



REPORT TO CITY PLAN COMMISSION

Municipal Services Committee Meeting Date: December 12, 2022

Plan Commission Informal Public Hearing Date: December 14, 2022

Common Council Meeting Date – Initial Resolution: December 21, 2022

Common Council Meeting Date – Public Hearing (40-day waiting period): February 1, 2023

Item: Street discontinuance to vacate portions of Appleton Street, Pacific Street, and Oneida Street

Case Manager: David Kress, Principal Planner

GENERAL INFORMATION

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

Location: Portions of Appleton Street, Pacific Street, and Oneida Street, generally located north of Packard Street and south of Atlantic Street

Owner/Applicant's Request: The applicant is requesting a street discontinuance to vacate portions of Appleton Street, Pacific Street, and Oneida Street right-of-way.

BACKGROUND

In summer 2022, the configuration of intersections changed near the “S-curve” between Appleton Street and Oneida Street. These changes occurred as part of the broader Appleton Street reconstruction project. Through this project, the street and sidewalk alignment were adjusted. As a result, the areas proposed for vacation are no longer needed for public right-of-way.

Per Section 23-39 of the Municipal Code, zoning district boundaries indicated as approximately following the centerlines of streets shall be construed to follow such centerlines. In this case, the centerlines would change due to the proposed street vacation. Therefore, it is proposed that existing zoning district boundaries located in the public right-of-way will be amended accordingly, as illustrated on the attached Exhibit “B” map.

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 areas. Consequently, title to the portions of street being vacated would belong to the adjoining property owners. The owner of parcel #31-2-0748-00 would acquire a vacated part of Oneida Street right-of-way totaling approximately 1,361 square feet. The owner of parcel #31-2-0604-00 would acquire vacated parts of Pacific Street and Appleton Street right-of-way totaling approximately 2,277 square feet. The owner of parcel #31-2-0738-00 would acquire a vacated part of Pacific Street and Appleton Street right-of-way totaling approximately 3,386 square feet. The

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owner of parcel #31-2-0739-00 would acquire a vacated part of Pacific Street and Appleton Street right-of-way totaling approximately 457 square feet. The owner of parcel #31-2-0741-00 would acquire a vacated part of Pacific Street and Oneida Street right-of-way totaling approximately 1,433 square feet. Combined, the proposed street vacation areas total approximately 8,914 square feet.

Existing Public Utilities: 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.

Street Right-of-Way Width: As shown on the attached map, the proposal maintains a width of approximately 60 feet for the remaining public right-of-way.

Street Classification: The City's Arterial/Collector Plan Map identifies these portions of Appleton Street, Pacific Street, and Oneida Street as collector streets.

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 commercial in nature.

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

South: PD/R-3 Planned Development Multi-Family District. The adjacent land uses to the south are currently multi-family residential.

East: C-2 General Commercial District. The adjacent land uses to the east are currently a mix of commercial uses.

West: R-1C Central City Residential District and R-2 Two-Family District. The adjacent land uses to the west are currently a mix of single-family and two-family residential.

Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map identifies this area with future One and Two-Family Residential, Multi-Family Residential, and Mixed Use designations. 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 6.8.3 Design neighborhood streets that will serve local transportation needs, enhance safety and livability, and improve neighborhood quality.

Technical Review Group (TRG) Report: This item appeared on the November 22, 2022 TRG agenda. No negative comments were received from participating departments.

