

State of Wisconsin



1995 Senate Bill 364

Date of enactment: **December 1, 1995**
Date of publication*: **December 15, 1995**

1995 WISCONSIN ACT 105

AN ACT relating to: authorization for the city of Appleton to place fill on land under the Fox River.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. Nonstatutory provisions.

(1) DEFINITIONS. In this SECTION:

(a) "Department" means the department of natural resources.

(b) "Heritage park" means a park that honors the early history of hydroelectric power and that provides parking for public recreational purposes.

(c) "Pollution" means the contaminating of the waters of this state, the rendering unclean or impure of these waters, or the making of these waters injurious to public health, harmful for commercial or recreational use, or deleterious to fish, bird, animal or plant life.

(2) AUTHORIZATION. Subject to subsection (4), the state of Wisconsin authorizes the city of Appleton to place on the bed of the Fox River fill to form part of a heritage park.

(3) DESCRIPTION. The land upon which the fill is to be placed by the city of Appleton under subsection (2) consists of river bed area of 0.442 acre under the waters of the Fox River and is described as follows:

A parcel of land located in the NW-1/4 of Sec. 35, T. 21. N., R. 17 E. city of Appleton, Outagamie County, Wisconsin, and more fully described as follows:

Commencing at the northeast corner of Lot 4, Block "G", Grand Chute Plat, city of Appleton, thence S. 49

degrees 54 minutes 37 seconds W., along the north line of said Lot 4 and the southerly line of vacated Water Street, 194.94 feet; thence S. 68 degrees 18 minutes 31 seconds W., along said southerly line, 108.28 feet; thence S. 74 degrees 56 minutes 08 seconds W., 42.92 feet to a point on the north edge of the headrace power canal; thence S. 08 degrees 12 minutes 29 seconds E., 58.47 feet to the north line of Lot 2 of said Block "G"; thence S. 68 degrees 12 minutes 40 seconds W., along the north line of said Lot 2 and Lot 1 of said Block "G", 160.89 feet to the northwest corner of said Lot 1; which is the point of beginning; thence S. 16 degrees 43 minutes 40 seconds W., 159.67 feet; thence N. 52 degrees 46 minutes 20 seconds W., 193.72 feet to the north bank of the Fox River; thence N. 65 degrees 51 minutes 20 seconds E., along said north bank, 194.27 feet; thence S. 27 degrees 39 minutes 25 seconds E., 49.40 feet across the headrace power canal to the point of beginning.

(4) REQUIREMENTS.

(a) The city of Appleton may establish and maintain part of the heritage park on the land described under subsection (3) only if the department determines that the heritage park's placement and maintenance will not materially reduce the effective flood flow capacity of the Fox River and will not cause pollution.

(b) The city of Appleton shall provide to the department all information that the department finds necessary to make its determination under paragraph (a).

* Section 991.11, WISCONSIN STATUTES 1993-94: Effective date of acts. "Every act and every portion of an act enacted by the legislature over the governor's partial veto which does not expressly prescribe the time when it takes effect shall take effect on the day after its date of publication as designated" by the secretary of state [the date of publication may not be more than 10 working days after the date of enactment].

(c) The city of Appleton shall make any modifications in the heritage park that the department determines are necessary to avoid a material reduction in flood flow capacity or to avoid pollution.

(5) DURATION. The authorization under subsection (2) shall terminate if the heritage park is either dismantled or converted to a use that is not associated with the heritage park or activities related to the heritage park.
