



REPORT TO CITY PLAN COMMISSION

Municipal Services Committee Meeting Date: August 12, 2019

Plan Commission Informal Public Hearing Date: August 13, 2019

Common Council Meeting Date - Initial Resolution: August 21, 2019

Common Council Public Hearing Meeting Date: October 2, 2019

Item: Street Discontinuance of Public Right-of-Way for Locust Street north of the Wisconsin Central Railroad and approximately 136 feet south of West College Avenue

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: City of Appleton c/o Paula Vandehey, Director of Public Works

Location: Generally located in the 100 block of South Locust Street north of the Wisconsin Central Railroad and approximately 136 feet south of West College Avenue

Petitioner's Request: A partial Street Vacation request has been initiated by the applicant, City of Appleton. The proposed street vacation will help facilitate future expansion plans for the Boys and Girls Club to program this space along with the property they own on either side of the proposed street vacation for outdoor recreational activities.

BACKGROUND

On October 4, 2017, the Common Council approved the closing of South Locust Street crossing at the Wisconsin Central Railroad pursuant to the Railroad Quiet Zone Implementation Plan.

STAFF ANALYSIS

Street Classification: The City's Arterial/Collector Plan Map identifies this portion of Locust Street as a local street.

Title to Discontinued Street: When vacated, the land must revert to its original source, which in this case includes the parcels located west and east of the proposed vacation area. Consequently, title to the portion of this street being discontinued will belong to the Boys and Girls Club Fox Valley, Inc and C.N. Wisconsin Central Railroad LTD.

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.

STAFF ANALYSIS (continued)

General Information:

The proposed street vacation will not affect vehicular access to the existing 10/20-foot wide private ingress/egress easement used in common for driveway purposes by owners and visitors of Boys and Girls Club, Dong Po, Spats, and Shooting Star Photo & Framing.

The proposed street vacation will not affect vehicular access to the existing public alley located west of South Locust Street.

Approximately 12 on-street parking spaces will be eliminated within the area proposed for vacation.

Representatives from the Boys and Girls Club reached out to the business and residential property owners to discuss their expansion plans. As a result, the Boys and Girls Club proposed to move their fence which is located on parcel number 3-0962 to the south and construct approximately 7 parallel off-street parking spaces to address the reduction of on-street parking spaces related to this portion of Locust Street being vacated. Site plan review and approval is required, prior to constructing additional parking spaces on the site.

On-Street Parking Space Inventory near the proposed street vacation:

- Approximately 6 parking spaces are located on the west side of Locust Street between College Avenue and Public Alley.
- Approximately 6 parking spaces are located on the east side of Locust Street between College Avenue and Public Alley.
- Approximately 7 parking spaces are located on the west side of Locust Street between College Avenue and Washington Street.
- Approximately 5 parking spaces are located on the east side of Locust Street between College Avenue and Washington Street.
- Approximately 15 parking spaces are located on the north side of College Avenue between Locust Street and Bennett Street.
- Approximately 15 parking spaces are located on the south side of College Avenue between Locust Street and Bennett Street.
- Approximately 7 proposed parking spaces will be constructed on the Boys and Girls Club property (Property number 3-0962) south of 733, 741, 743 and 745 West College Avenue.

In summary, there are approximately a total of 54 on-street parking spaces located near the proposed street vacation and businesses in this part of the City.

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 a mix of residential and commercial in nature.

STAFF ANALYSIS (continued)

North: CBD Central Business District – Existing Locust Street right-of-way is immediately north of the subject area.

South: CBD Central Business District – Existing C.N. Wisconsin Central Ltd. Railroad right-of-way is immediately south of the subject area with street closure devices in place.

East: CBD Central Business District – The adjacent property to the east is currently the outdoor program area for the Boys and Girls Club Fox Valley, Inc.

West: CBD Central Business District – The adjacent property to the west is currently occupied by the indoor facility for the Boys and Girls Club Fox Valley, Inc.

Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future central business district uses. The proposed street right-of-way discontinuance is consistent with the following goals and polices of the *Comprehensive Plan 2010-2030*.

Goal 1 – Community Growth

Appleton will continue to provide opportunities for residential, commercial, and industrial growth, including appropriate redevelopment sites within the downtown and existing neighborhoods, and greenfield development sites at the City's edge.

- *(This partial street vacation will provide an opportunity for the Boys and Girls Club to merge the land they own on either side of the proposed street vacation and develop and program this space for outdoor recreational activities for their members.)*

Policy 9.2.2 Work with the existing business community to help identify and tap opportunities for expansion.

