, maintenance of lights and light standards, landscaping, and all other functions necessary for the property maintenance, upkeep and operation of such Common Areas.

3. DECLARANT hereby agrees that the Shopping Center will not be used for a purpose other than primarily for retail sales and services, and further, will not be used for skating rinks, bowling alleys, health clubs, movie theatres, theatres, dancing ballrooms or establishments, night clubs, entertainment facilities, family centers (such as, without limitation, video arcades or game centers and pool rooms).

4. The terms, covenants and agreements contained herein shall be binding upon and inure to the benefit of DECLARANT, its successors, assigns, and mortgagees and the owners from time-to-time of the SHOPPING CENTER and shall run with and against the SHOPPING CENTER. Anything to the contrary notwithstanding, DECLARANT, its successors, assigns and mortgagees shall not be personally liable for the performance of the covenants contained in this Agreement, but instead said covenants are made solely for the purpose of binding the fee or leasehold interest owned by DECLARANT in said property.

5. Notwithstanding anything to the contrary herein, this Declaration shall in no way limit K mart Corporation's rights under Article 16, "Alterations and Additional Construction", of the lease between K mart Corporation, as Tenant, and Chippewa Commons, as Landlord, covering Parcel A of Exhibit "A", the K mart Demised Premises.

IN WITNESS WHEREOF, DECLARANT has hereunto set its hand the day and year first above written.

WITNESSES:

Claudia Torres  
Gladys P. Costa  
Gladys P. Costa

CHIPPEWA COMMONS  
BY: Richard Agree

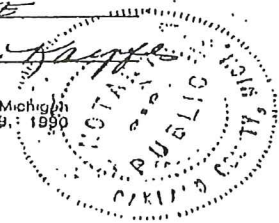
STATE OF MICHIGAN  
COUNTY OF OAKLAND

The foregoing instrument was acknowledged before me, a Notary Public,  
on this 16 day of AUGUST, 1989, by RICHARD AGREE

My commission expires:

Claudia Jane Kayfes

CLAUDIA JANE KAYFES  
Notary Public, Oakland County, Michigan  
My Commission Expires May 8, 1990



CONSENT OF LESSEE

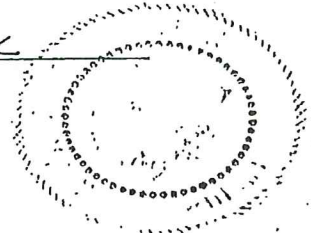
The undersigned Lessee hereby acknowledges the terms, covenants and conditions contained in the foregoing Declaration of Easement and agrees to be bound thereby.

WITNESSES:

K MART CORPORATION  
a Michigan Corporation

C.S. [Signature]  
Marilyn Thomas  
MARILYN THOMAS

By: M.L. Skiles  
M. L. SKILES



STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before my this 23rd day  
of August, 1989, by M. L. Skiles of K MART CORPORATION, a  
Michigan Corporation on behalf of the said Corporation.

My commission expires:

Patricia A. Hewelt

PATRICIA A. HEWELT  
Notary Public, Macomb County, Mich.  
My Commission Expires July, 26 1992  
Acting in Office of Oakland County



Registers Office } ss.  
Chippewa County, WI }  
Received for Record  
the 16 day of Feb  
A.D. 1990 at 9:30 o'clock a. m.  
and recorded in vol. 662  
of Records Page 265-271  
Patricia M. Koppert  
Register

0777q

Loben Abstract & Title Co  
106 W. Grand Ave  
East Lansing, MI 48801  
16 pp.

CHIPPEWA COMMONS  
LEGAL DESCRIPTION

Parcel A (Kmart Parcel) # 4428

A parcel of land being part of the NW 1/4 of the NW 1/4 of section 17, township 28 north, range 8 west, city of Chippewa Falls, Chippewa County, Wisconsin.

Commencing at the northwest corner of said section 17; thence N 89° 42'55" E. Along the north line of the NW 1/4 - NW 1/4 of said section 17 a distance of 1188.00 feet; thence S 00° 00'00" W. 37.50 feet to the point of beginning; continuing thence S 00° 00'00" W 622.50 feet; thence S 89° 42'55" W. 170.00 feet; thence N 0° 00'00" W. 115.00 feet; thence S 89° 42'55" W. 129.40 feet; thence N 45° 00'00" W 21.21 feet; thence S 89° 42'55" W. 385.00 feet; thence N 0° 00'00" W. 385.23 feet; ~~thence N 69° 30'45" E. 311.83 feet; thence N 89° 48'00" E. 406.60 feet to the point of beginning. Containing 8.10 acres more or less, subject to easements and restriction of record.~~

(calculated)  
343.26  
343.21

Thence N. 90°00'00" W. 8.00 feet; Thence N. 0°00'00" E 38.98 feet;  
Thence N. 69°30'45" E. 320.38 feet;

EXHIBIT A

CHIPPEWA COMMONS  
LEGAL DESCRIPTION

Parcel B # 4430

A parcel of land being part of the NW 1/4 of the NW 1/4 of section 17, township 28 north, range 8 west, city of Chippewa Falls, Chippewa County, Wisconsin.

Commencing at the northwest corner of said section 17; thence 89° 42'55" E. Along the north line of the NW 1/4 - NW 1/4 of said section 17 a distance of 1188.00 feet; thence S 00° 00'00" W 660.00 feet thence S 89° 42'55" W. 170.00 feet to the point of beginning; thence N 00° 00'00" W. 115.00 feet; thence S 89° 42'55" W. 129.40 feet; thence N 45° 00'00" W. 21.21 feet; thence S 89° 42'55" W. 385.00 feet; thence N 00° 00'00" W. 385.23 feet; thence S 69° 30'45" E. 487.07 feet; thence S 00° 00'00" E. 512.20 feet; thence S 89° 42'55" W. 595.00 feet; thence N 00° 00'00" W 165.00 feet; thence S 89° 42'55" W. 390.00 feet; to the point of beginning. Except the following parcel dedicated for street right of way described as follows: see attachment B.

Said parcel contains 6.92 acres more or less (after street R.O.W.) subject to easements and restrictions of record.

*Does not exclude Arby's or  
8' strip for "KMart Sign"*

**EXHIBIT A**



ATTACHMENT B.

STREET DEDICATION

That part of the Northwest Quarter of the Northwest Quarter of Section 17, Township 28 North, Range 8 West, Chippewa County, Wisconsin, more fully described as follows:

Commencing at the northwest corner of said Section 17; thence N 89°42'55" E along the north line of said Northwest Quarter, 1188.00 feet; thence S 00°00'00" W, 37.50 feet; thence S 89°48'00" W, 406.60 feet; thence S 69°30'45" W, 456.78 feet to the point of beginning; thence 286.47 feet along the arc of a curve to the left having a radius of 236.12 feet, the long chord of which bears S 34°45'22" W, 269.22 feet; thence S 00°00'00" W, 70.00 feet; thence S 42°54'45" E, 14.69 feet; thence S 00°00'00" W, 170.00 feet; thence 206.89 feet along the arc of a curve to the right having a radius of 140.00 feet, the long chord of which bears S 42°20'10" W, 188.57 feet; thence S 00°00'00" W, 20.36 feet; thence S 89°42'55" W, 50.00 feet; thence N 00°00'00" E, 512.20 feet; thence N 69°30'45" E, 9.61 feet; thence S 00°00'00" W, 367.05 feet; thence 78.45 feet along the arc of a curve to the left having a radius of 36.00 feet, the long chord of which bears S 62°25'30" E, 63.82 feet to a point of compound curve; thence 48.13 feet along the arc of a curve to the left having a radius of 50.00 feet, the long chord of which bears N 27°34'30" E, 46.29 feet; thence N 00°00'00" E, 250.76 feet; thence 153.59 feet along the arc of a curve to the right having a radius of 316.12 feet, the long chord of which bears N 13°55'09" E, 152.09 feet; thence N 69°30'45" E, 210.19 feet to the point of beginning of this description.

