



CITY OF APPLETON

MEMORANDUM

Date: August 14, 2024
To: City Plan Commission
From: Lindsey Smith, Principal Planner
Subject: Street discontinuance to vacate a portion of Sampson Street right-of-way

GENERAL INFORMATION

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

Location: Part of Sampson Street, located south of E. Winnebago Street

Owner/Applicant's Request: The applicant is requesting a street discontinuance to vacate a portion of Sampson Street right-of-way.

Municipal Services Committee Meeting Date: August 12, 2024

Plan Commission Informal Public Hearing Date: August 14, 2024

Common Council Meeting Date – Initial Resolution: August 21, 2024

Common Council Meeting Date – Public Hearing (40-day waiting period): October 2, 2024

BACKGROUND

A portion of the Sampson Street right-of-way is in Garfield Place Plat (1892) and 1st Ward Plat (1907) all according to the recorded 1907 Assessor's Plat. The right-of-way was dedicated when the City approved this Plat. This portion of Sampson Street right-of-way was never publicly improved with utilities and roadway.

In 2007, the City of Appleton initiated a street discontinuance to vacate a portion of Sampson Street right-of-way generally located between E. Winnebago Street and E. Atlantic Street. The subject area being considered was not vacated in 2007 due to an existing driveway in Sampson Street right-of-way for 937 E. Winnebago Street.

When right-of-way is vacated, it is given to those abutting lands where the right-of-way was originally dedicated. The City did not vacate the subject area in 2007 as the vacation would have created a portion of the driveway for 937 E. Winnebago to be owned by 925 E. Winnebago Street.

Recently, the property owners (Gibson) at 925 E. Winnebago Street have agreed to sell their portion (25 feet x 70 feet) of the vacated Sampson Street right-of-way to the property owners (Murphy) at 937 E. Winnebago Street. As this agreement is in place, this will allow 937 E. Winnebago Street to maintain their driveway with the vacated Sampson Street. Murphy has also expressed interest in building an accessory building in the vacated Sampson Street.

STAFF ANALYSIS

Title to Vacated Street: When vacated, the land reverts to its original source, which in this case includes the parcels located adjacent to the proposed vacation area. Consequently, title to the street segments being vacated would belong to the adjoining property owner. The owner (Murphy) of parcel #31-1-1290-00 would acquire a vacated part of Sampson right-of-way totaling approximately 1,750 square feet. The owner (Gibson) of parcel #31-1-1196-00 would acquire vacated part of Sampson Street right-of-way totaling approximately 1,750 square feet. As shown on the attached map, the adjoining property owner would acquire the vacated Sampson Street right-of-way of approximately 3,500 square feet. Per the attached agreement, Gibson intends to sell approximately 1,750 square feet to Murphy to maintain the existing driveway in Sampson Street right-of-way. It is anticipated that the vacated area would be combined with the surrounding parcel, as described above.

Existing Public Utilities: The City will not retain an easement for any existing utilities within the entire length and width of the vacated right-of-way. The easement release is captured in the attached Initial Resolution.

Street Right-of-Way Width: This portion of Sampson Street is approximately 50 feet wide.

Street Classification: The City's Arterial/Collector Plan Map identifies Sampson Street as a local street.

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 residential and institutional in nature.

North: R-1C Central City Residential District. The adjacent land to the north is E. Winnebago Street.

South: R-1C Central City Residential District. The adjacent land uses to the south are single family residential.

East: R-1C Central City Residential District. The adjacent land use to the east is single family residential.

West: R-1C Central City Residential District. The adjacent land use to the west is single family residential.

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

OBJECTIVE 6.8 Transportation:

Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.

POLICY 5.2.3 Encourage and facilitate renovate and redevelopment that preserves and enhances the viability existing housing and neighborhoods.

Technical Review Group (TRG) Report: This item appeared on the July 23, 2024 TRG agenda. No negative comments were received from participating departments.

