



## REPORT TO CITY PLAN COMMISSION

**Plan Commission Informal Public Hearing Date:** July 9, 2019

**Municipal Services Committee Meeting Date:** July 15, 2019

**Common Council Meeting Date – Initial Resolution:** July 24, 2019

**Common Council Meeting Date – Public Hearing (40-day waiting period):** September 4, 2019

**Item:** Street discontinuance to vacate a portion of East North Island Street

**Case Manager:** David Kress

### GENERAL INFORMATION

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

**Location:** Portion of East North Island Street, generally located west of South Vulcan Street

**Owner/Applicant's Request:** The applicant is requesting a street discontinuance to vacate a portion of East North Island Street west of South Vulcan Street.

### BACKGROUND

On August 20, 1997, Common Council approved the vacation of a portion of East North Island Street right-of-way located immediately west of the subject area. On February 18, 2015, Common Council approved Special Use Permit #1-15 for a paper manufacturing facility located on several parcels adjacent to the subject area, including a new facility on parcel #31-4-0273-00. Site Plans #2-15 and #34-15 for the new building, parking lot, and subsequent building addition were also approved in 2015. The subject area is now surrounded by and functions as a part of the newly built facility.

### STAFF ANALYSIS

**Title to Vacated Alley:** When vacated, the land reverts to its original source, which in this case includes the parcels located north and south of the proposed vacation area. Consequently, title to the street being vacated will belong to the adjoining property owner. The adjoining property owner will acquire an ownership interest in the land vacated, totaling approximately 3,717 square feet. As shown on the attached map and described in the Initial Resolution, the adjoining property owner's existing lot lines will be extended until they intersect with the street centerline, and upon recording of the street vacation, the vacated area of parcel #31-4-0271-02 shall be transferred to parcel #31-4-0271-00.

**Existing Public Utilities and Emergency Access:** The City will retain an easement for all existing utilities and any future utilities deemed necessary within the entire length and width of the vacated right-of-way. The City will also retain an access easement for motorized maintenance and emergency response vehicles for the purpose of responding to any and all emergency situations.

**Street Right-of-Way Width:** This portion of East North Island Street is approximately 30 feet wide.

## **Street Vacation – East North Island Street**

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**Street Classification:** The City’s Arterial/Collector Plan Map identifies this portion of East North Island 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 industrial in nature.

North: M-2 General Industrial District. The adjacent land use to the north is currently industrial (part of the Neenah Paper facility).

South: M-2 General Industrial District. The adjacent land use to the south is currently industrial (part of the Neenah Paper facility).

East: M-2 General Industrial District. Existing East North Island Street right-of-way is immediately east of the subject area.

West: M-2 General Industrial District. The adjacent land use to the west is currently industrial (part of the Neenah Paper facility).

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

*OBJECTIVE 9.5 Economic Development:*

*Encourage new development and redevelopment activities that create vital and attractive neighborhoods and business districts.*

*Policy 9.5.1 Ensure a continued adequate supply of industrial and commercial land to sustain new business development.*

*OBJECTIVE 13.3 Fox River Corridor Plan:*

*Promote an economically viable mix of existing and redeveloped uses along the riverfront.*

