

# FINAL RESOLUTION

**WHEREAS**, the public interest requires that a portion of East John Street, east of South Court, that has not previously been vacated, be vacated and discontinued; and

**WHEREAS**, notice was given when and where the resolution would be acted on, as required by law; and

**WHEREAS**, hearing was had on said Resolution on the 22<sup>nd</sup> day of January, 2020, at City Hall, in and for the City of Appleton, Wisconsin.

**BE IT RESOLVED**, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that:

## **LEGAL DESCRIPTION**

All of a strip of land 60 feet in width and 101.65 feet m/l in length along its centerline and containing 6,099 square feet of land m/l and being further described by:

All that part of John Street lying between Lots 1 and 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being further described as follows:

Commencing at the Northwest corner of Lot 1 of Certified Survey Map No. 7281, being coincident with the South line of John Street and being the point of beginning;  
Thence North 00°02'19" West 60.00 feet to the North line of John Street;  
Thence North 89°57'41" East 101.73 feet coincident with the North line of John Street to the currently established East line of John Street;  
Thence South 00°07'39" West 60.00 feet coincident with the East line of John Street to the South line thereof;  
Thence South 89°57'41" West 101.56 feet coincident with the South line of John Street to the point of beginning.  
See also attached Exhibit "A" for illustration.

## **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

Record and return to:  
City of Appleton – City Attorney’s Office  
100 North Appleton Street  
Appleton, WI 54911-4799

Tax Key Nos.: 31-1-0772-01

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. Grantee shall also have the right to build and maintain a public trail in a mutually agreeable location within the vacated street area.

**OWNERSHIP DISTRIBUTION OF THE VACATED STREET AREA**

The adjoining property owner shall acquire ownership to the afore described and vacated portion of John Street, 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 Lot 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin. Said Owner abutting the portion of vacated John Street shall acquire, in its entirety, the vacated right-of-way.

The ownership distribution is described in the Amended Development Agreement approved by the Appleton Common Council on November 6, 2019.

**COMMON DESCRIPTION:**

A portion of East John Street, east of South Court

***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, Wisconsin Statutes, upon vacation and discontinuance of said portion of East John Street, east of South Court, title to the above-described area shall belong to the adjoining property owner of this vacated street area and shall acquire an ownership interest in the entire area being vacated (as deemed necessary).

SIGNATURES APPEAR ON THE FOLLOWING PAGE

**City of Appleton**

By: \_\_\_\_\_  
Timothy M. Hanna, Mayor

By: \_\_\_\_\_  
Kami Lynch, City Clerk

Date: \_\_\_\_\_

STATE OF WISCONSIN    )  
  : ss.  
OUTAGAMIE COUNTY    )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of January, 2020 by Timothy M. Hanna, Mayor and Kami Lynch, City Clerk.

\_\_\_\_\_  
Jamie L. Griesbach  
Notary Public, State of Wisconsin  
My commission expires 11/11/2021

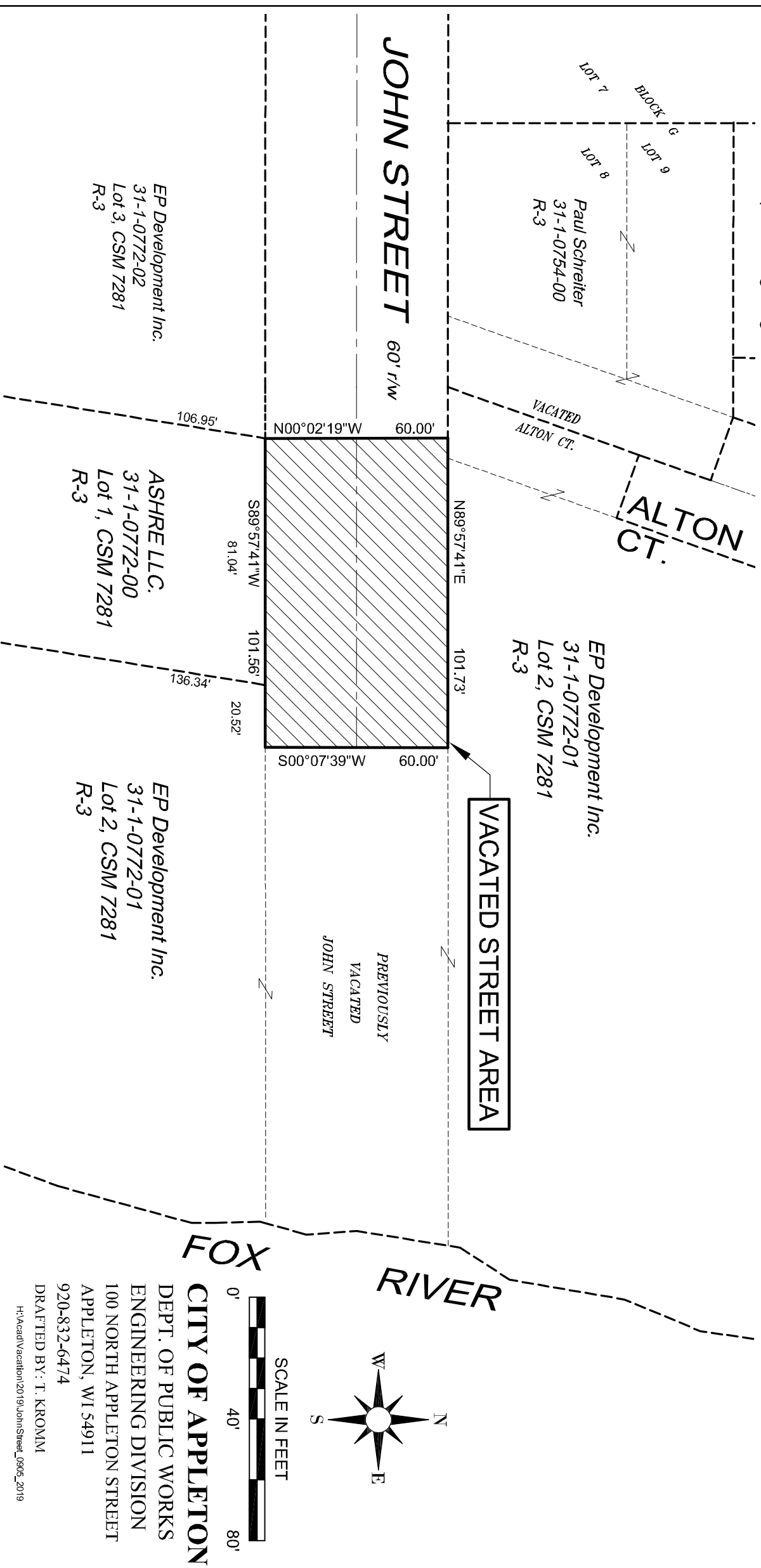
This instrument was drafted by:  
Attorney James P. Walsh

City Law A19-1064

# EXHIBIT "A"

## LEGAL DESCRIPTION

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SCALE IN FEET  
 0' 40' 80'

**CITY OF APPLETON**  
 DEPT. OF PUBLIC WORKS  
 ENGINEERING DIVISION  
 100 NORTH APPLETON STREET  
 APPLETON, WI 54911  
 920-832-6474  
 DRAFTED BY: T. KROMM  
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