

FINAL RESOLUTION

WHEREAS, the public interest requires that a portion of North Erb Street, north of West Michigan Street, 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 5th day of February, 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

A strip of land 60 feet in width and 101.6 feet m/l in length, containing 6,096 square feet of land and being further described as:
All that part of Erb Street lying North of the Westerly extension of the North line of Michigan Street, located in the Northwest ¼ of the Northwest ¼ of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin
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 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.

Record and return to:

City of Appleton – City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key Nos.: 31-6-7704-00, 31-6-2860-00,
31-6-2861-00, 31-6-2906-00

COMMON DESCRIPTION:

A portion of North Erb Street, north of West Michigan 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, Wisconsin Statutes, upon vacation and discontinuance of said portion of North Erb Street, north of West Michigan Street, title to the above-described area shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated (as deemed necessary).

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 February, 2020 by Timothy M. Hanna, Mayor and Kami Lynch, City Clerk.

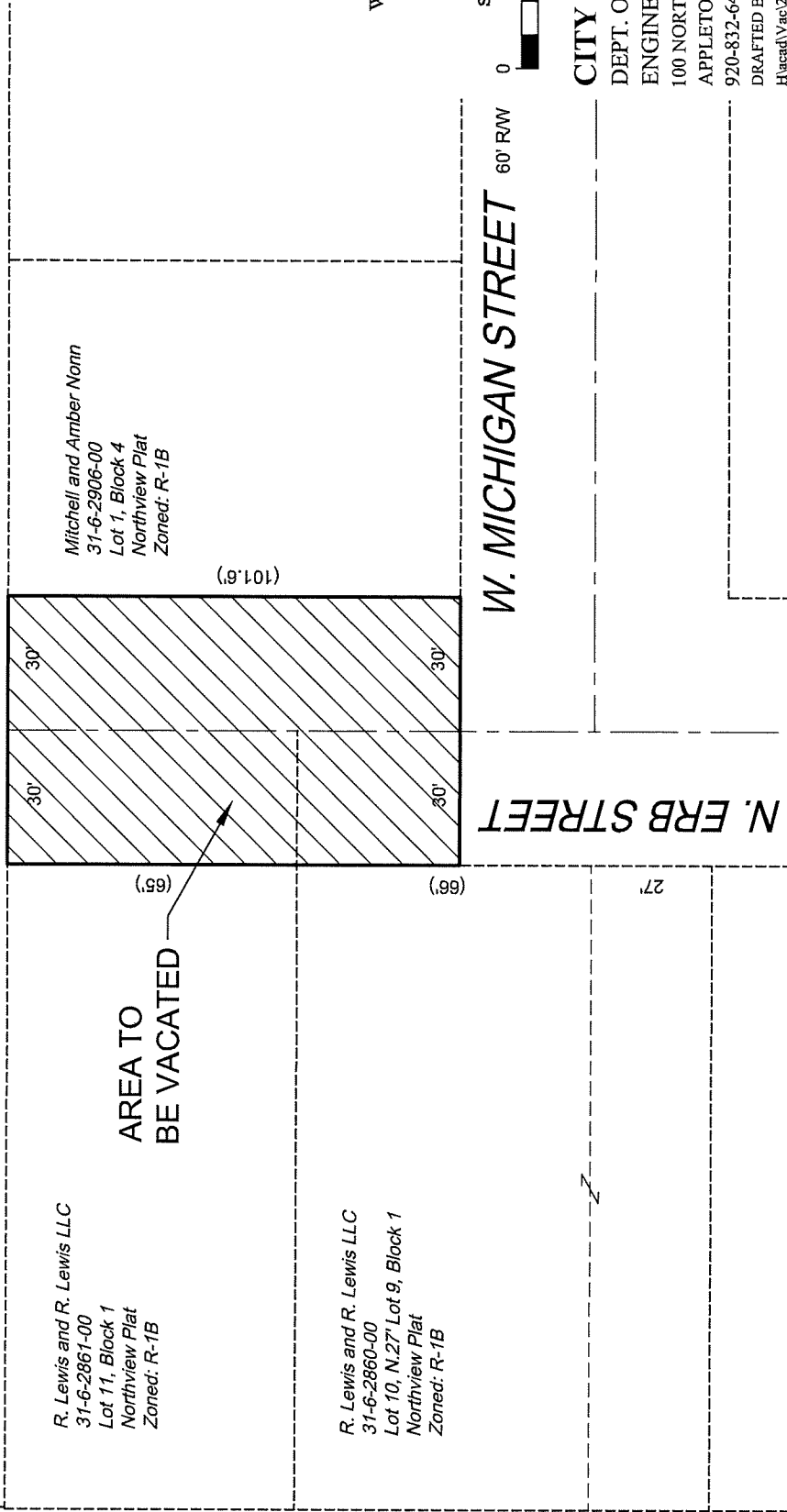
Jamie L. Griesbach
Notary Public, State of Wisconsin
My commission expires 11/11/2021

This instrument was drafted by:
Attorney James P. Walsh

EXHIBIT "A"

ERB STREET VACATION

R. Lewis and R. Lewis LLC
 31-6-7704-00
 Lot 2, CSM #1926, Zoned: C-2



R. Lewis and R. Lewis LLC
 31-6-2861-00
 Lot 11, Block 1
 Northview Plat
 Zoned: R-1B

AREA TO
 BE VACATED

(65')

30'

30'

Mitchell and Amber Norn
 31-6-2906-00
 Lot 1, Block 4
 Northview Plat
 Zoned: R-1B

(101.6')

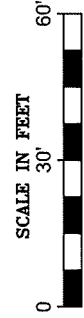
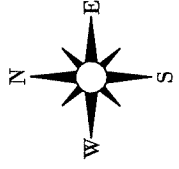
(66')

R. Lewis and R. Lewis LLC
 31-6-2860-00
 Lot 10, N. 27' Lot 9, Block 1
 Northview Plat
 Zoned: R-1B

W. MICHIGAN STREET 60' RAW

N. ERB STREET

27'



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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