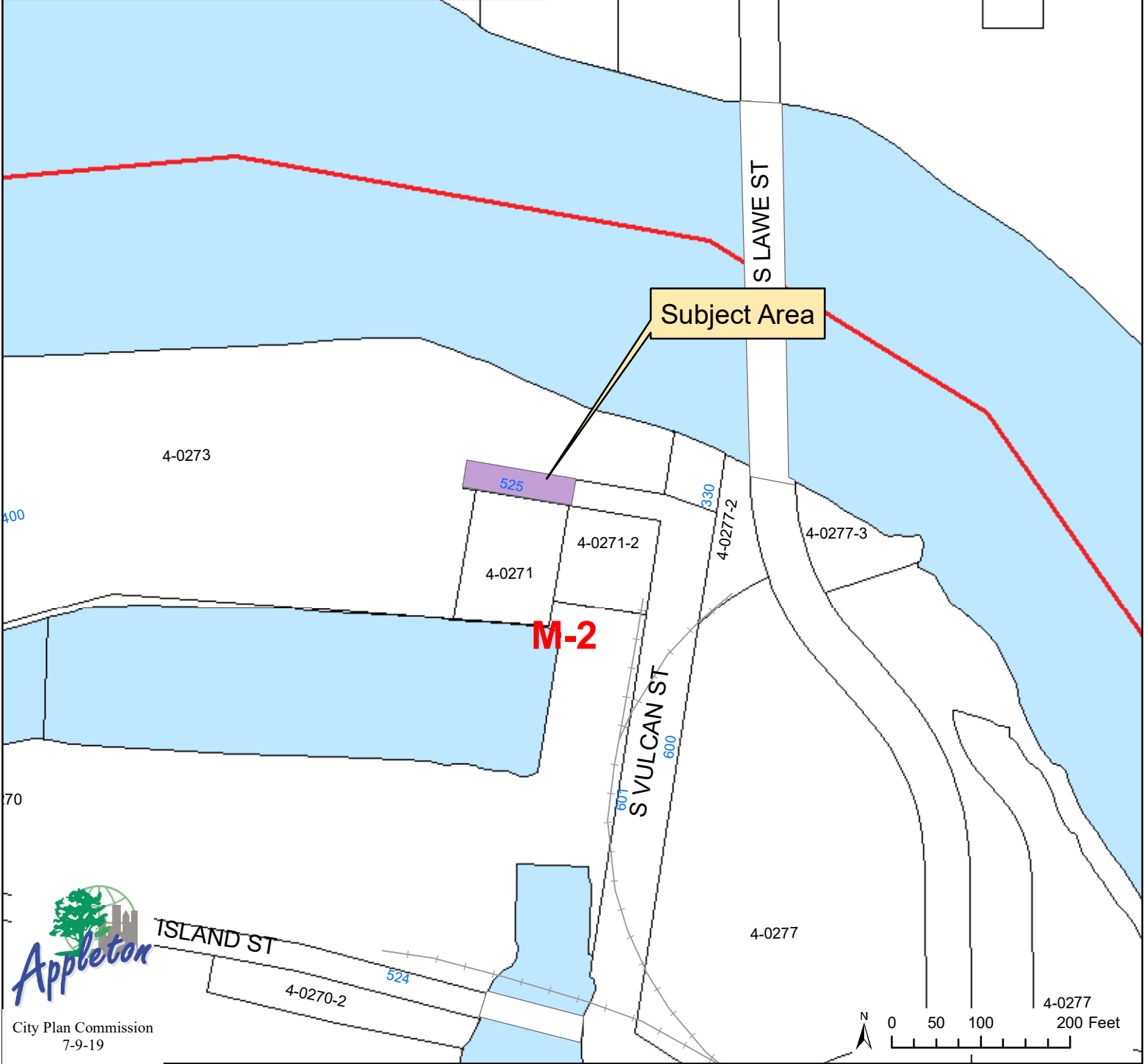
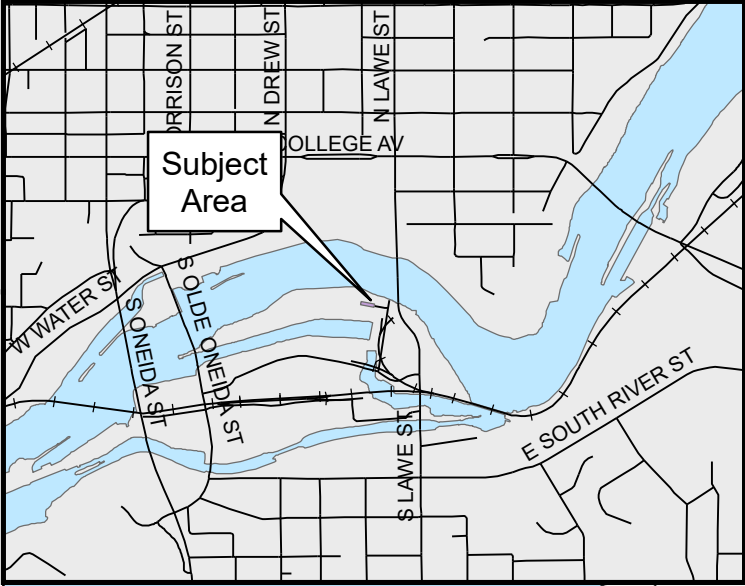
**Technical Review Group (TRG) Report:** This item was discussed at the August 1, 2017 and June 18, 2019 Technical Review Group meetings. No negative comments were received from participating departments.

