

**FINAL RESOLUTION**

**WHEREAS**, the public interest requires that a portion of North Douglas 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 20<sup>th</sup> day of May, 2015, 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 triangular shaped portion of land being a part of Douglas Street, Badger Avenue and or Winnebago Street:  
Bounded on the West by Lots 1 and 2, Block 8, Gilmore Addition, according to the recorded Assessor's Plat of the City of Appleton;  
Bounded on the Northeast by the Southeasterly extension of Badger Avenue;  
Bounded on the South by the Easterly extension of the North line of Winnebago Street, all being located in the NW ¼ of the NW ¼ of Section 27, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin, containing 3,429 square feet of land m/l and being further described by:

Commencing at the Southeast corner of Lot 2 of said Block 8 said point also being on the West line of Douglas Street and the North line of Winnebago Street and being the point of beginning;

Thence N.00°24'05"W. 84.04 feet (recorded as 84.2 feet), along the West line of Douglas Street to the Southeasterly line of said Badger Avenue and also being a Northeasterly corner of Lot 1 of said Block 10;

Thence S.44°25'16"E. 102.50 feet, along the Southeasterly extension of the Southwesterly line of said Badger Avenue;

Thence Southeasterly , Southerly and Southwesterly 16.535 feet along the arc of a curve to the right, having a radius of 7.00 feet and the chord of which bears S.23°14'58"W. 12.95 feet, to the Easterly extension of the North line of Winnebago Street;

Thence N.89°04'48"W. 66.05 feet along said extension to the Southeast corner of lot of said Block 8, to the point of beginning.

See also attached Exhibit Map 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.

**COMMON DESCRIPTION:**

North Douglas Street – South of Badger Avenue and north of Winnebago 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 Douglas Street, title to the above-described area shall belong to the adjoining property owners of this vacated street area and shall acquire an ownership interest in the entire area being vacated as shown on attached Exhibit 1.

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Date

J:\Attorney\WORD\VACATION\Douglas Street (North) 2015\  
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