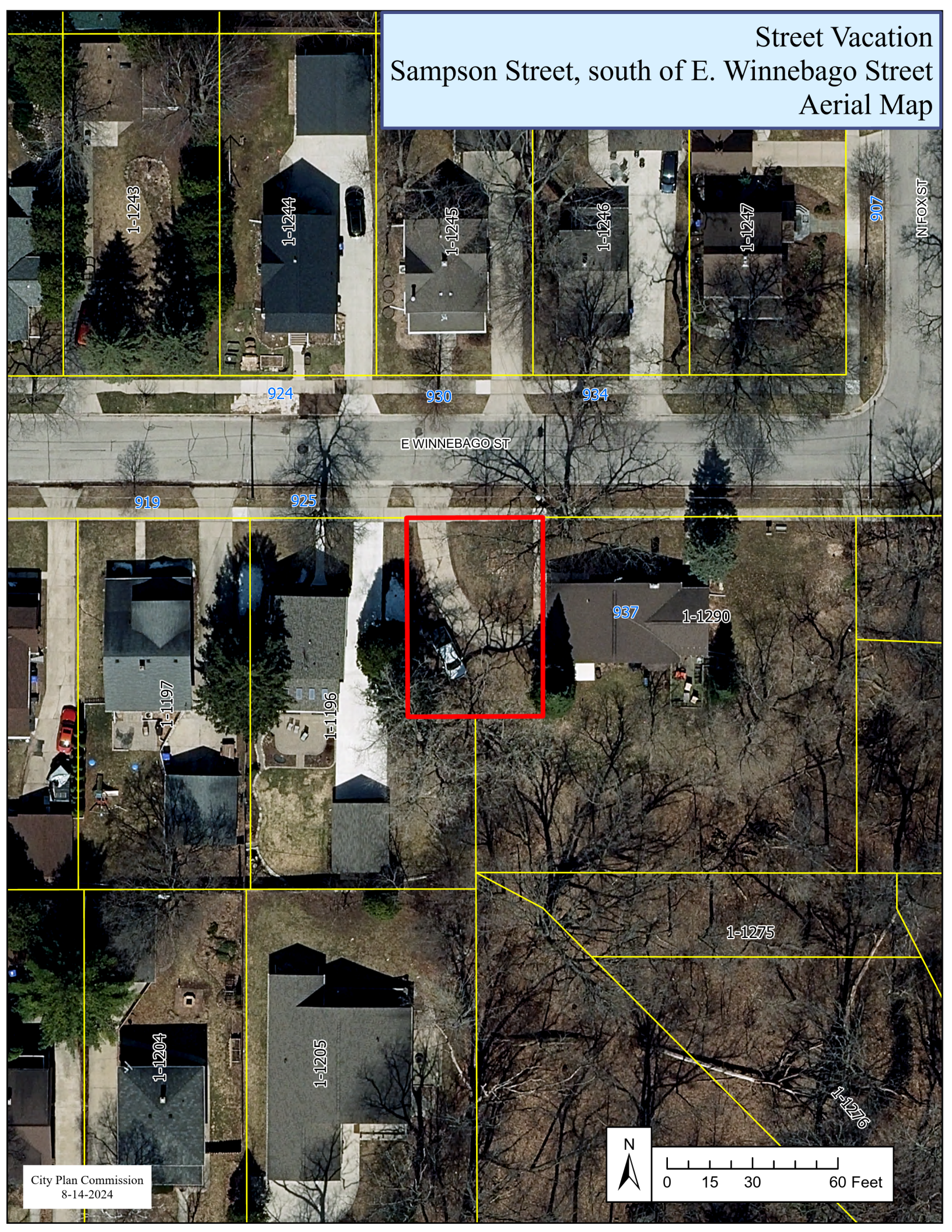
FUTURE ACTION

Certified Survey Map: The property owner at 937 E. Winnebago Street will be required to submit an application for Certified Survey Map (CSM) review pursuant to Division 4, Minor Land Division (CSM) of the City of Appleton Subdivision Code prior to any construction commencing or issuance of building permits within the vacated Sampson Street. Staff will review the CSM for conformance with the City's Municipal Code.

