

INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of South Locust Street, from south side of alley to north line of railroad, 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 South Locust 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

A strip of land 62 feet in width and 157 feet m/l in length along its centerline, containing 9,717 square feet of land m/l and being further described by:
Commencing at the Northeast corner of Lot 1 of Certified Survey Map No. 6031, said point also being coincident with the South line of a 16 foot wide Alley at the West line of Locust Street and being the point of beginning;
Thence S.86°05'40"E. 62.15 feet to a point on the West line of Lot 4 of Certified Survey Map No. 583, said point being 10 feet South of the Northwest corner thereof, said point also being coincident with the South line of a 20 foot wide vacated Alley at the East line of Locust Street;
Thence S.00°05'54"E. 134.57 feet m/l coincident with the West line of said Lot 4 and also being coincident with the East line of Locust Street to a point 20.00 feet Northwesterly of the center of the main track of the Wisconsin Central Railroad, as measured at a right angle to said track;
Thence S.56°54'36"W. 73.92 feet parallel to the center of the main track of the Wisconsin Central Railroad to the Southerly extension of the West line of Locust Street;
Thence N.00°05'54"W. 178.87 feet m/l coincident with the Southerly extension of the West line of Locust Street and then the West line thereof to the point of beginning.

See also attached Exhibit "A" for illustration.

EXISTING LOT LINE PROJECTIONS

The properties abutting the right of way line of said Locust Street shall acquire a land title interest to the centerline of this vacated street right of way.

EASEMENTS

The City of Appleton their heirs, successors and or assigns (Grantee) hereby retain an easement for any and all existing utilities and also any future utilities

deemed necessary or desirable by Grantee within the vacated right of way, including but not limited to, storm sewer, drainage, sanitary sewer, watermain, gas, electric, cable and fiber optic 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 any and all of these utilities and their associated appurtenances. It is further agreed that after installing, regrading, replacing, relocating, operating, maintaining, resizing or repairing of these utilities and their 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. Buildings or any other type of permanent structure shall not be placed over Grantees' facilities or in, upon or over said easement area. 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:

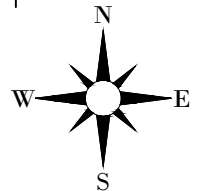
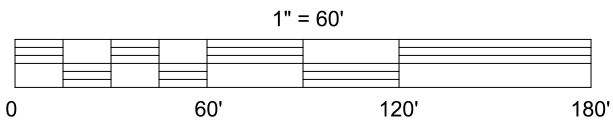
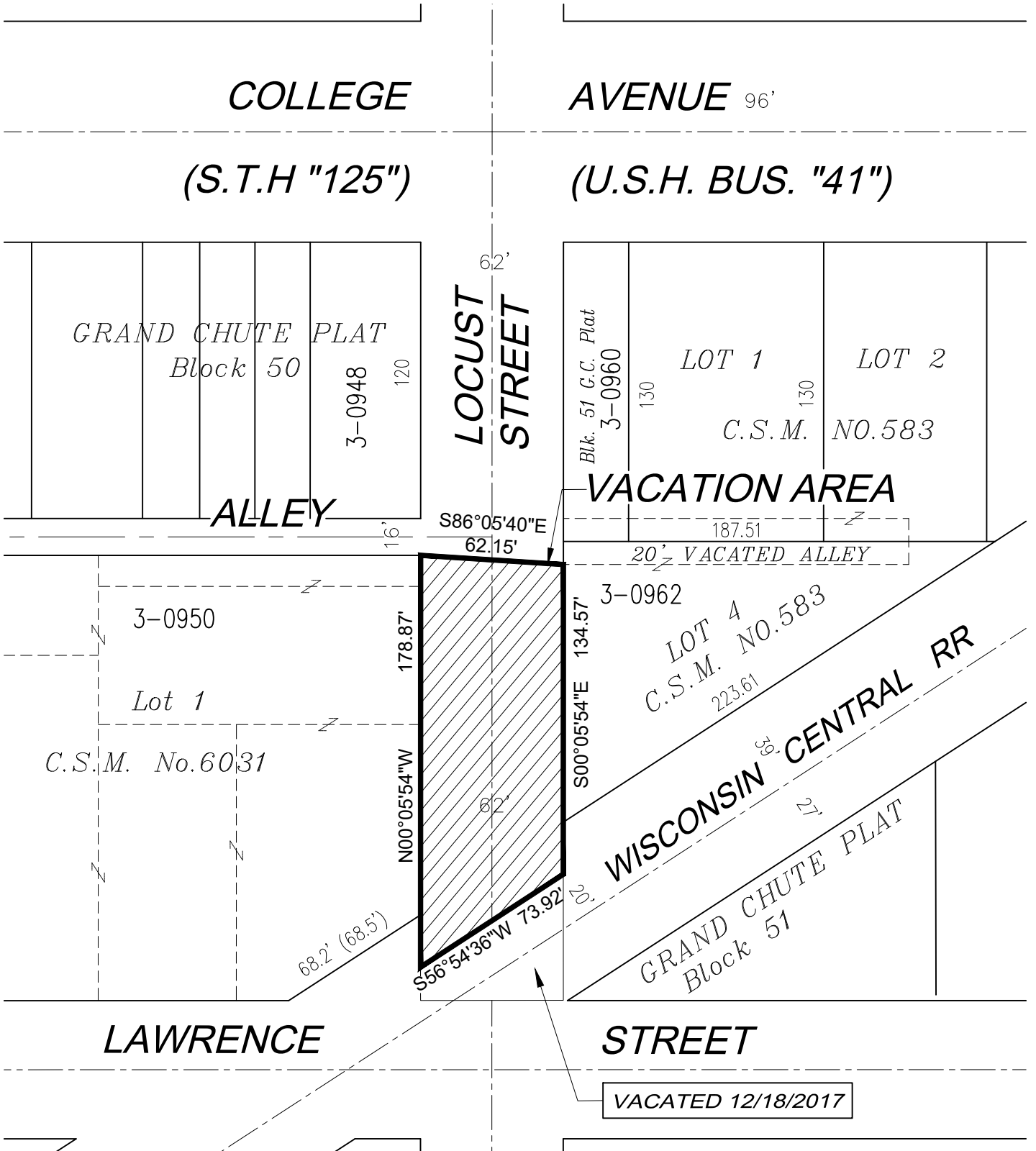
A portion of South Locust Street, from south side of alley to north line of railroad

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 portion of South Locust Street, title to the above-described street shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit Map.

EXHIBIT "A"

LOCUST STREET VACATION



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 APPLETON, WI 54911
 DRAFTED BY: T. KROMM

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