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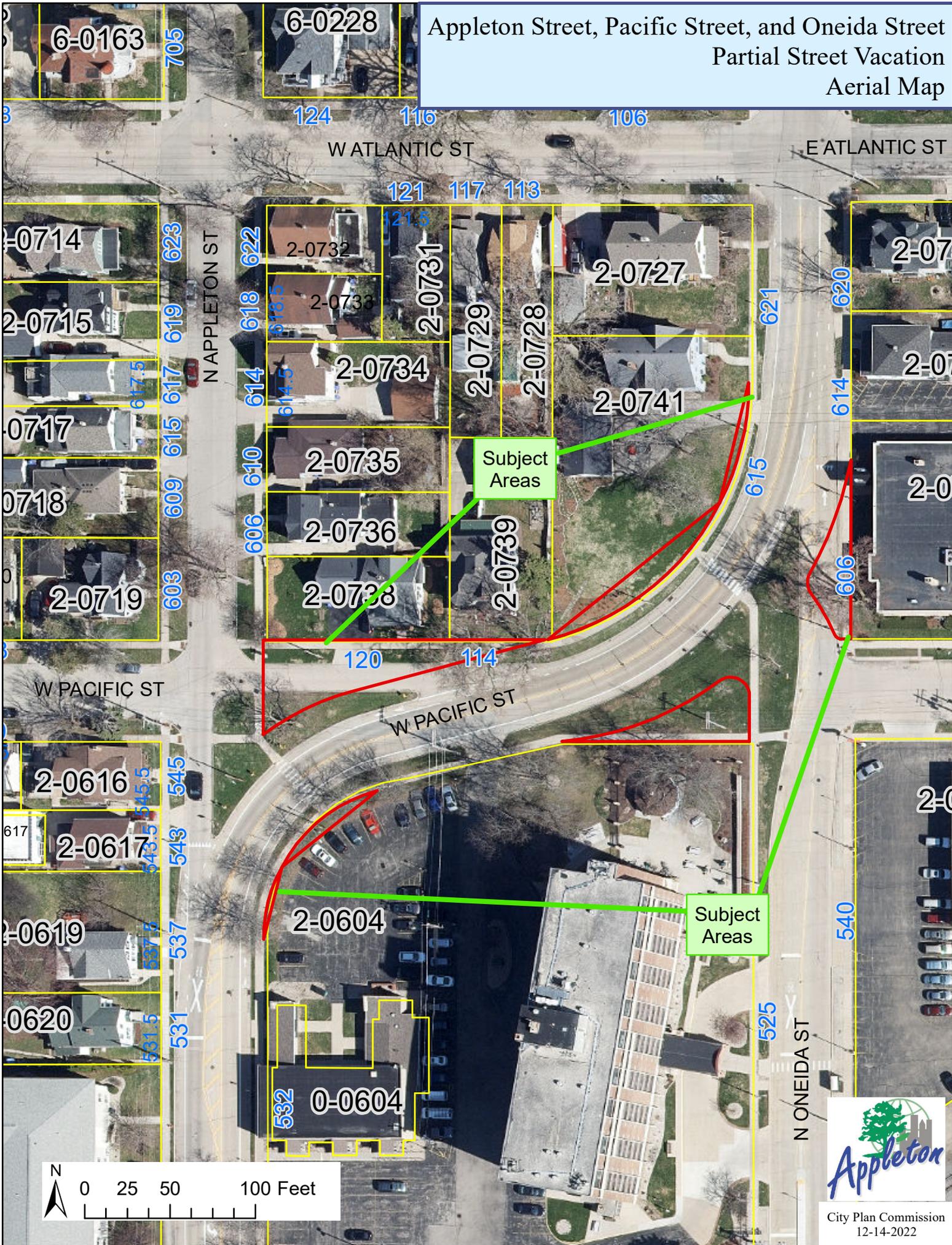
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RECOMMENDATION

Staff recommends the discontinuance of portions of Appleton Street, Pacific Street, and Oneida 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** subject to the following condition:

1. The existing zoning district boundaries, currently located in the public right-of-way, shall be amended to align with the changes in street centerlines. The necessary zoning changes are described below and illustrated on the attached Exhibit “B” map. The public right-of-way at the intersection of Appleton Street and Pacific Street, from PD/R-3 Planned Development Multi-Family District to R-1C Central City Residential District. The public right-of-way at the intersection of Oneida Street and Pacific Street, from R-1C Central City Residential District to PD/R-3 Planned Development Multi-Family District. The public right-of-way at the intersection of Oneida Street and Pacific Street, from R-1C Central City Residential District to C-2 General Commercial District.