RECOMMENDATION

Staff recommends the discontinuance of a portion of Sampson Street public right-of-way, as shown on the attached map and legal description, and the adoption of the Initial Resolution, **BE APPROVED**.

Street Vacation Sampson Street, south of E. Winnebago Street Aerial Map



1-1243

1-1244

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1-1246

1-1247

907

N FOX ST

924

930

934

E WINNEBAGO ST

919

925

937

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1-1205

1-1276



INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of Sampson Street, south of East Winnebago 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 Sampson 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

The North 70 feet of Sampson Street, bounded on the North by the South line of Winnebago Street, on the West by Block 79 of the 1st Ward Plat, and on the East by Block 77 of the 1st Ward Plat and also Lot 44 of the Garfield Place Plat, all according to the recorded Assessor's Plat of the City of Appleton, being located in the NW ¼ of Section 25, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin.

See also attached Exhibit "A" for illustration.

COMMON DESCRIPTION:

Portion of Sampson Street, south of East Winnebago Street that has not previously been vacated

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 Sampson 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.

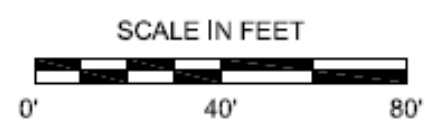
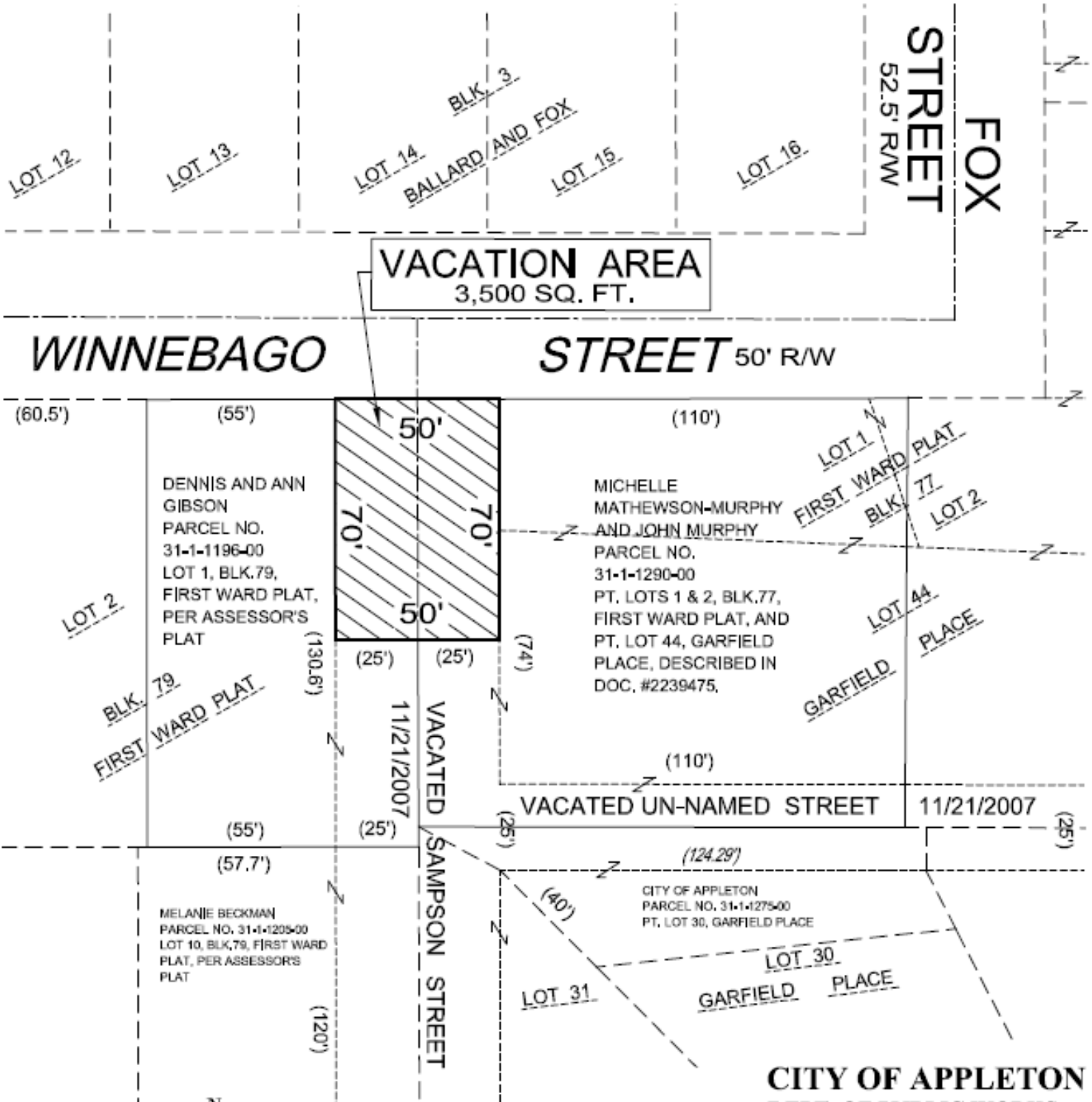
By: _____

