



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: July 9, 2019

Municipal Services Committee Meeting Date: July 15, 2019

Common Council Meeting Date – Initial Resolution: July 24, 2019

Common Council Meeting Date – Public Hearing (40-day waiting period): September 4, 2019

Item: Street discontinuance to vacate a portion of alley, west of Oneida Street and south of College Avenue

Case Manager: David Kress

GENERAL INFORMATION

Owner/Applicant: City of Appleton / Tom Kromm, Department of Public Works

Location: Portion of alley, generally located west of Oneida Street and south of College Avenue

Owner/Applicant's Request: The applicant is requesting a street discontinuance to vacate a portion of alley west of South Oneida Street.

BACKGROUND

The subject area is referenced in a Development Agreement that was approved by Common Council on December 19, 2017 for the redevelopment of the Zuelke Building into a mixed-use property with residential, office, retail, and lower level parking. The Zuelke Building, located at 103 West College Avenue (parcel #31-2-0070-00), is immediately adjacent to the subject area. The need to work toward a mutually agreeable means of lower level access to parcel #31-2-0070-00 was anticipated in Section G of the Development Agreement.

STAFF ANALYSIS

Title to Vacated Alley: When vacated, the land reverts to its original source, which typically includes the parcels located adjacent to the proposed vacation area. In this case, title to the alley being vacated will belong to the adjoining property owner to the north. The adjoining property owner will acquire, in its entirety, the vacated right-of-way totaling approximately 1,209 square feet, as shown on the attached map.

Existing Public Utilities: The City will retain an easement for all existing utilities and any future utilities deemed necessary within the entire length and width of the vacated right-of-way.

Alley Right-of-Way Width: This portion of alley is approximately 20 feet wide.

Street Classification: This portion of alley right-of-way is not identified on the City's Arterial/Collector Plan Map.

Street Vacation – Alley west of Oneida Street

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Surrounding Zoning and Land Uses: The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally commercial and institutional in nature.

North: CBD Central Business District. The adjacent land uses to the north are currently a mix of commercial uses, including the Zuelke Building.

South: CBD Central Business District. The adjacent land use to the south is currently Houdini Plaza.

East: CBD Central Business District. Existing Oneida Street right-of-way is immediately east of the subject area.

West: CBD Central Business District. Unimproved alley right-of-way is immediately west of the subject area.

Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map identifies this area with a future Central Business District designation. The proposed street vacation is consistent with the following excerpts from the *Comprehensive Plan 2010-2030*.

OBJECTIVE 6.7 Transportation:

Maintain a balanced parking program which provides an adequate supply of parking without undermining economic development and neighborhood development efforts.

Policy 6.7.4 Encourage underground and structured parking, where feasible, as future development occurs.

Chapter 14 Downtown Plan, Initiative 3 Neighborhood and Residential Development:

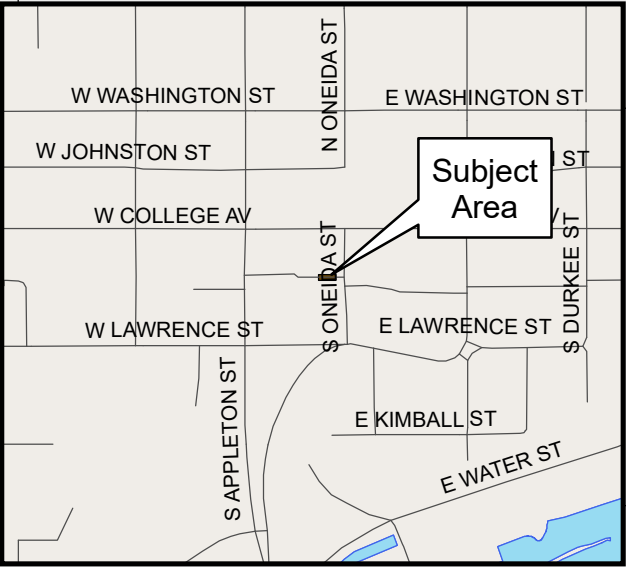
Strategy 3.1.E.5 – Continue to encourage adaptive reuse and redevelopment to increase residential density. Opportunities include the Zuelke Building and former Thompson Center block.