- *(This partial street vacation will facilitate future expansion plans for the Boys and Girls Club to program this space along with the property they own on either side of the proposed street vacation for outdoor recreational activities.)*

OBJECTIVE 10.1 Land Use:

Provide an adequate supply of suitable land meeting the demand for development of various land uses.

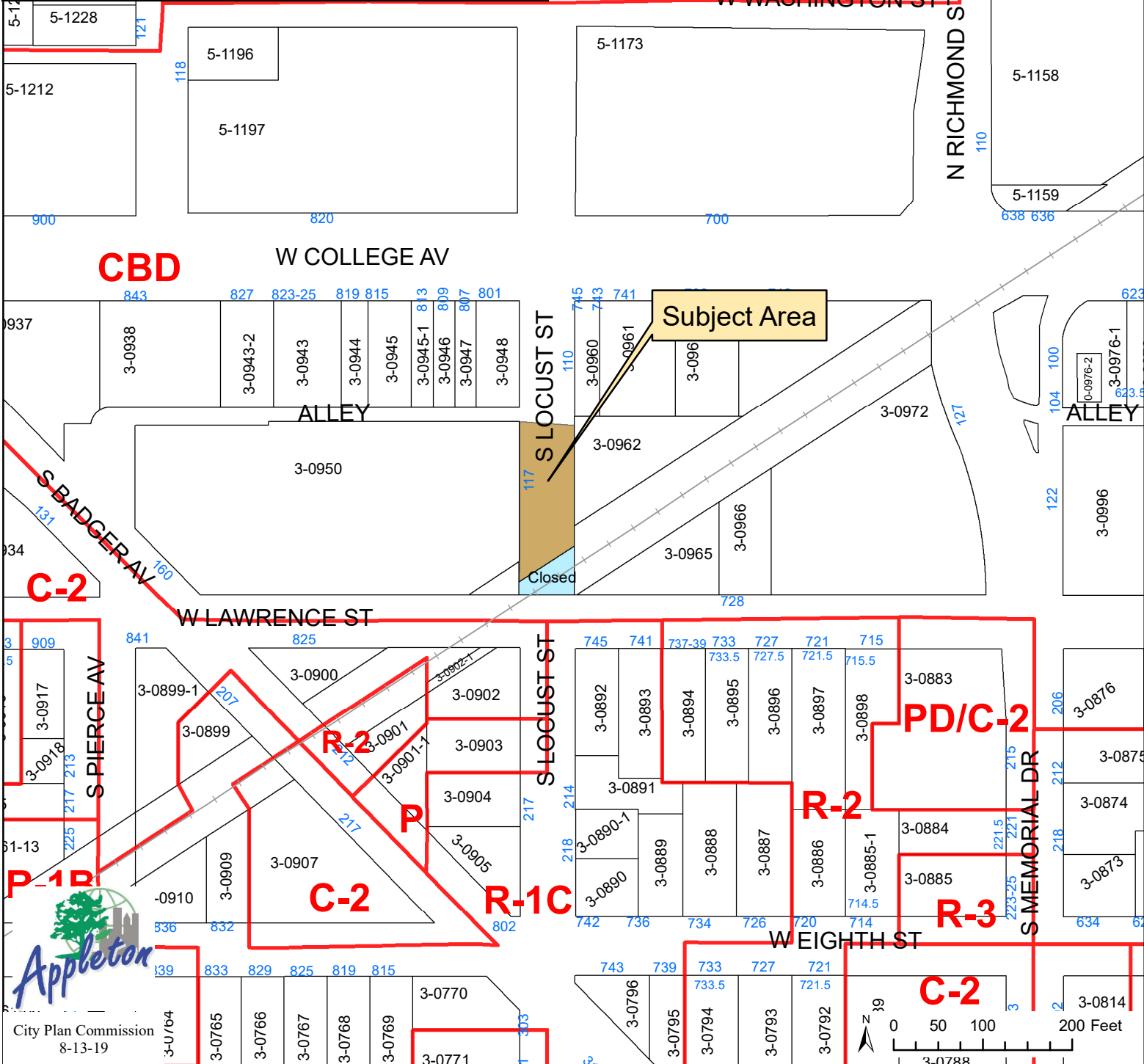
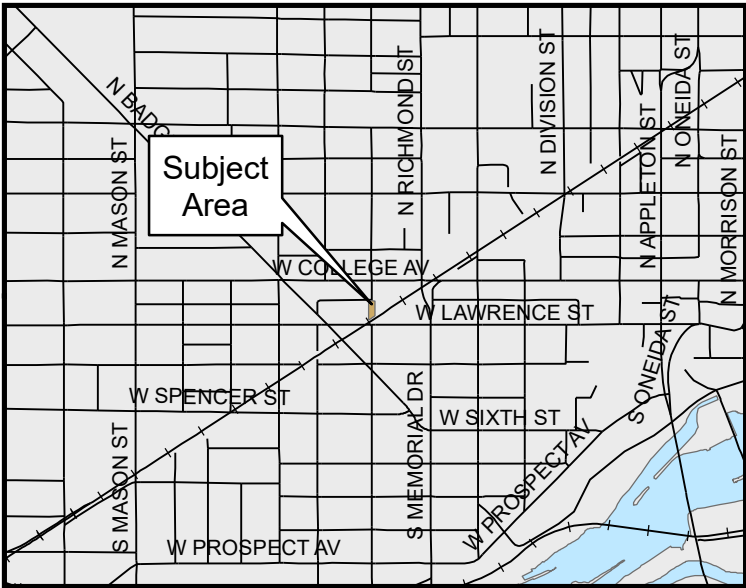
- *(This partial street vacation will provide additional land area and will facilitate future expansion plans for the Boys and Girls Club to program this space along with the property they own on either side of the proposed street vacation for outdoor recreational activities.)*

