

## ***INITIAL RESOLUTION***

***WHEREAS***, the public interest requires that a portion of North Erb Street, north of West Michigan 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 North Erb 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 strip of land 60 feet in width and 101.6 feet m/l in length, containing 6,096 square feet of land and being further described as:

All that part of Erb Street lying North of the Westerly extension of the North line of Michigan Street, located in the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 23, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin.

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 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:**

A portion of North Erb Street, north of West Michigan 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 North Erb 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 A19-1101  
11/15/2019

# EXHIBIT "A"

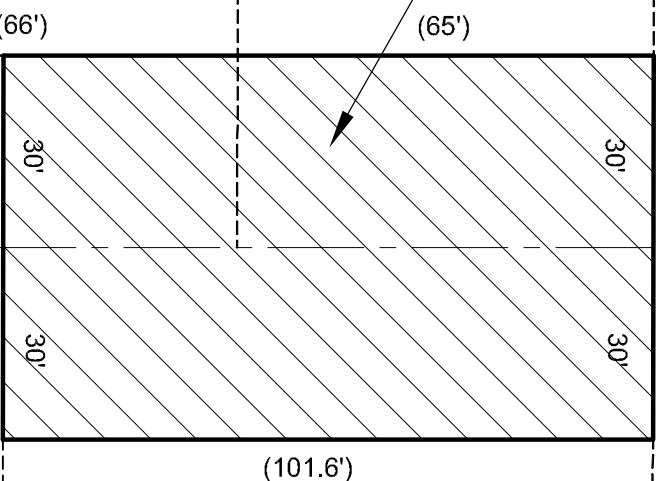
## ERB STREET VACATION

R. Lewis and R. Lewis LLC  
31-6-7704-00  
Lot 2, CSM #1926, Zoned: C-2

R. Lewis and R. Lewis LLC  
31-6-2861-00  
Lot 11, Block 1  
Northview Plat  
Zoned: R-1B

R. Lewis and R. Lewis LLC  
31-6-2860-00  
Lot 10, N.27' Lot 9, Block 1  
Northview Plat  
Zoned: R-1B

AREA TO  
BE VACATED

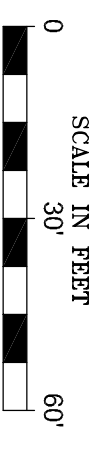
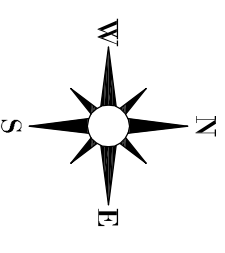


Mitchell and Amber Nonn  
31-6-2906-00  
Lot 1, Block 4  
Northview Plat  
Zoned: R-1B

N. ERB STREET

W. MICHIGAN STREET

60' R/W



**CITY OF APPLETON**

DEPT. OF PUBLIC WORKS  
ENGINEERING DIVISION  
100 NORTH APPLETON STREET  
APPLETON, WI 54911

920-832-6474

DRAFTED BY: T. KROMM

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