

# FINAL RESOLUTION

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

Tax Key No: 31-2-0070-00

**WHEREAS**, the public interest requires that a portion of the alley west of South Oneida Street and south of College Avenue 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 4<sup>th</sup> day of September, 2019, 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 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, Wisconsin Statutes, upon vacation and discontinuance of said portion of the alley west of Oneida Street and south of College Avenue, title to the above-described area shall belong to the adjoining property owners of this vacated alley 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

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

By: \_\_\_\_\_

Kami Lynch, City Clerk

STATE OF WISCONSIN    )

: ss.

OUTAGAMIE COUNTY    )

The foregoing Agreement was acknowledged before me this \_\_\_\_\_ day of September, 2019  
by Timothy M. Hanna, Mayor and Kami Lynch, City Clerk.

\_\_\_\_\_  
Jamie L. Griesbach

Notary Public, State of Wisconsin

My commission expires 11/11/2021

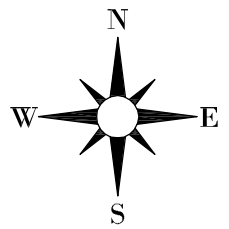
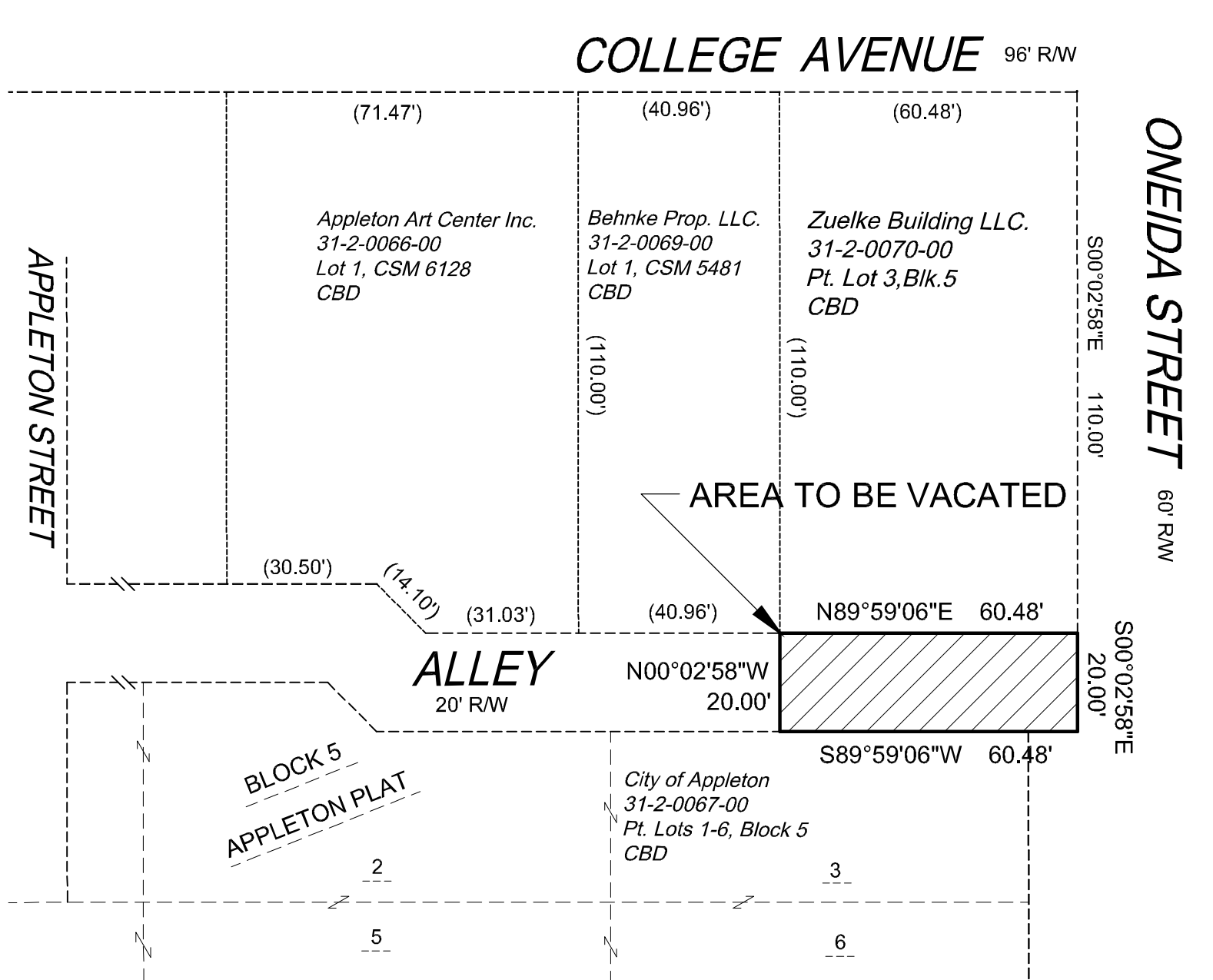
This instrument was drafted by:

Attorney James P. Walsh

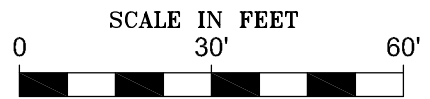
City Law A18-0827

# 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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**CITY OF APPLETON**  
 DEPT. OF PUBLIC WORKS  
 ENGINEERING DIVISION  
 100 NORTH APPLETON STREET  
 APPLETON, WI 54911  
 920-832-6474  
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