Technical Review Group (TRG) Report: This item was discussed at the October 23, 2018 and June 18, 2019 Technical Review Group meetings. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends the discontinuance of a portion of alley public right-of-way, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and the adoption of the Initial Resolution, **BE APPROVED**.

Alley West of Oneida Street
Street Vacation
Zoning Map



2-0290-1

2-0287

10

100

W COLLEGE AV

E COLLEGE AV

121

111-13

109

107

101-05

101

103

107

109

111

2-0065

2-0066

0-0069

2-0069

2-0070

2-0038

2-0039

2-0040

2-0041

2-0042

CBD

2-0067

Area to be Vacated

121

SOLIDERS SQUARE

2-0072

2-0052

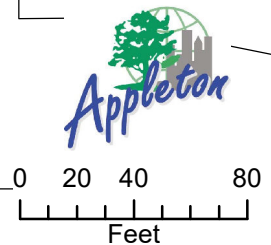
100

120

W LAWRENCE ST

2-0142

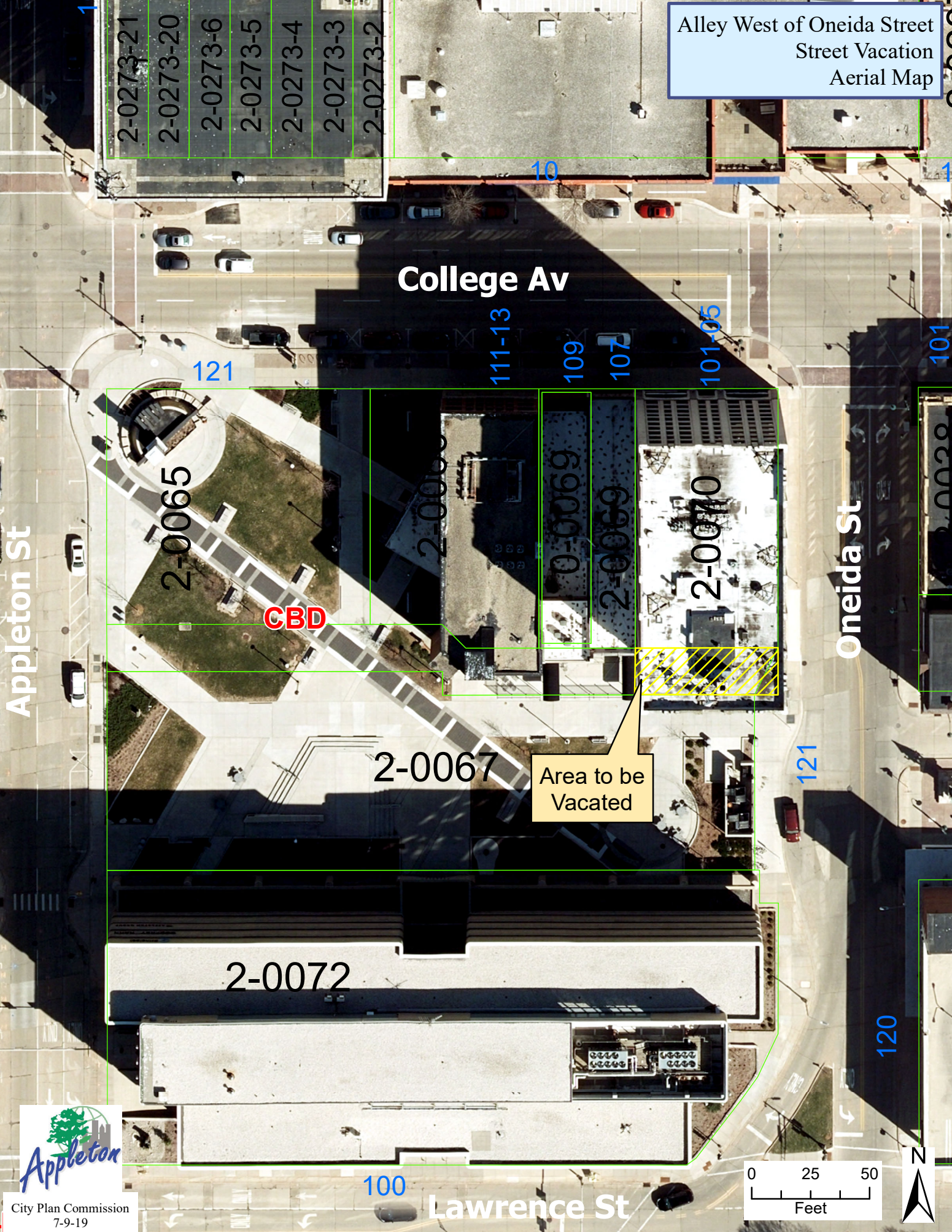
S ONEIDA ST



City Plan Commission
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PD/R-3

Alley West of Oneida Street
Street Vacation
Aerial Map



College Av

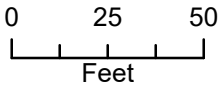
Appleton St

Oneida St

Lawrence St

CBD

Area to be Vacated



INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of the alley west of Oneida Street and south of College Avenue, 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 this alley, 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 the East 60.48 feet of a 20 foot wide Alley, being a part of Lot Three (3), Block 5, Appleton Plat (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the SE ¼ of the SW ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,209 square feet of land m/l and being more fully described by:

Commencing at the Northeast corner said Lot 3;

Thence South 00°02'58" East 110.00 feet along the West line of Oneida Street and being coincident with the East line of said Lot 3 to the point of beginning;

Thence continue South 00°02'58" East 20.00 feet coincident with the East line of said Lot 3;

Thence South 89°59'06" West 60.48 feet coincident with the South line of said 20 foot wide Alley;

Thence North 00°02'58" West 20.00 feet to the North line of said 20 foot wide Alley;

Thence North 89°59'06" East 60.48 feet coincident with the North line of said Alley to the East line of said Lot 3 and the **point of beginning**.

See also attached Exhibit "A" for illustration.

TITLE TO VACATED LANDS

The adjoining property owner shall acquire ownership to the afore described and vacated portion of the Alley, in its entirety and with the entire vacated portion attaching to owners property, as shown on the attached Exhibit "A" Map and more specifically as follows:

The owner of that part of Lot Three (3), Block 5, Appleton Plat (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the SE ¼ of the SW ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being more fully described as: The East 60.48 feet of the North 110 feet of said Lot Three (3). Said Owner abutting the portion of vacated alley shall acquire, in its entirety, the vacated 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. This easement includes the right to operate 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:

Alley west of Oneida Street and south of College Avenue

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.