Said parcel contains 1.35 acres more or less.

**EXHIBIT A**

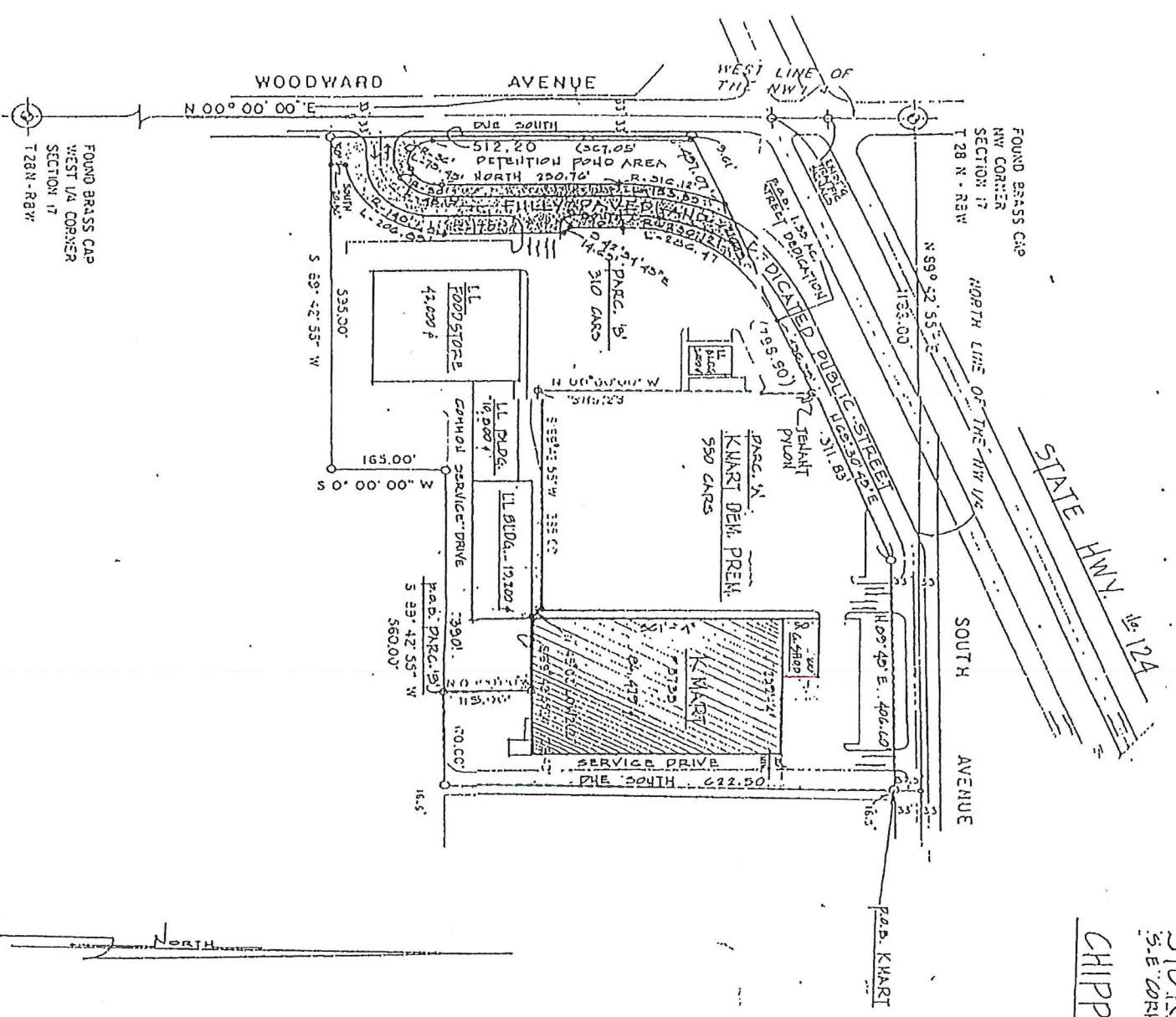
STORE # 3735  
 S.E. CORNER STATE HIGHWAY # 124 AND  
 WOODWARD AVENUE  
 CHIPPEWA FALLS, WI.

EXHIBIT B

DATE:  
 AUG. 1, 1959

SCALE:  
 100 FT. TO 1 INCH

0 50 100 200'



FOUND BRASS CAP  
 WEST 1/4 CORNER  
 SECTION 17  
 T28N-R4W

FOUND BRASS CAP  
 NW CORNER  
 SECTION 17  
 T 28 N - R4W

NORTH

Date Filed: Oct. 17, 2016

Fee Paid: \$25.00 Date: Oct. 17 2016 TR#: 50538

Fee Paid: \_\_\_\_\_ Date: \_\_\_\_\_ TR#: \_\_\_\_\_

**PETITION FOR A CONDITIONAL USE PERMIT**

TO THE CITY OF CHIPPEWA FALLS, WISCONSIN:

I/We, the undersigned, hereby petition the Plan Commission of the City of Chippewa Falls, WI, for a Conditional Use Permit as authorized by the Chippewa Falls Zoning Code, Section 17.46, for the following described property:

Address of Property: 409 E. Prairie View Road, Chippewa Falls, WI 54729

Lot#: \_\_\_\_\_ Block#: \_\_\_\_\_ Subdivision: \_\_\_\_\_ Parcel# 4428

Legal Description: Please see the attached for the legal description of this Property and the Adjacent Property.

Zoning classification of property: General Commercial District

Purpose for which this Permit is being requested: Establishment of a Planned Development for this Property and the Adjacent Property to allow for separate ownership of the two parcels with a zero setback from the lot line on the Southwestern-most corner of this Property.

Existing use of property within 300 feet of subject property: (List or attach map)

To the North, Highway 124, a nursing home, and Walgreens; To the East, commercial property consisting of a retail eyecare business and school bus/coach bush business; To the South, multiple-family residence; To the West, commercial properties consisting of a strip mall and grocery store, and across Woodward Avenue, a McDonald's and Kwik Trip.

Recite any facts indicating that the proposed use will not be detrimental to the general public's interest, the purposes of this Chapter and the general area in which it is located:

The building on this Property was constructed in approximately 1989 and until 2014 when it was closed, a Kmart store. Since under new ownership, a portion of the building on this Property is used to store Permium Waters' bottled water and other commercial tenants are being explored. The building has not changed in its footprint or use since construction. This Property had been commonly owned with the neighboring property and the owner of this Property is selling the neighboring property to a third-party while retaining ownership of this Property.

Operational plans of the proposed use:

Hours of Operation: Same as currently exist subject to future commercial tenant hours.

Days of Operation: \_\_\_\_\_

Number of Employees: \_\_\_\_\_

Part-time

Full-time

Capacity:

Number of Units: Same as currently exist. No changes proposed as a part of this request.

Size: \_\_\_\_\_

Number of Residents/Children: \_\_\_\_\_

Ages: \_\_\_\_\_

Other: \_\_\_\_\_

Building plans:

Existing buildings: Same as currently exist. No changes proposed as a part of this request.