## **RECOMMENDATION**

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Staff recommends the discontinuance of a portion of East North Island Street public right-of-way, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and the adoption of the Initial Resolution, **BE APPROVED**.

# E. North Island Street Street Vacation Zoning Map



E. North Island Street  
Street Vacation  
Aerial Map



Subject Area

4-0273

E NORTH ISLAND ST

525

330

4-0277-2

4-0277-1

4-0271-2

4-0271

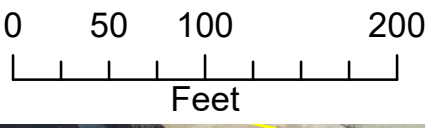
S VULCAN ST

600

601

E SOUTH ISLAND ST

4-



524



City Plan Commission  
7-9-19

## ***INITIAL RESOLUTION***

***WHEREAS***, the public interest requires that a portion of East North Island Street, west of South Vulcan 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 East North Island 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**

All of a strip of land 30 feet in width and 123.91 feet m/l in length along its centerline and containing 3,717 square feet of land m/l and being further described by:

All that part of North Island Street lying between Lots K and M of the GRAND CHUTE ISLAND PLAT, according to the recorded Assessors Map of the City of Appleton, being located in the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼), Section 35, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being further described as follows:

Commencing at the Southwesterly corner of North Island Street and Vulcan Street; Thence North 80°22'38" West 100.30 feet along the Southwesterly line of North Island Street to the point of beginning; Thence continue North 80°22'38" West 123.70 feet along the Southwesterly line to the Westerly terminus of North Island Street per Resolution document No.1238146; Thence North 08°48'17" East 30.00 feet along the Westerly terminus of North Island Street to the Northeasterly line thereof; Thence South 80°22'38" East 124.13 feet along the Northeasterly line of North Island Street; Thence South 09°37'22" West 30.00 feet 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. Grantee also retains an access easement for motorized maintenance and emergency response vehicles for the purpose of responding to any and all emergency situations.

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.

**EXISTING LOT LINE PROJECTIONS AND THE FINAL OWNERSHIP DISTRIBUTION OF THE VACATED STREET AREA**

It is the intent of the City of Appleton that the adjoining property owner's existing lot lines be extended until they intersect with the centerline of North Island Street. The City of Appleton and the abutting landowner (Neenah Paper) have also agreed that upon the recording of the vacation in the Outagamie County Register of Deeds Office the abutting landowner of tax parcel 31-4-0271-02 (Neenah Paper) shall immediately transfer its interest in the vacated street area to the owner of tax parcel 31-4-0271-00 (Neenah Paper). The purpose of this transfer of interest in the vacated street area is to maintain frontage on a public street for tax parcel 31-4-0271-00.

**COMMON DESCRIPTION:**

A portion of East North Island Street west of South Vulcan 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 of the Wisconsin Statutes, upon vacation and discontinuance of said portion of East North Island 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.