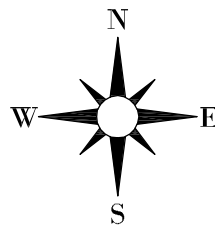
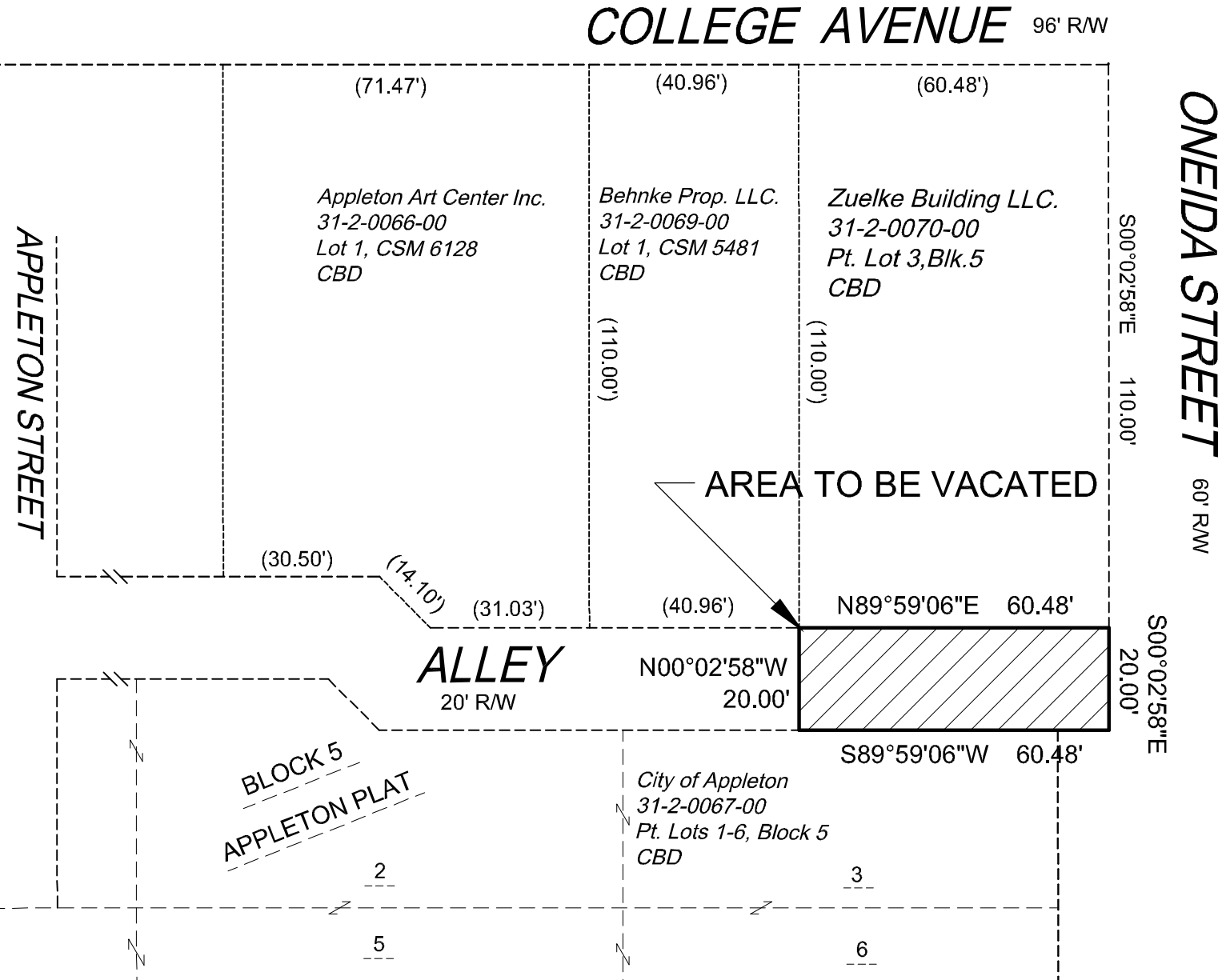
FURTHER RESOLVED, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said alley west of Oneida Street and south of College Avenue, title to the above-described alley shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit Map.

Date

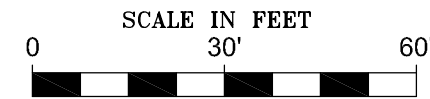
City Law: A18-0827
06/27/2019

EXHIBIT "A"

PART OF LOT 3, BLOCK 5, **APPLETON PLAT**, (AKA SECOND WARD PLAT), ALL ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON, BEING LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATES, OUTAGAMIE COUNTY
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