Appleton Street, Pacific Street, and Oneida Street Partial Street Vacation Aerial Map



6-0163

6-0228

124

116

106

W ATLANTIC ST

E ATLANTIC ST

121

117

113

2-0714

2-0715

2-0717

2-0718

2-0719

2-0616

2-0617

2-0619

2-0620

2-0732

2-0733

2-0734

2-0735

2-0736

2-0738

2-0731

2-0729

2-0728

2-0727

2-0741

2-0739

120

114

W PACIFIC ST

W PACIFIC ST

617

2-0619

2-0620

2-0604

0-0604

532

525

N ONEIDA ST

540

2-07

2-07

2-0

2-0

2-0



0 25 50 100 Feet



City Plan Commission
12-14-2022

INITIAL RESOLUTION

WHEREAS, the public interest requires that portions of Appleton Street, Pacific Street, and Oneida Street, that have 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 portions of Appleton Street, Pacific Street, and Oneida 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

A part of Oneida Street abutting the West side of Block Sixty-Eight (68) 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 Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,361 square feet of land and being further described by:

Commencing at the Northeast corner of Pacific Street and Oneida Street, said point also being the Southwest corner of Block 68 of the APPLETON PLAT (aka Second Ward Plat) and being the point of beginning;

Thence South 89°55'06" West 5.70 feet along the Westerly extension of the North line of Pacific Street;

Thence Northwesterly 4.73 feet along the arc of a curve to the right having a radius of 4.00 feet and the chord of which bears North 56°12'19" West 4.46 feet;

Thence Northwesterly 27.81 feet along the arc of a curve to the left having a radius of 108.00 feet and the chord of which bears North 29°42'19" West 27.73 feet;

Thence Northerly 12.65 feet along the arc of a curve to the right having a radius of 11.00 feet and the chord of which bears North 04°08'10" West 11.96 feet;

Thence Northerly 70.91 feet along the arc of a curve to the left having a radius of 228.50 feet and the chord of which bears North 19°55'06" East 70.63 feet to the East line of Oneida Street;

Thence South 00°01'51" West 104.90 feet along the East line of Oneida Street and being coincident with the West line of said Block 68 to the point of beginning.

AND

A part of Pacific Street abutting the North side of Block Fifty-Nine (59) 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 Southeast Quarter

(SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,832 square feet of land and being further described by:

Commencing at the Southwest corner of Pacific Street and Oneida Street, said point also being the Northeast corner of Block 59 of the APPLETON PLAT (aka Second Ward Plat) and being the point of beginning;

Thence South 89°55'06" West 111.86 feet along the South line of Pacific Street and being coincident with the North line of said Block 59;

Thence Easterly 102.16 feet along the arc of a curve to the left having a radius of 182.00 feet and the chord of which bears North 69°14'08" East 100.82 feet;

Thence Southeasterly 24.35 feet along the arc of a curve to the right having a radius of 11.00 feet and the chord of which bears South 63°25'02" East 19.68 feet to the Northerly extension of the West line of Oneida Street;

Thence South 00°00'36" West 26.78 feet coincident with the Northerly extension of the West line of Oneida Street to the point of beginning.

AND

A part of Pacific Street and Appleton Street, also being formerly known as a part of Lot Twelve (12), Thirteen (13) and Fourteen (14) of Block Fifty-Nine (59) 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 Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 445 square feet of land and being further described by:

Commencing at the Northwest corner of Block 59 of the APPLETON PLAT (aka Second Ward Plat);

Thence South 00°02'57" East 115.69 feet coincident with the West line of said Block 59 to the point of beginning;

Thence North 00°02'57" West 0.33 feet coincident with the West line of said Block 59;

Thence Northeasterly 117.59 feet along the arc of a curve to the right having a radius of 90.00 feet and the chord of which bears North 37°22'50" East 109.40 feet to the existing Southeasterly line of Pacific Street per A.O.D. Document No.778217;

Thence South 51°15'47" West 71.53 feet (recorded as North 50°27'24" East 71.53 feet) coincident with Southeast line of Pacific Street per A.O.D. Document No.778217;

Thence South 14°01'58" West 43.81 feet (recorded as North 12°57'24" East 43.81 feet) coincident with Southeast line of Pacific Street and the East line of Appleton Street per A.O.D. Document No.779003 to the West line of Block 59 and the point of beginning.

AND

A part of Pacific Street and Appleton Street abutting the South side of Block Sixty-Seven (67) 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 Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County,

Wisconsin, containing 3,843 square feet of land and being further described by:
Commencing at the Northeast corner of Pacific Street and Appleton Street, said point also being the Southwest corner of Block 67 of the APPLETON PLAT (aka Second Ward Plat) and being the point of beginning;
Thence North 89°55'06" East 165.28 feet along the North line of Pacific Street and being coincident with the South line of said Block 67;
Thence South 74°55'40" West 117.97 feet;
Thence Southwesterly 57.49 feet along the arc of a curve to the left having a radius of 150.00 feet and the chord of which bears South 63°56'53" West 57.14 feet to the Southerly extension of the West line of Block 67;
Thence North 00°02'19" West 55.54 feet coincident with the Southerly extension of the West line of Block 67 to the point of beginning.