Date: _____

EXHIBIT "A"

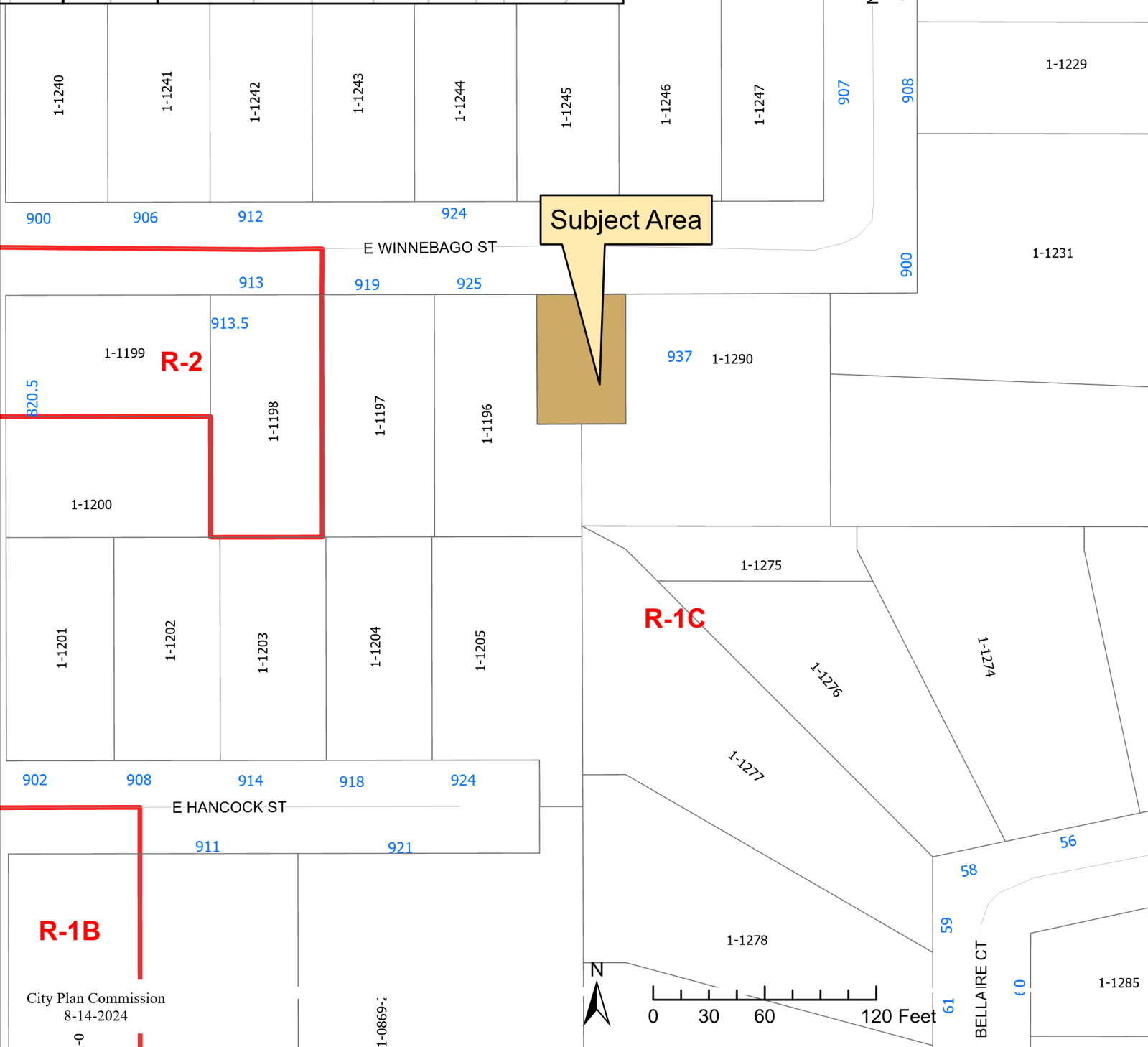
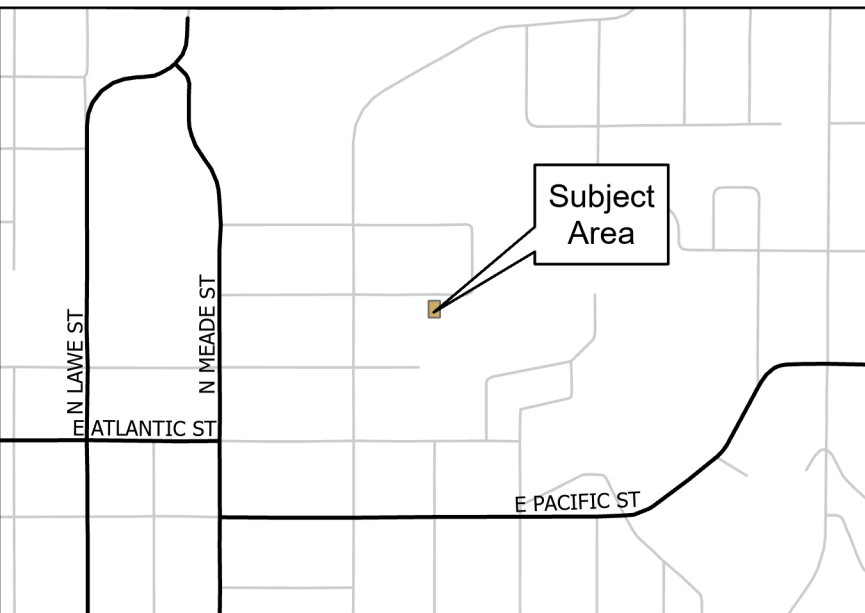
SAMPSON STREET VACATION

The North 70 feet of Sampson Street, bounded on the North by the South line of Winnebago Street, on the West by Block 79 of the 1st Ward Plat, and on the East by Block 77 of the 1st Ward Plat and also Lot 44 of the Garfield Place Plat, all according to the recorded Assessor's Plat of the City of Appleton, being located in the NW ¼ of Section 25, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin.