Proposed buildings: \_\_\_\_\_

Use of part of building: \_\_\_\_\_

Proposed additions: \_\_\_\_\_

Future additions: \_\_\_\_\_

---

Change in use: \_\_\_\_\_

Outside appearance: \_\_\_\_\_

Number of buildings: \_\_\_\_\_

Planting & Landscaping:

Type: Same as currently exists. No changes proposed with this request.

Timetable: \_\_\_\_\_

Screening:

Type: Same as currently exists. No changes proposed with this request.

Fences: \_\_\_\_\_

Type: \_\_\_\_\_

Height: \_\_\_\_\_

Location: \_\_\_\_\_

Earth Bank:

Planting: Same as currently exists. No changes proposed with this request.

Maintenance: \_\_\_\_\_

Other: \_\_\_\_\_

Lights:

Number of lights: Same as currently exists. No changes proposed with this request.

\_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_

Hours: \_\_\_\_\_

\_\_\_\_\_

Type: \_\_\_\_\_

\_\_\_\_\_

Signs:

Type: Same as currently exists. No changes proposed with this request.

Lighted: \_\_\_\_\_

Size: \_\_\_\_\_

Location: \_\_\_\_\_

\_\_\_\_\_

Setbacks: \_\_\_\_\_

Drives:

Number of: Same as currently exists. No changes proposed with this request.

Location: \_\_\_\_\_

\_\_\_\_\_

Width: \_\_\_\_\_

Parking:

Number of stalls: Same as currently exists. No changes proposed with this request.

Location of stalls: \_\_\_\_\_

\_\_\_\_\_

Setbacks: \_\_\_\_\_

Surfacing: \_\_\_\_\_

Screening: \_\_\_\_\_

Drainage:

Storm sewer: Same as currently exists. No changes proposed with this request.

Rock beds: \_\_\_\_\_

Detention pond: \_\_\_\_\_

Retention pond: \_\_\_\_\_

**Submit site plan showing property line, buildings and other structures.**

List any additional information being submitted with this permit application: \_\_\_\_\_

Attached please find a copy of the Declaration of Restrictions and Easements which has existed against this Property and the Adjacent Property since August 23, 1989. Such document address common area use, parking, maintenance, and the like.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**IN ORDER FOR THIS PETITION TO BE CONSIDERED, THE OWNER(S) OF THE PROPERTY MUST SIGN BELOW:**

Owner(s)/Address(es):

Wisconsin Real Property Investments, LLC  
2423 Rivers Edge Drive, #1  
Altoona, WI 54720  
Phone #: 715-723-8591  
Email: [hhunt@wileylaw.com](mailto:hhunt@wileylaw.com)

*David A. Hunt*

\_\_\_\_\_  
\_\_\_\_\_

Phone #: \_\_\_\_\_  
Email: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Phone #: \_\_\_\_\_  
Email: \_\_\_\_\_

Petitioner(s)/Address(es):

Wisconsin Real Property Investments, LLC  
2423 Rivers Edge Drive, #1  
Altoona, WI 54720  
Phone #: 715-723-8591  
Email: [hhunt@wileylaw.com](mailto:hhunt@wileylaw.com)

*David A. Hunt*

\_\_\_\_\_  
\_\_\_\_\_

Phone #: \_\_\_\_\_  
Email: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Phone #: \_\_\_\_\_  
Email: \_\_\_\_\_

**Legal Description**  
(Property retained by WRPI) *Parcel # 4428*

A parcel of land being part of the NW  $\frac{1}{4}$  of the NW  $\frac{1}{4}$  of Section 17, Township 28 North, Range 8 West, City of Chippewa Falls, Chippewa County, Wisconsin.

Commencing at the Northwest corner of said Section 17; thence N 89°42'55" E. along the North line of the NW  $\frac{1}{4}$  - NW  $\frac{1}{4}$  of said Section 17 a distance of 1188.00 feet; thence S 00°00'00" W. 37.50 feet to the point of beginning; continuing thence S 00°00'00" W 622.50 feet; thence S 89°42'55" W. 170.00 feet; thence N 0°00'00" W. 115.00 feet; thence S 89°42'55" W. 129.40 feet; thence N 45°00'00" W 21.21 feet; thence S 89°42'55" W. 385.00 feet; thence N 0°00'00" W. 385.23 feet; thence N 69°30'45" E. 311.83 feet; thence N 89°48'00" E. 406.60 feet to the point of beginning. Containing 8.10 acres more or less, subject to easements and restrictions of record.



**Legal Description**

(Property being sold by WRPI) Parcel #4430

Outlot 1 of Certified Survey Map #801 as recorded in Volume 2 of Certified Survey Maps on Page 280 as Document #479180; being a part of the NW ¼ of the NW ¼ of Section 17, Township 28 North, Range 8 West, City of Chippewa Falls, Chippewa County, Wisconsin;

AND

A parcel of land being part of the NW ¼ of the NW ¼ of Section 17, Township 28 North, Range 8 West, City of Chippewa Falls, Chippewa County, Wisconsin, described as follows: Commencing at the northwest corner of said Section 17; thence 89°42'55" East along the north line of the NW ¼ - NW ¼ of said Section 17 a distance of 1188.00 feet; thence South 00°00'00" West 660.00 feet thence South 89°42'55" West 170.00 feet to the point of beginning; thence N 00°00'00" West 115.00 feet; thence South 89°42'55" West 129.40 feet; thence North 45°00'00" West 21.21 feet; thence South 89°42'55" West 385.00 feet; thence North 00°00'00" West 385.23 feet; thence South 69°30'45" East 487.07 feet; thence South 00°00'00" East 512.20 feet; thence South 89°42'55" West 595.00 feet; thence North 00°00'00" West 165.00 feet; thence South 89°42'55" West 390.00 feet to the point of beginning, except for the parcel dedicated for street right of way described below as the Right of Way, said parcel contains 6.92 acres more or less (after Right of Way) subject to easements and restrictions of record.

"The Right of Way" is described as follows: That part of the Northwest Quarter of the Northwest Quarter of Section 17, Township 28 North, Range 8 West, Chippewa County, Wisconsin, more fully described as follows:

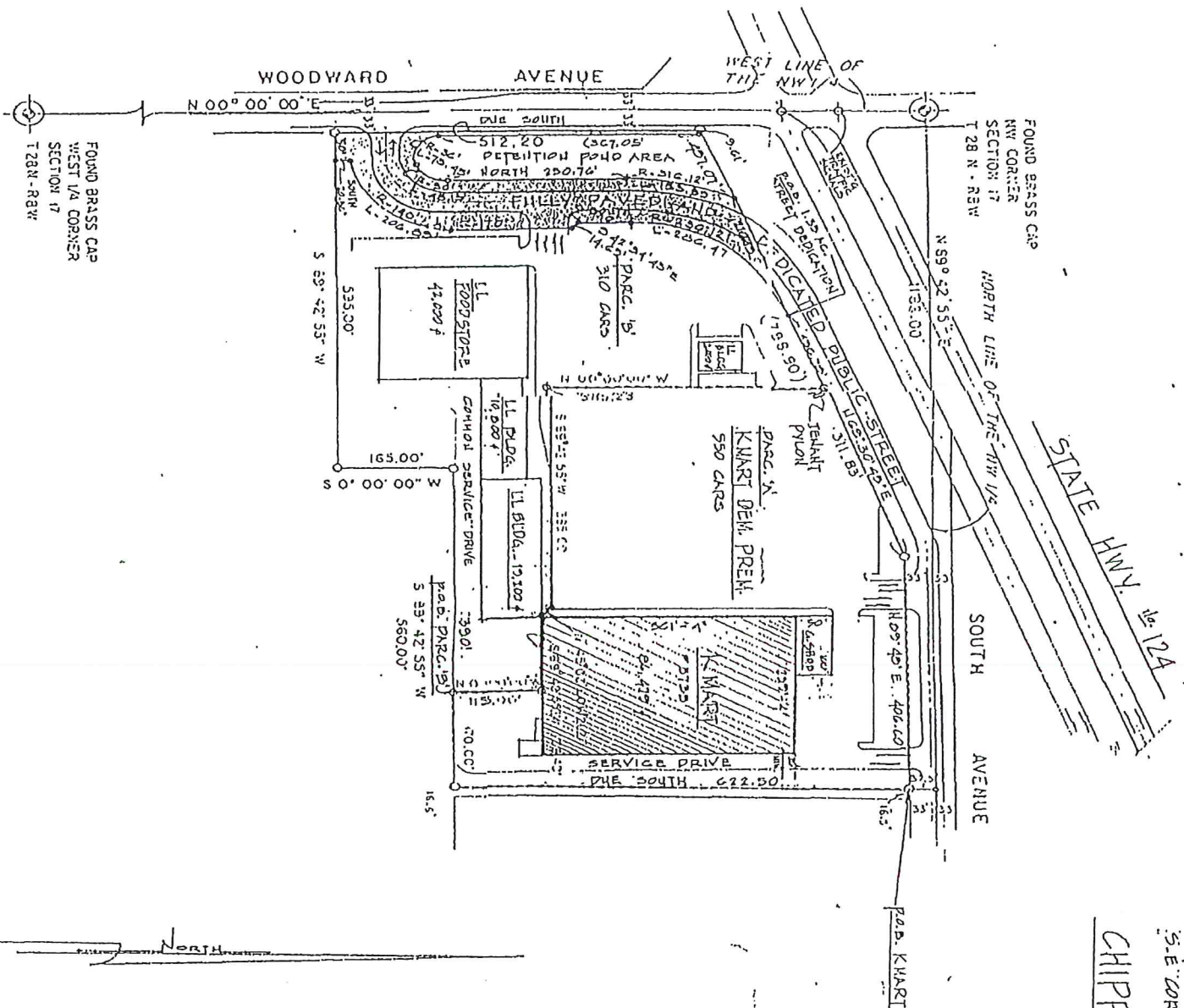
Commencing at the Northwest corner of said Section 17; thence N 89°42'55" E along the North line of said Northwest Quarter, 1188.00 feet; thence S 00°00'00" W, 37.50 feet; thence S 89°48'00" W, 406.60 feet; thence S 69°30'45" W, 456.78 feet to the point of beginning; thence 286.47 feet along the arc of a curve to the left having a radius of 236.12 feet, the long chord of which bears S 34°45'22" W, 269.22 feet; thence S 00°00'00" W, 70.00 feet; thence S 42°54'45" E, 14.69 feet; thence S 00°00'00" W, 170.00 feet; thence 206.89 feet along the arc of a curve to the right having a radius of 140.00 feet, the long chord of which bears S 42°20'10" W, 188.57 feet; thence S 00°00'00" W, 20.36 feet; thence S 89°42'55" W, 50.00 feet; thence N 00°00'00" E, 512.20 feet; thence N 69°30'45" E, 9.61 feet; thence S 00°00'00" W, 367.05 feet; thence 78.45 feet along the arc of a curve to the left having a radius of 36.00 feet, the long chord of which bears S 62°25'30" E, 63.82 feet to a point of compound curve; thence 48.13 feet along the arc of a curve to the left having a radius of 50.00 feet, the long chord of which bears N 27°34'30" E, 46.29 feet; thence N 00°00'00" E, 250.76 feet; thence 153.59 feet along the arc of a curve to the right having a radius of 316.12 feet, the long chord of which bears N 13°55'09" E, 152.09 feet; thence N 69°30'45" E, 210.19 feet to the point of beginning of this description;

Said parcel contains 1.35 acres more or less.

Parcel Identification Number: 22808-1722-70801001B

'' Arby's { K Mart Sign ''

Site Plan



STORE # 3735  
S.E. CORNER STATE HIGHWAY # 124 AND  
WOODWARD AVENUE  
CHIPPEWA FALLS, WI.

EXHIBIT 'B'

DATE: AUG. 1, 1989

SCALE:  
100 FT. TO 1 INCH  
0 50 100 200'

INDEXED

486705

DECLARATION OF RESTRICTIONS AND EASEMENTS

THIS DECLARATION OF EASEMENT made as of the 23rd day of August 1989, by CHIPPEWA COMMONS a Michigan Partnership, (sometimes hereinafter referred to as "DECLARANT").

W I T N E S S E T H :

WHEREAS, DECLARANT is the owner of certain parcels of real estate located in the County of Chippewa and in the State of Wisconsin, said parcels being sometimes hereinafter referred to as "K mart Demised Premises" and "Balance of Shopping Center" and more particularly described in Parcel A of Exhibit "A" and Parcel B of Exhibit "A" respectively, attached hereto; the K MART DEMISED PREMISES and BALANCE OF SHOPPING CENTER are sometimes collectively hereinafter referred to as "SHOPPING CENTER."

WHEREAS, DECLARANT intends to improve said SHOPPING CENTER with retail stores and/or other buildings and site improvements in conformance to the Exhibit "B" attached hereto and DECLARANT desires for the benefit of said SHOPPING CENTER to provide, create, reserve and grant certain mutual, non-exclusive easement rights for access, ingress, egress, in, on, over, under and through said property, to provide, create, reserve and grant certain mutual non-exclusive rights to use the parking areas of the SHOPPING CENTER and to provide for the common mutual use, maintenance and repair of certain common facilities on and about said property.

NOW, THEREFORE, in consideration of the foregoing, DECLARANT, for itself, its successors and assigns, does hereby declare as follows:

1.(a) Declarant hereby grants to each and every person, partnership, corporation or other entity now or hereinafter owning or having any interest in all or any portion of the K MART DEMISED PREMISES and the BALANCE OF SHOPPING CENTER, a mutual reciprocal and non-exclusive easement, license, right and privilege, for the installation, maintenance, and connection to all underground utilities including all utility lines, wires, pipes, conduits, sewer and drainage lines, and the rights and privileges of passage and use both pedestrian and vehicular including but not limited to, the parking of vehicles, and for ingress and egress to and from the roadways adjoining the SHOPPING CENTER, in, to, upon, through and over the Common Areas from time-to-time located on the SHOPPING CENTER. Common Areas shall include, but not be limited to the parking areas, service drives, driveways, entrances and exits, pedestrians walks and all other areas within the SHOPPING CENTER intended to be used in common as shown on the plot plan which is Exhibit "B" attached hereto. DECLARANT agrees that any future connections to the existing "underground utility lines", the term "underground utility lines" as used herein shall include by way of reference but not limitation, all wires, pipes, conduits, sewer lines, etc., and located on the K MART DEMISED PREMISES shall be subject to the advanced written approval of the Construction Department of K mart Corporation while K mart Corporation is the Tenant thereof, said consent not to be unreasonably withheld. If any future connections are located on the BALANCE OF SHOPPING CENTER, they shall be subject to the prior written approval of the owner thereof, said consent not to be unreasonably withheld.

Notwithstanding any of the foregoing, however, it is specifically understood and agreed that the easement referred to herein shall not affect nor shall it be over, through or under any building or structure located on any Site. No building may be affected, damaged or destroyed in connection with work on utility easements.

(b) DECLARANT agrees that any costs or expenses incurred by the owner or Tenant of the K MART DEMISED PREMISES or the BALANCE OF SHOPPING CENTER in repairing or maintaining the underground sanitary sewer line (or other underground Lines) shall be paid by the owner or Tenant (if obligated pursuant to a valid existing lease).

