

## **INITIAL RESOLUTION**

**WHEREAS**, the public interest requires that a portion of East Circle Street, from North Durkee Street to North Drew Street, that has not previously been vacated, be vacated and discontinued,

**BE IT RESOLVED**, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that a portion of East Circle Street, City of Appleton, Outagamie County, Wisconsin, as hereinafter described, is hereby vacated and discontinued pursuant to §66.1003 of the Wisconsin Statutes.

### **LEGAL DESCRIPTION**

All of a strip of land 60 feet in width and 405.5 feet m/l in length and containing 24,330 square feet of land m/l and being further described by:

All of Circle Street lying between Block Seven (7) and Block Twelve (12), of Herman Erbs 6<sup>th</sup> Ward Addition, located in the Southwest Quarter (SW ¼) of the Southeast Quarter (SE ¼) of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

See also attached Exhibit "A" for illustration.

### **EASEMENT**

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for a sanitary sewer within the entire length and width of the above described right of way.

It is further agreed that this easement shall be a permanent easement.

It is further agreed that Grantee shall have the right to install, regrade, replace, relocate, operate, maintain, resize and repair the sanitary sewer and associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of this utility 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. This easement includes the right to operate any and all equipment deemed necessary by Grantee to perform said activities. Grantee agrees that it shall give timely notice to the Grantor of routine maintenance work.

**COMMON DESCRIPTION:**

Portion of East Circle Street from North Durkee Street to North Drew Street

***FURTHER RESOLVED***, that the City Clerk of the City of Appleton be authorized and directed to give notice required by §66.1003 of the Wisconsin Statutes.

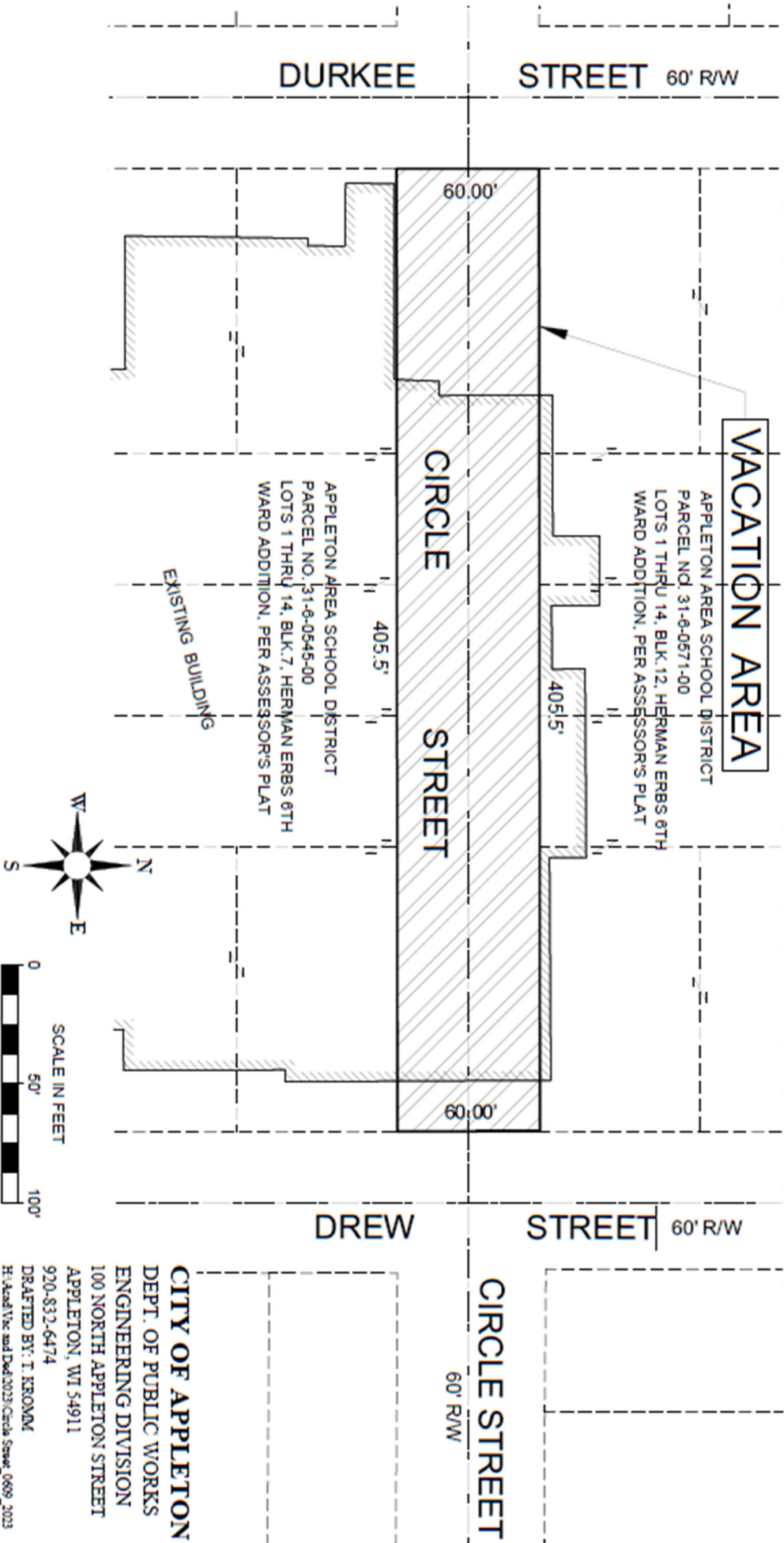
***FURTHER RESOLVED***, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said part of East Circle Street, title to the above-described street shall belong to the adjoining property owner and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit Map.

By: \_\_\_\_\_

Date: \_\_\_\_\_  
City Law A23-0898

# EXHIBIT "A"

All of Circle Street, lying between Block Seven (7) and Block Twelve (12), of HERMAN ERBS 6TH WARD ADDITION, all according to the recorded Assessor's Map of the City of Appleton, being located in the Southwest ¼ of the Southeast ¼ of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



**CITY OF APPLETON**  
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