



1995 SENATE BILL 364

October 5, 1995 - Introduced by Senators ELLIS and A. LASEE, cosponsored by Representatives PROSSER and OTT, by request of City of Appleton. Referred to Committee on Environment and Energy.

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

Analysis by the Legislative Reference Bureau

Under this bill, the state authorizes the city of Appleton to place fill on the bed of the Fox River to form part of a park that honors the early history of hydroelectric power. Under the bill, the city of Appleton may establish and maintain the park only if the department of natural resources determines that the park will not materially reduce the effective flood flow capacity of the Fox River and will not cause water pollution. The bill requires the city to make any modifications in the park that the department determines are necessary to avoid such a flood flow reduction or to avoid water pollution.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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

3 **SECTION 1. Nonstatutory provisions.**

4 (1) DEFINITIONS. In this SECTION:

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

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

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

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

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

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

13 Commencing at the northeast corner of Lot 4, Block "G", Grand Chute Plat, city
14 of Appleton, thence S. 49 degrees 54 minutes 37 seconds W., along the north line of
15 said Lot 4 and the southerly line of vacated Water Street, 194.94 feet; thence S. 68
16 degrees 18 minutes 31 seconds W., along said southerly line, 108.28 feet; thence S.
17 74 degrees 56 minutes 08 seconds W., 42.92 feet to a point on the north edge of the
18 headrace power canal; thence S. 08 degrees 12 minutes 29 seconds E., 58.47 feet to
19 the north line of Lot 2 of said Block "G"; thence S. 68 degrees 12 minutes 40 seconds
20 W., along the north line of said Lot 2 and Lot 1 of said Block "G", 160.89 feet to the
21 northwest corner of said Lot 1; which is the point of beginning; thence S. 16 degrees
22 43 minutes 40 seconds W., 159.67 feet; thence N. 52 degrees 46 minutes 20 seconds
23 W., 193.72 feet to the north bank of the Fox River; thence N. 65 degrees 51 minutes
24 20 seconds E., along said north bank, 194.27 feet; thence S. 27 degrees 39 minutes
25 25 seconds E., 49.40 feet across the headrace power canal to the point of beginning.