(c) The easements, rights, and privileges granted hereby shall be for the benefit of and be restricted solely to the owner or owners and/or Tenants from time-to-time of all or any portion of the property described in Parcel A of Exhibit "A" and Parcel B of Exhibit "A" and such owner or owners shall grant the benefit of such easement, rights, privileges to its tenants now or hereafter occupying a building or portions thereof on the SHOPPING CENTER for the period of such tenancy, and to the customers, employees, and business invitees of said tenants, but the same is not intended and shall not be construed as creating any rights in and for the benefit of the general public.

(d) The easements, rights, and privileges hereinbefore granted shall be used and enjoyed in such a manner as to cause the least possible interference with the conduct and operations of the business at any time existing on the SHOPPING CENTER.

2. The owner or owners and/or tenants (if obligated to do so pursuant to any lease) of the respective parcels of property comprising the SHOPPING CENTER shall be responsible at their own expense for all costs and expenses of the maintenance of the Common Area located on their respective parcels which shall include but not be limited to all utilities, cleaning, snow removal, repairs and replacements, including resurfacing and restriping, maintenance of lights and light standards, landscaping, and all other functions necessary for the property maintenance, upkeep and operation of such Common Areas.

3. DECLARANT hereby agrees that the Shopping Center will not be used for a purpose other than primarily for retail sales and services, and further, will not be used for skating rinks, bowling alleys, health clubs, movie theatres, theatres, dancing ballrooms or establishments, night clubs, entertainment facilities, family centers (such as, without limitation, video arcades or game centers and pool rooms).

4. The terms, covenants and agreements contained herein shall be binding upon and inure to the benefit of DECLARANT, its successors, assigns, and mortgagees and the owners from time-to-time of the SHOPPING CENTER and shall run with and against the SHOPPING CENTER. Anything to the contrary notwithstanding, DECLARANT, its successors, assigns and mortgagees shall not be personally liable for the performance of the covenants contained in this Agreement, but instead said covenants are made solely for the purpose of binding the fee or leasehold interest owned by DECLARANT in said property.

5. Notwithstanding anything to the contrary herein, this Declaration shall in no way limit K mart Corporation's rights under Article 16, "Alterations and Additional Construction", of the lease between K mart Corporation, as Tenant, and Chippewa Commons, as Landlord, covering Parcel A of Exhibit "A", the K mart Demised Premises.

IN WITNESS WHEREOF, DECLARANT has hereunto set its hand the day and year first above written.

WITNESSES:

*Claudia Reyes*  
*Claudia Reyes*  
*Ernesto P. Costa*  
*Ernesto P. Costa*

CHIPPEWA COMMONS

BY:

*Richard Agree*  
*Richard Agree*

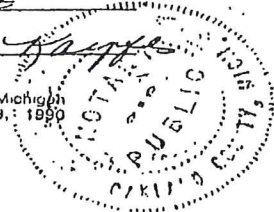
STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before me, a Notary Public,  
on this 16 day of AUGUST, 1989, by RICHARD AGREE

My commission expires:

Claudia Jane Kayfes

CLAUDIA JANE KAYFES  
Notary Public, Oakland County, Michigan  
My Commission Expires May 9, 1990



CONSENT OF LESSEE

The undersigned Lessee hereby acknowledges the terms, covenants and  
conditions contained in the foregoing Declaration of Easement and agrees to be  
bound thereby.

WITNESSES:

K MART CORPORATION  
a Michigan Corporation

C.S. Lotz  
C.S. Lotz  
Marilyn Thomas  
MARILYN THOMAS

By: M.L. Skiles  
M. L. SKILES



STATE OF MICHIGAN )  
COUNTY OF OAKLAND )

The foregoing instrument was acknowledged before my this 23rd  
of August, 1989, by M. L. Skiles of K MART CORPORATION, a  
Michigan Corporation on behalf of the said Corporation.

My commission expires:

Patricia A. Hewelt

PATRICIA A. HEWELT  
Notary Public, Macomb County, Mich.  
My Commission Expires July, 26 1992  
Acting in Office of County,



Registers Office } ss.  
Chippewa County, WI

Received for Record  
the 16 day of Feb  
A.D. 1990 at 9:30 o'clock A. m.  
and recorded in vol. 662  
of Records Page 265-271  
Christine M. Keycraft  
Registrar

0777q

Loken Abstract & Title Co  
106 W. Grand Ave  
East Lansing, MI 48801  
16 00 pd.

CHIPPEWA COMMONS  
LEGAL DESCRIPTION

Parcel A (Kmart Parcel) *Parcel # 4428*

A parcel of land being part of the NW 1/4 of the NW 1/4 of section 17, township 28 north, range 8 west, city of Chippewa Falls, Chippewa County, Wisconsin.

Commencing at the northwest corner of said section 17; thence N 89° 42'55" E. Along the north line of the NW 1/4 - NW 1/4 of said section 17 a distance of 1188.00 feet; thence S 00° 00'00" W. 37.50 feet to the point of beginning; continuing thence S 00° 00'00" W 622.50 feet; thence S 89° 42'55" W. 170.00 feet; thence N 0° 00'00" W. 115.00 feet; thence S 89° 42'55" W. 129.40 feet; thence N 45° 00'00" W 21.21 feet; thence S 89° 42'55" W. 385.00 feet; thence N 0° 00'00" W. 385.23 feet; thence N 69° 30'45" E. 311.83 feet; thence N 89° 48'00" E. 406.60 feet to the point of beginning. Containing 8.10 acres more or less, subject to easements and restriction of record.

*Sec 303 Packet*

**EXHIBIT A**

CHIPPEWA COMMONS  
LEGAL DESCRIPTION

Parcel B : *Parcel # 4430*

A parcel of land being part of the NW 1/4 of the NW 1/4 of section 17, township 28 north, range 8 west, city of Chippewa Falls, Chippewa County, Wisconsin.

Commencing at the northwest corner of said section 17; thence 89° 42'55" E. Along the north line of the NW 1/4 - NW 1/4 of said section 17 a distance of 1188.00 feet; thence S 00° 00'00" W 660.00 feet thence S 89° 42'55" W. 170.00 feet to the point of beginning; thence N 00° 00'00" W. 115.00 feet; thence S 89°42'55" W. 129.40 feet; thence N 45° 00'00" W. 21.21 feet; thence S 89° 42'55" W. 385.00 feet; thence N 00° 00'00" W. 385.23 feet; thence S 69° 30'45" E. 487.07 feet; thence S 00° 00'00" E. 512.20 feet; thence S 89° 42'55" W 595.00 feet; thence N 00° 00'00" W 165.00 feet; thence S 89° 42'55" W. 390.00 feet; to the point of beginning. Except the following parcel dedicated for street right of way described as follows: see attachment B.

Said parcel contains 6.92 acres more or less (after street R.O.W.) subject to easements and restrictions of record.

*See 303 packet*

**EXHIBIT A**

ATTACHMENT B.