AND

A part of Pacific Street and Oneida Street also being formerly known as a part of Lot Seven (7) and Lot Eight (8) of Block Sixty-Seven (67) 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 Southeast Quarter (SE ¼) of the Northwest Quarter (NW ¼), Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,433 square feet of land and being further described by:

Commencing at the Northeast corner of Pacific Street and Appleton Street, said point also being the Southwest corner of Block 67 of the APPLETON PLAT (aka Second Ward Plat);

Thence North 89°55'06" East 166.83 feet along the North line of Pacific Street and being coincident with the South line of said Block 67 to the Southwest corner of Lot 7 of said Block 67 and being the point of beginning;

Thence North 51°30'19" East 128.76 feet (recorded as North 50°26'53" East 128.73 feet) to a point on the North line of said Lot 7 being 16.99 feet West of the Northeast corner thereof;

Thence North 13°33'47" East 72.61 feet (recorded as North 14°40'01" East 72.61 feet) to a point on the West line of Oneida Street (as platted) said point being 150.56 feet (recorded as 150.56 feet) North of the Southeast corner of said Block 67;

Thence Southwesterly 202.92 feet along the arc of a curve to the right having a radius of 155.00 feet and the chord of which bears South 37°25'22" West 188.74 feet;

Thence South 74°55'40" West 3.22 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 afore described right of way

areas.

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.

OWNERSHIP DISTRIBUTION OF THE VACATED STREET AREA

It is the intent of the City of Appleton that the existing common lot line between Lot 5 and 6 of said Block 67 be extended in a Southerly direction to its intersection with the proposed Northwesterly line of Pacific Street. The remaining areas of vacated street right of way are intended to accrue to the sole abutting landowner.

ZONING DISTRICT BOUNDARIES

Per Section 23-39 of the Municipal Code, zoning district boundaries indicated as approximately following the centerlines of streets shall be construed to follow such centerlines. In this case, the centerlines will change due to the proposed street vacation. Therefore, it is the intent of the City of Appleton that existing zoning district boundaries located in the public right-of-way will be amended accordingly.

The public right-of-way at the intersection of Appleton Street and Pacific Street, from PD/R-3 Planned Development Multi-Family District to R-1C Central City Residential District.

The public right-of-way at the intersection of Oneida Street and Pacific Street, from R-1C Central City Residential District to PD/R-3 Planned Development Multi-Family District.

The public right-of-way at the intersection of Oneida Street and Pacific Street, from R-1C Central City Residential District to C-2 General Commercial District.

See also attached Exhibit "B" for illustration.

COMMON DESCRIPTION:

Portions of Appleton Street, Pacific Street, and Oneida Street, generally located north of Packard Street and south of Atlantic 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 parts of Appleton Street, Pacific Street, and Oneida Street, title to the above-described streets 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.

