

FINAL RESOLUTION

Record and return to:

City of Appleton – City Clerk’s Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key No. 31-2-0144-00; 31-2-0156-00

FINAL RESOLUTION

WHEREAS, the public interest requires that a portion of East Kimball Street, west of South Allen 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 15th day of May, 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 that part of Kimball Street lying between Block Ten (10) and Block D of the 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 1,920 Square feet of land and being more fully described by: Commencing at the Southeast corner of said Block 10 and being coincident with the Northwest corner of Allen Street and Kimball Street and being the point of beginning; Thence South 00°57'34" East 32.00 feet coincident with the Southerly extension of the West line of Allen Street to the South line of Kimball Street; Thence North 89°57'25" West 106.33 feet coincident with the South line of said Kimball Street; Thence continue North 89°57'25" West 13.67 feet coincident with the South line of said Kimball Street; Thence North 00°57'34" West 32.00 feet to the North line of Kimball Street; Thence South 89°57'25" East 14.18 feet coincident with the North line of Kimball Street; Thence South 00°02'58" East 32.00 feet to the South line of Kimball Street; Thence South 89°57'25" East 60.00 feet coincident with the South line of Kimball Street; Thence North 00°02'58" West 32.00 feet to the North line of Kimball Street; Thence South 89°57'25" East 45.82 feet coincident with the North line of Kimball Street 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.

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 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:

A portion of East Kimball Street, west of South Allen 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 East Kimball 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 deemed necessary).

City of Appleton

By: _____
Timothy M. Hanna, Mayor

By: _____
Kami Lynch, City Clerk

Date: _____

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

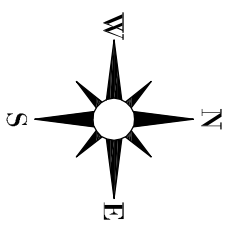
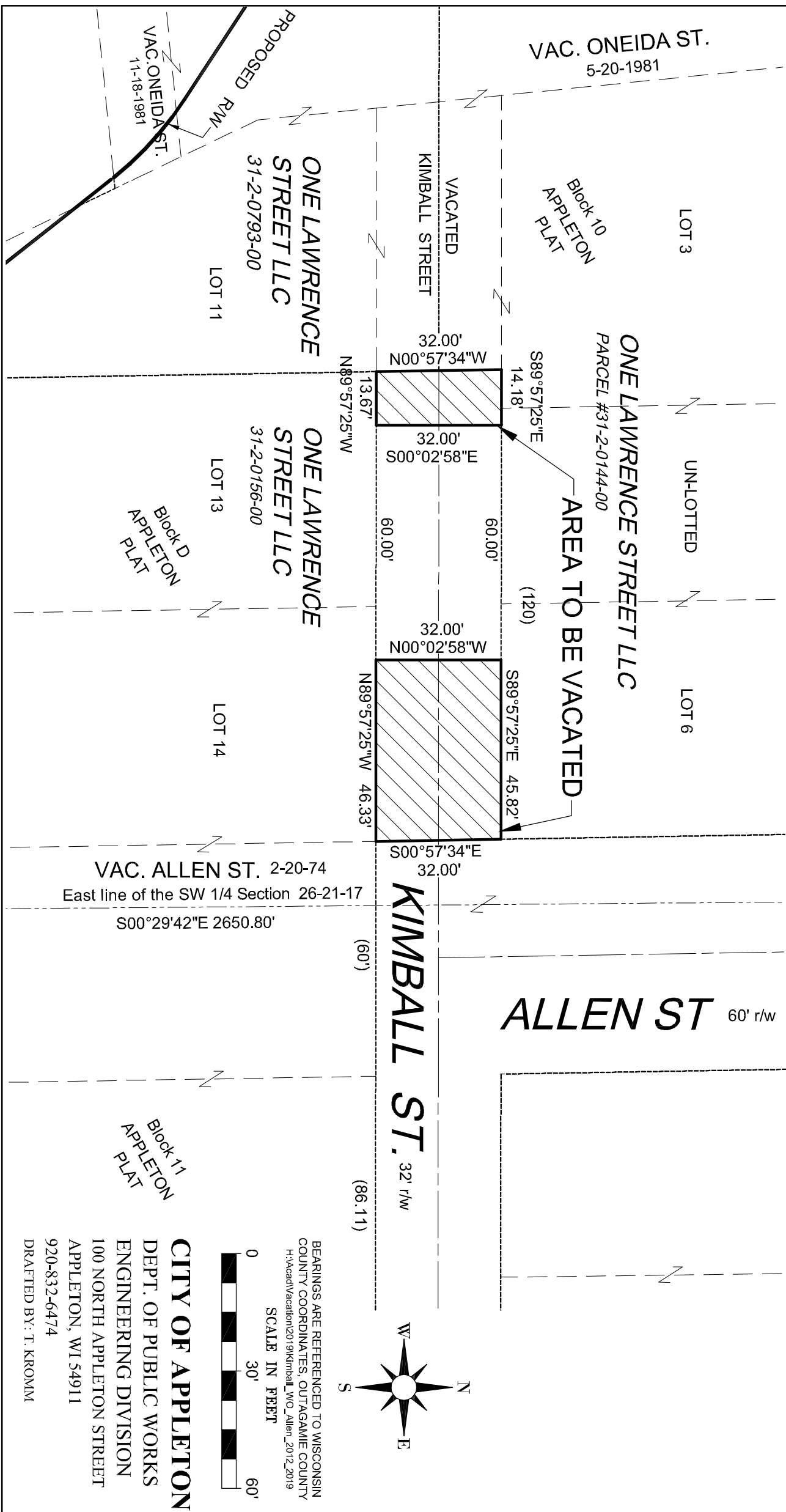
The foregoing Agreement was acknowledged before me this _____ day of May, 2019 by Timothy M. Hanna, Mayor and Kami Lynch, City Clerk.

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: A19-0178

EXHIBIT "A"

PART OF KIMBALL STREET LYING BETWEEN BLOCK 10 AND BLOCK D, 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 H:\Acad\Vacation\2019\Kimball_WC_Allen_2012_2019 SCALE IN FEET

CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
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