STREET DEDICATION

That part of the Northwest Quarter of the Northwest Quarter of Section 17, Township 28 North, Range 8 West, Chippewa County, Wisconsin, more fully described as follows:

Commencing at the northwest corner of said Section 17; thence N 89°42'55" E along the north line of said Northwest Quarter, 1188.00 feet; thence S 00°00'00" W, 37.50 feet; thence S 89°48'00" W, 406.60 feet; thence S 69°30'45" W, 456.78 feet to the point of beginning; thence 286.47 feet along the arc of a curve to the left having a radius of 236.12 feet, the long chord of which bears S 34°45'22" W, 269.22 feet; thence S 00°00'00" W, 70.00 feet; thence S 42°54'45" E, 14.69 feet; thence S 00°00'00" W, 170.00 feet; thence 206.89 feet along the arc of a curve to the right having a radius of 140.00 feet, the long chord of which bears S 42°20'10" W, 188.57 feet; thence S 00°00'00" W, 20.36 feet; thence S 89°42'55" W, 50.00 feet; thence N 00°00'00" E, 512.20 feet; thence N 69°30'45" E, 9.61 feet; thence S 00°00'00" W, 367.05 feet; thence 78.45 feet along the arc of a curve to the left having a radius of 36.00 feet, the long chord of which bears S 62°25'30" E, 63.82 feet to a point of compound curve; thence 48.13 feet along the arc of a curve to the left having a radius of 50.00 feet, the long chord of which bears N 27°34'30" E, 46.29 feet; thence N 00°00'00" E, 250.76 feet; thence 153.59 feet along the arc of a curve to the right having a radius of 316.12 feet, the long chord of which bears N 13°55'09" E, 152.09 feet; thence N 69°30'45" E, 210.19 feet to the point of beginning of this description.

Said parcel contains 1.35 acres more or less.

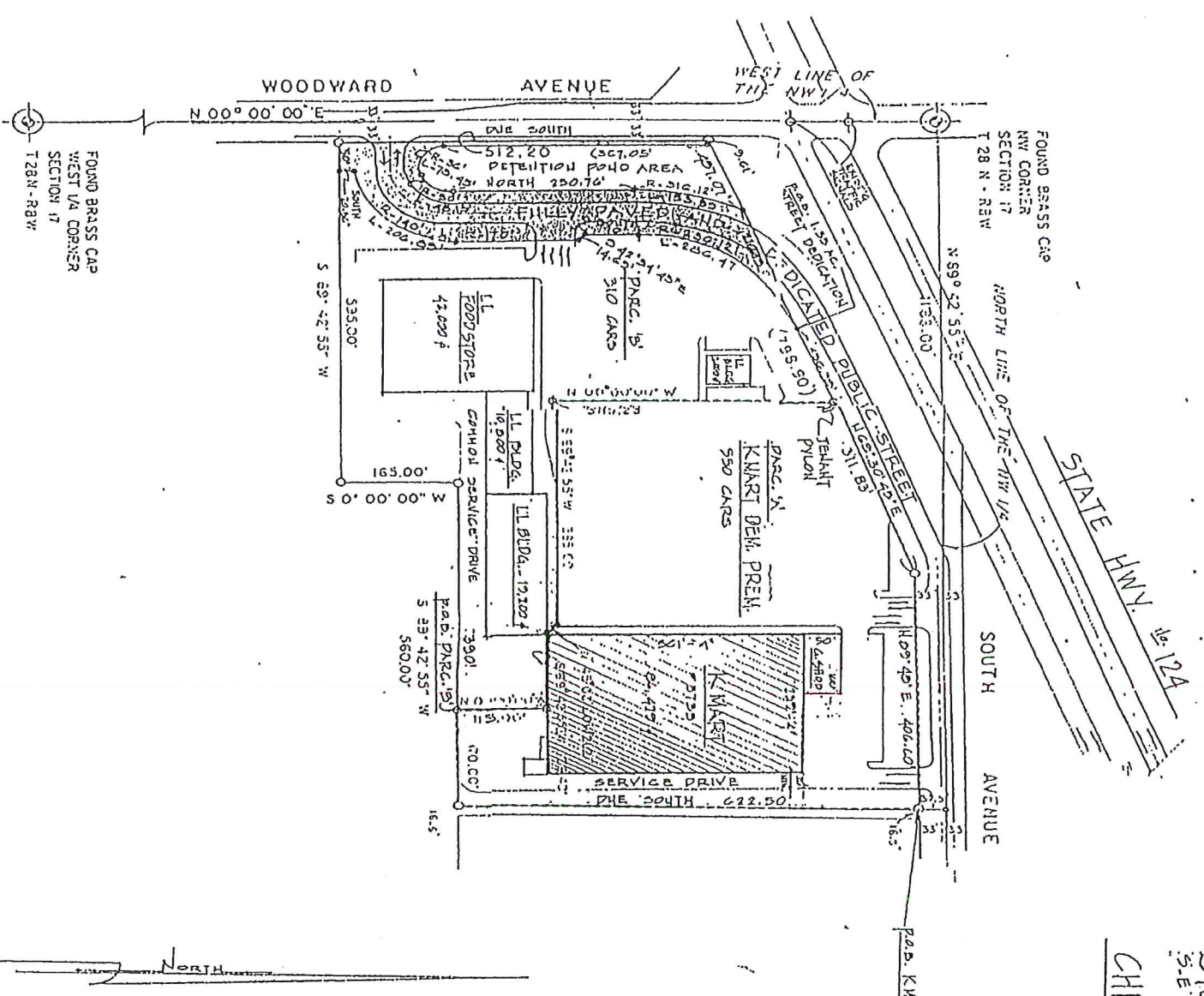
**EXHIBIT A**



STORE # 3735  
 S.E. CORNER STATE HIGHWAY # 124  
 WOODWARD AVENUE  
 CHIPPEWA FALLS, WI.

EXHIBIT B  
 DATE: AUG. 1, 1958

SCALE:  
 100 FT. TO 1 INCH  
 0 50 100 200'