Technical Review Group (TRG) Report: This item was discussed at the July 23, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends the discontinuance of South Locust Street, north of the Wisconsin Central Railroad and approximately 136 feet south of West College Avenue, per the attached maps and the adoption of the Initial Resolution, **BE APPROVED.**

South Locust Street Street Vacation Zoning Map



South Locust Street
Street Vacation
Aerial Map

820

700

N LOCUST ST

W COLLEGE AV

819 815 813 809 807 801 745 743 741 733 719

3-0944

3-0945

3-0945-1

3-0946

3-0947

3-0948

ALLEY

S LOCUST ST

110

3-0960

3-0961

3-0963-1

3-096

Subject Area

0950

117

3-0962

3-0965

3-0966

Closed

728

W LAWRENCE ST

745 741 737-39 733 727

0900

3-0902

S LOCUST ST

3-0892

3-0893

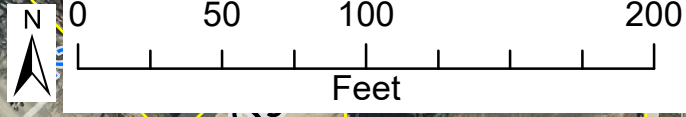
3-0894

733.5

395

727.5

96



INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of South Locust Street, from south side of alley to north line of railroad, 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 South Locust 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 62 feet in width and 157 feet m/l in length along its centerline, containing 9,717 square feet of land m/l and being further described by:
Commencing at the Northeast corner of Lot 1 of Certified Survey Map No. 6031, said point also being coincident with the South line of a 16 foot wide Alley at the West line of Locust Street and being the point of beginning;
Thence S.86°05'40"E. 62.15 feet to a point on the West line of Lot 4 of Certified Survey Map No. 583, said point being 10 feet South of the Northwest corner thereof, said point also being coincident with the South line of a 20 foot wide vacated Alley at the East line of Locust Street;
Thence S.00°05'54"E. 134.57 feet m/l coincident with the West line of said Lot 4 and also being coincident with the East line of Locust Street to a point 20.00 feet Northwesterly of the center of the main track of the Wisconsin Central Railroad, as measured at a right angle to said track;
Thence S.56°54'36"W. 73.92 feet parallel to the center of the main track of the Wisconsin Central Railroad to the Southerly extension of the West line of Locust Street;
Thence N.00°05'54"W. 178.87 feet m/l coincident with the Southerly extension of the West line of Locust Street and then the West line thereof to the point of beginning.

See also attached Exhibit "A" for illustration.