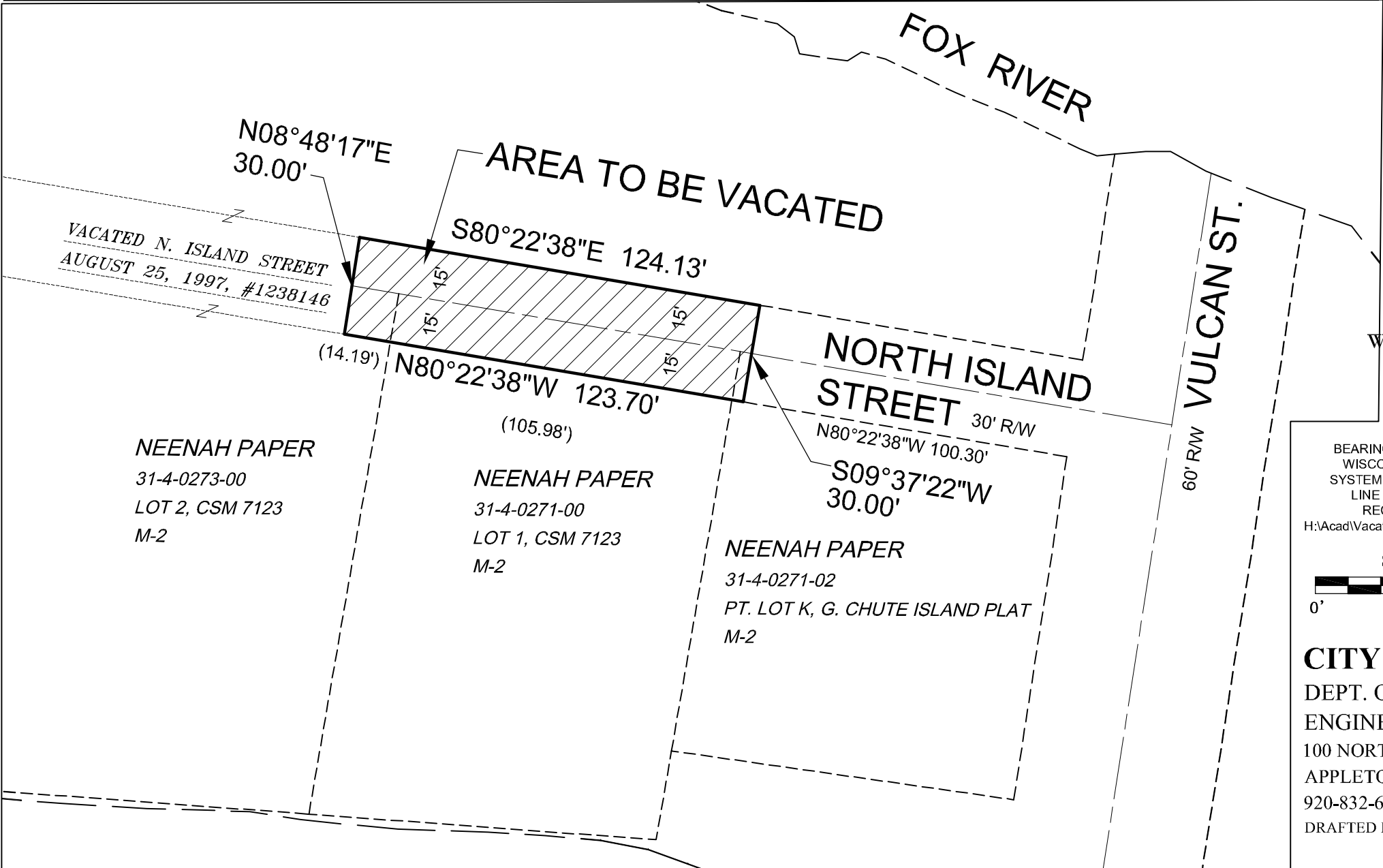
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**Date**

City Law A19-0481  
06/27/2019

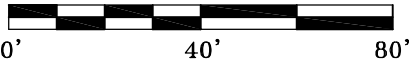
# STREET VACATION

PART OF NORTH ISLAND STREET LYING BETWEEN LOTS K AND M OF THE GRAND CHUTE ISLAND PLAT, ALL ACCORDING TO THE RECORDED ASSESSOR'S PLAT OF THE CITY OF APPLETON, LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, NORTH LINE OF NORTH ISLAND STREET RECORDED AS  $N.80^{\circ}22'38''W$ .  
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SCALE IN FEET



**CITY OF APPLETON**  
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ENGINEERING DIVISION  
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