CHIPPEWA CO. CERTIFIED SURVEY  
MAP NO. \_\_\_\_\_

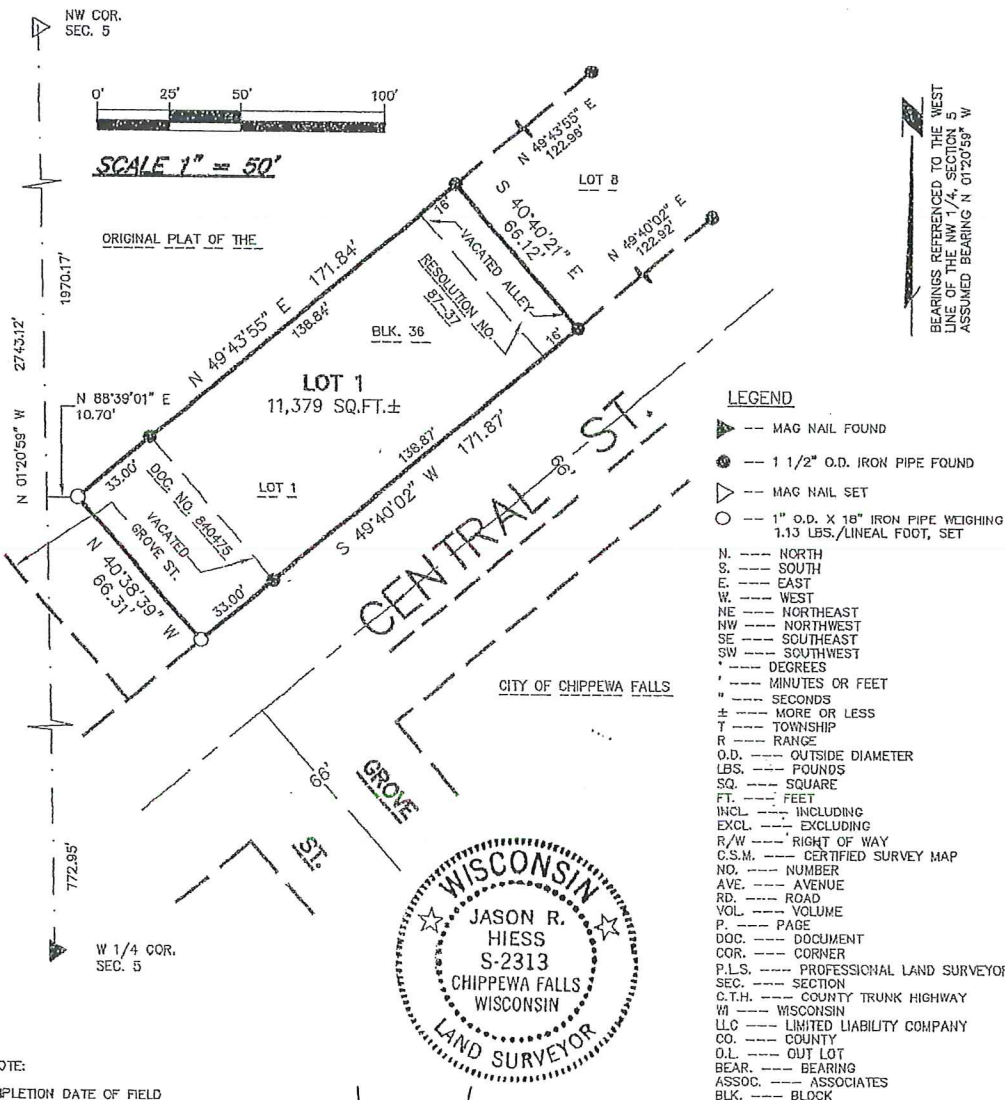
RECORDED IN VOL. \_\_\_\_\_ OF THE  
CERTIFIED SURVEY MAPS PAGE \_\_\_\_\_

REGISTER

LOCATED IN THE SW 1/4 OF THE NW 1/4,  
SECTION 5, T28N, R8W,  
CITY OF CHIPPEWA FALLS, CHIPPEWA CO. WI

BEING LOT 1, BLK. 36 OF THE ORIGINAL PLAT OF  
CHIPPEWA FALLS, RECORDED IN VOL. 1 P.5  
OF PLATS AS DOC. NO. 001005 AND INCLUDING  
PART OF THE VACATED ALLEY IN BLK 36.  
AND PART OF VACATED GROVE ST.

CAD NAME: LORENTZ161



*Jason R. Hiess*  
JASON R. HIESS, P.L.S.  
DATED THIS 6<sup>th</sup> DAY OF October, 2016.

\*\*NOTE:  
COMPLETION DATE OF FIELD  
WORK-- 09-27-16  
TIES VERIFIED FOR THE SECTION  
CORNERS SHOWN

SURVEYING SERVICES BY:  
HIESS-LOKEN & ASSOC., LLC  
PROFESSIONAL LAND SURVEYING  
4905 C.T.H. 'J'  
CHIPPEWA FALLS, WI 54729  
(715)-720-4000 PHONE/FAX

DATE APPROVED \_\_\_\_\_  
CHIPPEWA COUNTY ZONING AGENCY  
BY \_\_\_\_\_

CHIPPEWA CO. CERTIFIED SURVEY  
MAP NO. \_\_\_\_\_

RECORDED IN VOL. \_\_\_\_\_ OF THE  
CERTIFIED SURVEY MAPS PAGE \_\_\_\_\_

REGISTER

SURVEYOR'S CERTIFICATE

I, JASON R. HIESS, PROFESSIONAL LAND SURVEYOR, HEREBY CERTIFY THAT BY THE DIRECTION OF TIM AND LORI LORENTZ, I HAVE SURVEYED, DIVIDED AND MAPPED THE LAND PARCEL WHICH IS REPRESENTED BY THIS CERTIFIED SURVEY MAP.

THAT THE EXTERIOR BOUNDARY OF THE LAND SURVEYED AND MAPPED IS AS FOLLOWS: A PARCEL OF LAND LOCATED IN THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4, SECTION 5, TOWNSHIP 28 NORTH, RANGE 8 WEST, CITY OF CHIPPEWA FALLS, CHIPPEWA COUNTY, WISCONSIN. BEING LOT 1, BLOCK 36 OF THE ORIGINAL PLAT OF CHIPPEWA FALLS, RECORDED IN VOLUME 1 OF PLATS, PAGE 5 AS DOCUMENT NUMBER 001005 AND INCLUDING PART OF THE VACATED ALLEY IN BLOCK 36 AND PART OF VACATED GROVE STREET. BEING FURTHER DESCRIBED AS FOLLOWS: COMMENCING AT THE WEST 1/4 CORNER OF SAID SECTION 5; THENCE N.01°20'59"W. ALONG THE WEST LINE OF THE NORTHWEST 1/4 OF SAID SECTION 5, 772.95 FEET; THENCE N.88°39'01"E. 10.70 FEET TO A POINT ON THE CENTERLINE OF VACATED GROVE STREET AND THE POINT OF BEGINNING; THENCE N.49°43'55"E. ALONG AND ALONG AN EASTERLY EXTENSION OF THE NORTH LINE OF SAID LOT 1, 171.84 FEET TO THE NORTHWEST CORNER OF LOT 8, BLOCK 36 OF SAID ORIGINAL PLAT OF THE CITY OF CHIPPEWA FALLS; THENCE S.40°40'21"E. ALONG THE WEST LINE OF SAID LOT 8, 66.12 FEET; THENCE S.49°40'02"W. ALONG AND ALONG A WESTERLY EXTENSION OF THE SOUTH LINE OF SAID LOT 1, 171.87 FEET TO THE CENTER LINE OF SAID VACATED GROVE STREET; THENCE N.40°38'39"W. ALONG SAID CENTERLINE, 66.31 FEET TO THE POINT OF BEGINNING. BEING SUBJECT TO EXISTING EASEMENTS.

THAT SUCH MAP IS A CORRECT REPRESENTATION OF ALL EXTERIOR BOUNDARIES OF THE LAND SURVEYED AND MAPPED.

THAT I HAVE FULLY COMPLIED WITH THE PROVISIONS OF CHAPTER 236.34 OF THE WISCONSIN STATUTES, AE-7 OF THE WISCONSIN ADMINISTRATIVE CODE AND THE SUBDIVISION CODE OF THE CITY OF CHIPPEWA FALLS.

Jason R. Hiess  
JASON R. HIESS, P.L.S.

DATED THIS 6<sup>th</sup> DAY OF October, 2016.



COMMON COUNCIL RESOLUTION

RESOLVED THAT THIS CERTIFIED SURVEY MAP, LOCATED IN THE CITY OF CHIPPEWA FALLS IS HEREBY APPROVED BY THE COMMON COUNCIL OF THE CITY OF CHIPPEWA FALLS, WISCONSIN.

APPROVED: \_\_\_\_\_ SIGNED: \_\_\_\_\_  
GREG HOFFMAN, MAYOR DATE

I HEREBY CERTIFY THAT THE FOREGOING IS A COPY OF A RESOLUTION ADOPTED BY THE COMMON COUNCIL OF THE CITY OF CHIPPEWA FALLS.