EXISTING LOT LINE PROJECTIONS

The properties abutting the right of way line of said Locust Street shall acquire a land title interest to the centerline of this vacated street 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. 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:

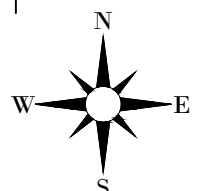
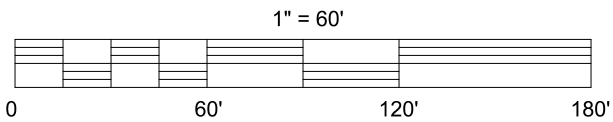
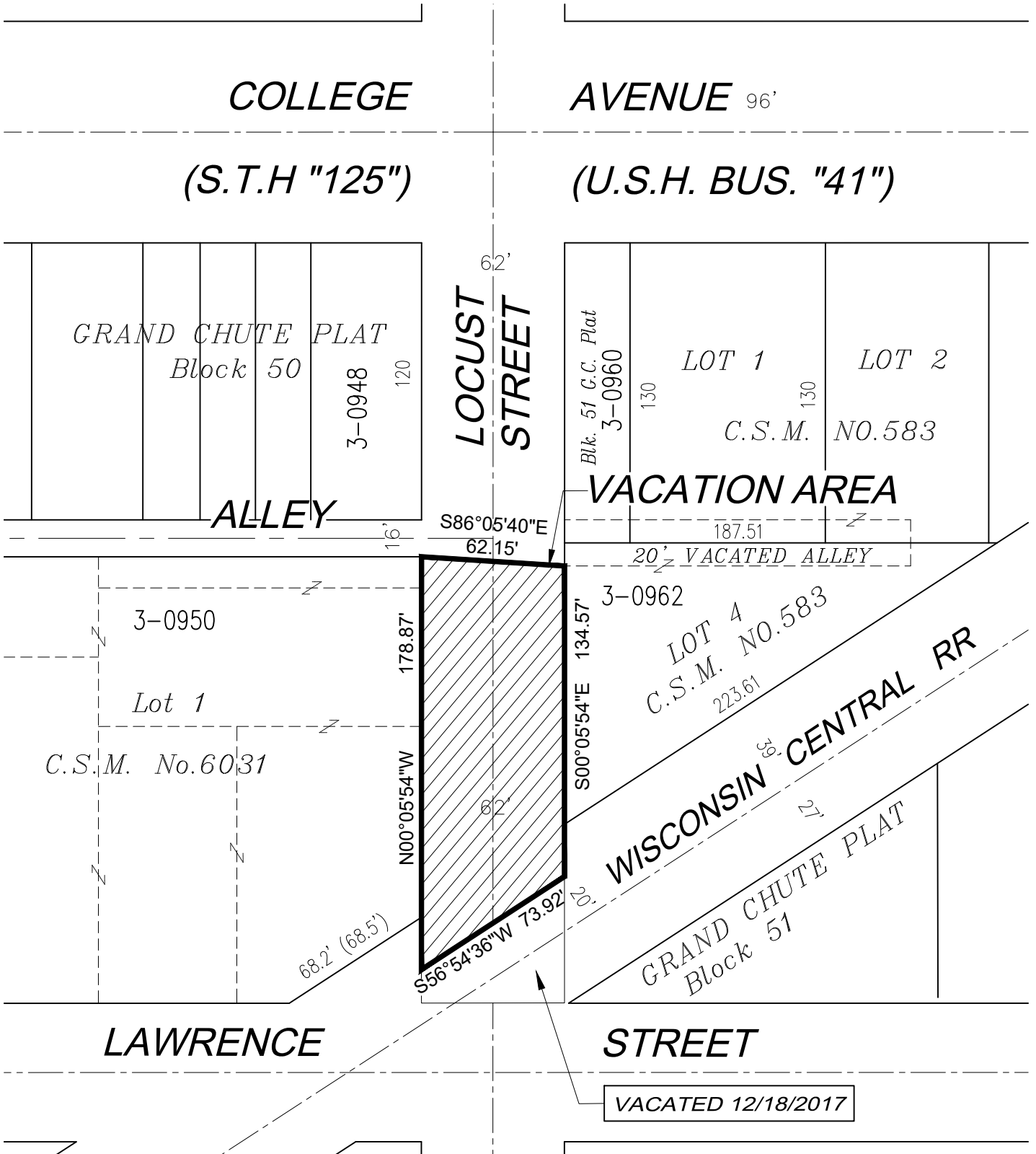
A portion of South Locust Street, from south side of alley to north line of railroad

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 South Locust 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.

EXHIBIT "A"

LOCUST STREET VACATION



CITY OF APPLETON
DEPT. OF PUBLIC WORKS
APPLETON, WI 54911
DRAFTED BY: T. KROMM