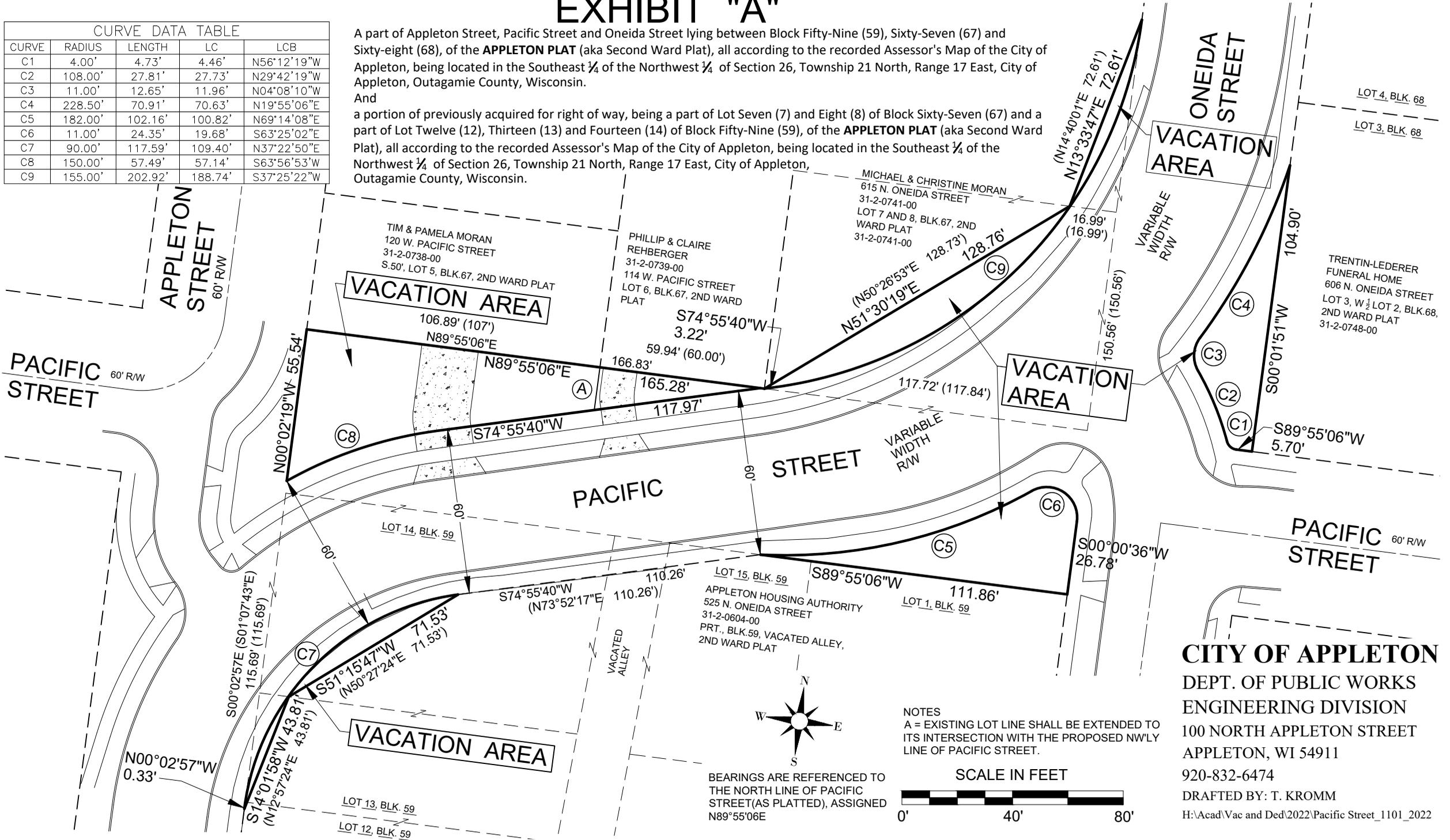
Date: _____

EXHIBIT "A"

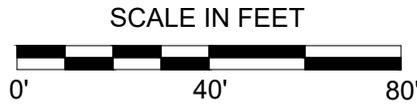
CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LCB
C1	4.00'	4.73'	4.46'	N56°12'19"W
C2	108.00'	27.81'	27.73'	N29°42'19"W
C3	11.00'	12.65'	11.96'	N04°08'10"W
C4	228.50'	70.91'	70.63'	N19°55'06"E
C5	182.00'	102.16'	100.82'	N69°14'08"E
C6	11.00'	24.35'	19.68'	S63°25'02"E
C7	90.00'	117.59'	109.40'	N37°22'50"E
C8	150.00'	57.49'	57.14'	S63°56'53"W
C9	155.00'	202.92'	188.74'	S37°25'22"W

A part of Appleton Street, Pacific Street and Oneida Street lying between Block Fifty-Nine (59), Sixty-Seven (67) and Sixty-eight (68), 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 Southeast ¼ of the Northwest ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

And a portion of previously acquired for right of way, being a part of Lot Seven (7) and Eight (8) of Block Sixty-Seven (67) and a part of Lot Twelve (12), Thirteen (13) and Fourteen (14) of Block Fifty-Nine (59), 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 Southeast ¼ of the Northwest ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.



NOTES
 A = EXISTING LOT LINE SHALL BE EXTENDED TO ITS INTERSECTION WITH THE PROPOSED NWLY LINE OF PACIFIC STREET.