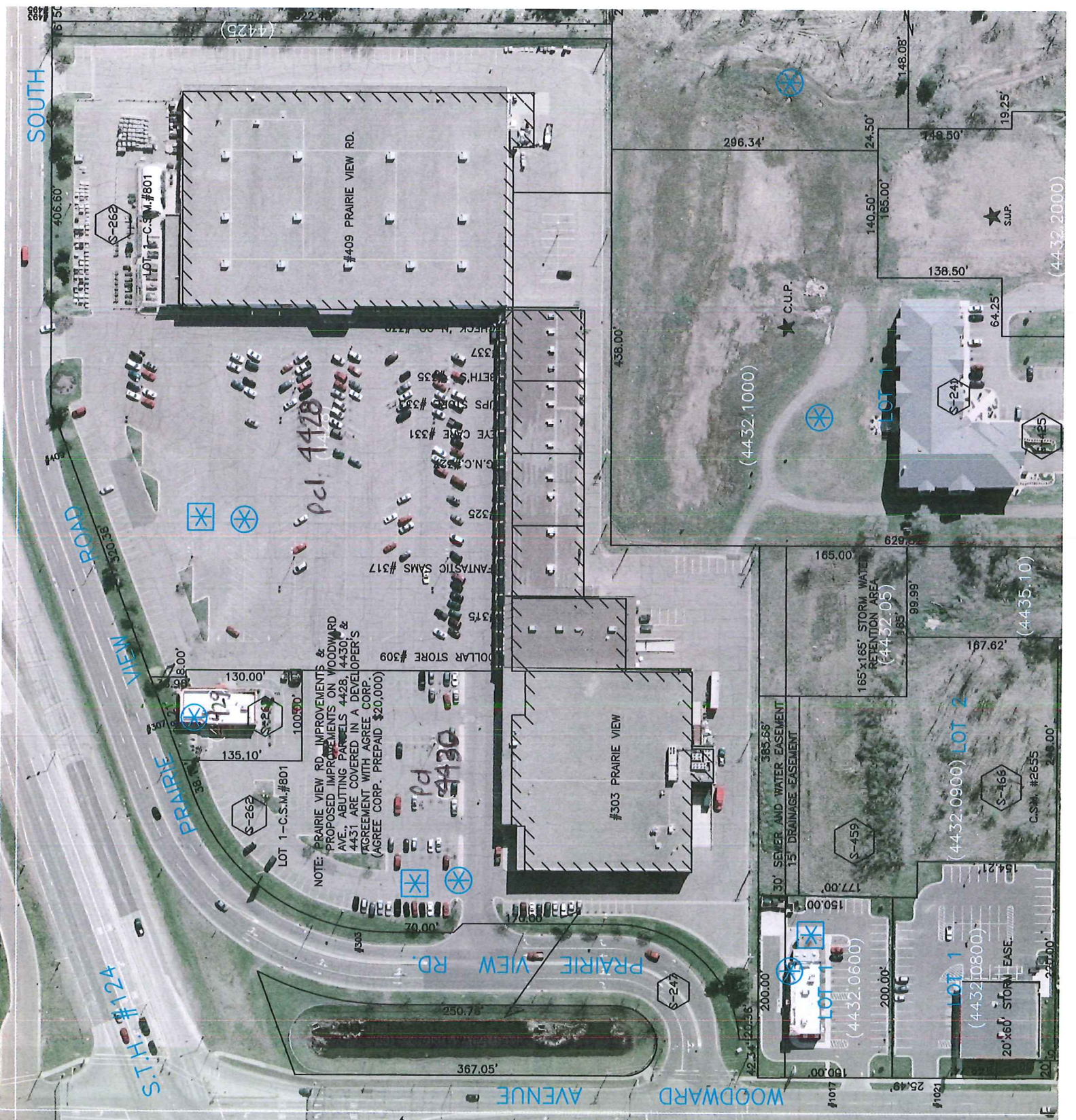
\_\_\_\_\_  
BRIDGET GIVENS, CITY CLERK

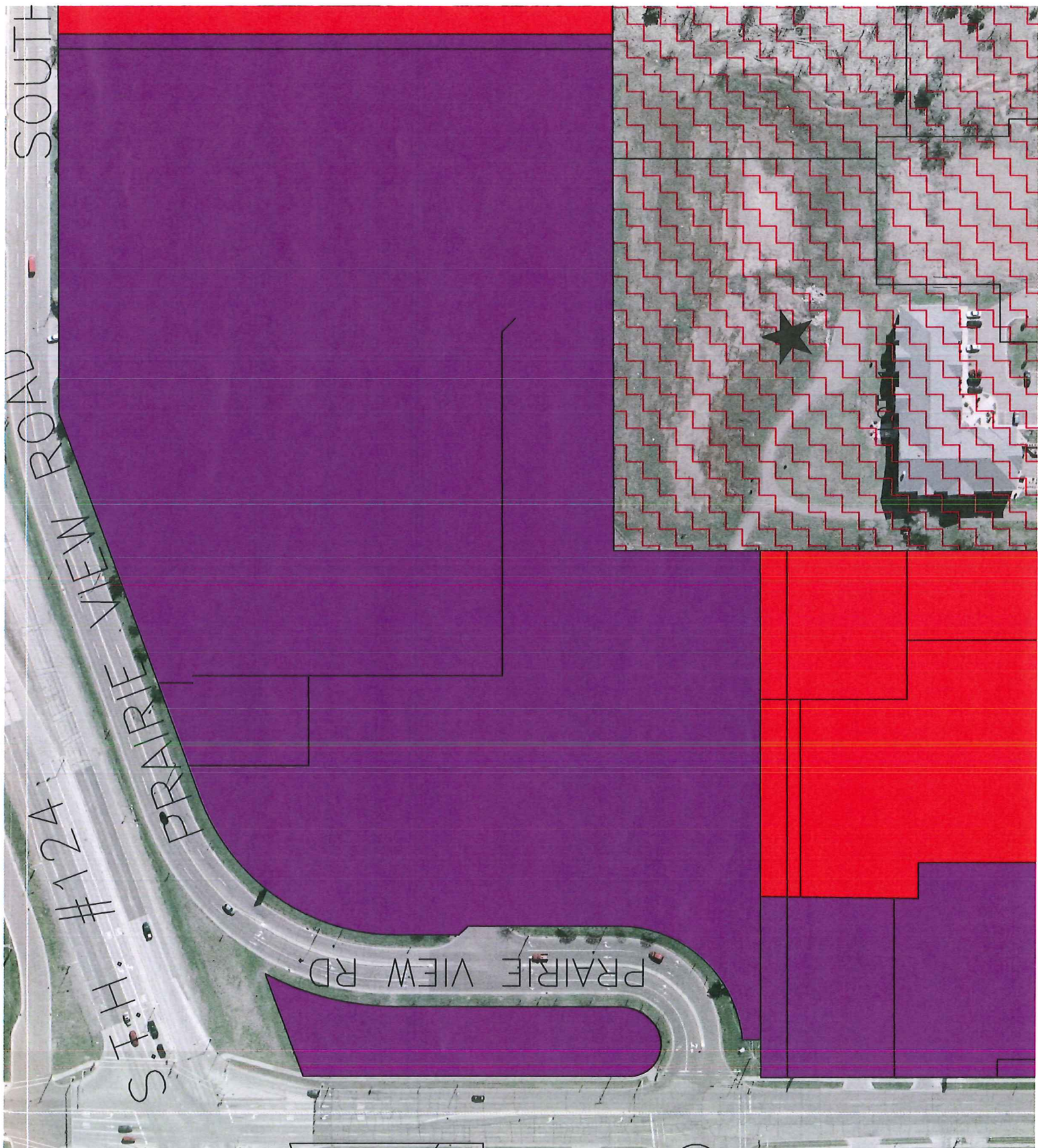
DATE APPROVED \_\_\_\_\_  
CHIPPEWA COUNTY ZONING AGENCY  
BY \_\_\_\_\_

SHEET 2 OF 2

PAGE \_\_\_\_\_

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No Scale.





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