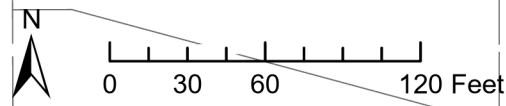


CITY OF APPLETON
DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911
920-832-6474
DRAFTED BY: T. KROMM
Acad/Vacation/2024/Sampson_0717_2024

Street Vacation Sampson Street, south of E. Winnebago Street



City Plan Commission
8-14-2024



AGREEMENT

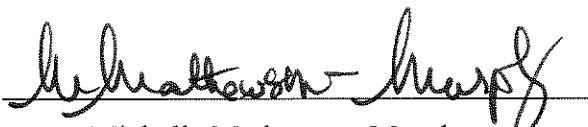
This is an Agreement dated July 8, 2024 between Mathewson-Murphy ET AL, Michelle Murphy, John P (“**Murphy**”) - owners of property (City of Appleton Tax Parcel #311129000) located at 937 E. Winnebago St., Appleton, WI, 54911 and Dennis L and Ann Gibson (“**Gibson**”) - owners of property (City of Appleton Tax Parcel #311119600) located at 925 E. Winnebago St., Appleton, WI, 54911.

This Agreement is in regard to a 70 ft. X 50 ft. section of property currently owned/managed by the City of Appleton that is located between the above two Parcels. This Parcel is shown on **Exhibit “A”** as **(1)**.

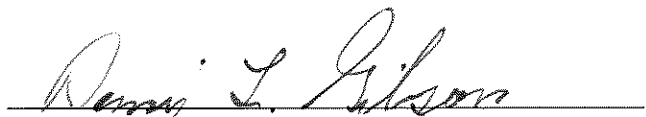
It is mutually agreed upon by both **Murphy** and **Gibson** that the 70 ft. X 50 ft. parcel owned by the City of Appleton shown on **Exhibit “A”** as **(1)** can be split equally between both parties, with one half being deeded to **Murphy** and one half being deeded to **Gibson**.

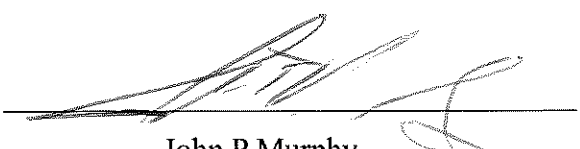
Upon completion of the deeding process, **Murphy** will purchase the **Gibson** 70 ft X 25 ft parcel and Gibson will provide a legally binding Bill of Sale relinquishing all rights of ownership to **Murphy**.

During this process, the Murphys will have full access and right of way to their property as they have had in the past.

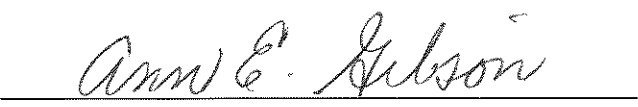

Michelle Mathewson-Murphy

Mathewson-Murphy ET AL, Michelle Murphy, John P


Dennis L Gibson


John P Murphy

Mathewson-Murphy ET AL, Michelle Murphy, John P


Ann E Gibson

RECEIVED

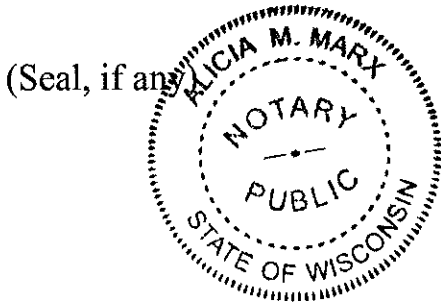
JUL - 9 2024

CITY OF APPLETON
COMMUNITY/ECON DEVELOPMENT

State of Wisconsin

County of Outagamie

Signed before me on July 8, 2024 (date) by John P Murphy and Michelle Mathewson-Murphy and Dennis L Gibson and Ann E Gibson



Signature of notarial officer: Alicia M. Marx

My commission expires: 01/09/2027

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1

Gibson, Dennis L
Gibson, Ann

Parcel Number
311119600

Mathewson-Murphy ET AL
Michelle Murphy, John P

Parcel Number 311120000

GARFIELD
PLACE

1-1275

MINNESOTA ST

FOY ST

BALLARD

60

38.57

48.57

102.58

1-1279

62.12

55

55

55

55

55

55

52.5

120

60

60.5

65

55

70

70

50

60