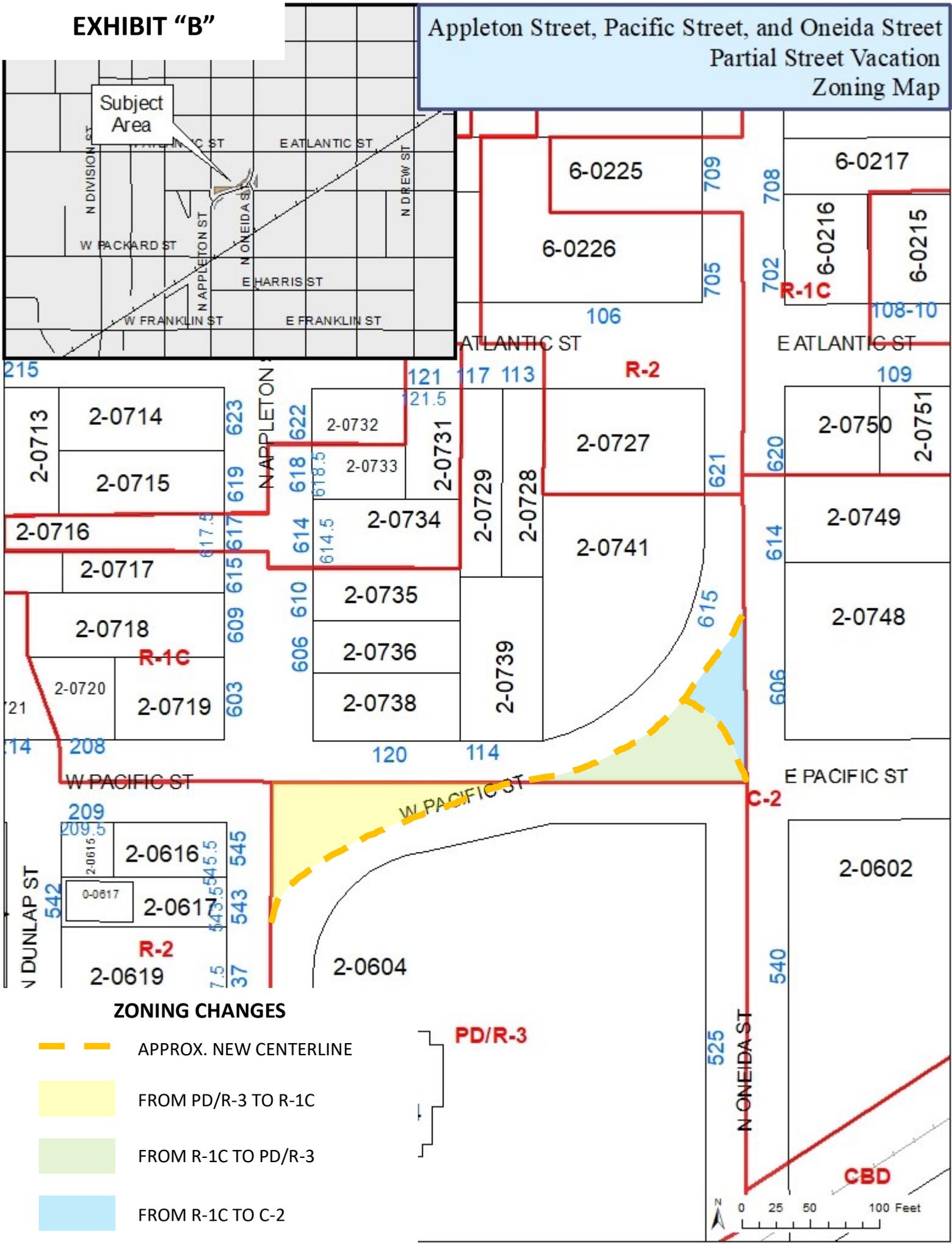


CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474
 DRAFTED BY: T. KROMM
 H:\Acad\Vac and Ded\2022\Pacific Street_1101_2022

EXHIBIT "B"

**Appleton Street, Pacific Street, and Oneida Street
Partial Street Vacation
Zoning Map**

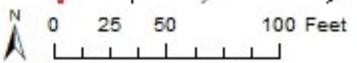
Subject Area



ZONING CHANGES

- APPROX. NEW CENTERLINE
- FROM PD/R-3 TO R-1C
- FROM R-1C TO PD/R-3
- FROM R-1C TO C-2

PD/R-3



CBD