



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: January 26, 2015

Municipal Services Committee Meeting Date: January 27, 2015

Common Council Meeting Date-Initial Resolution: February 4, 2015
Public Hearing Date: March 18, 2015

Item: Street Discontinuance to vacate a portion of North Douglas Street between North Badger Avenue and West Commercial Street

Case Manager: Don Harp

GENERAL INFORMATION

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

Street Name/Location: Portion of North Douglas Street, generally located between North Badger Avenue and West Commercial Street

Owner/Applicant's Request: Street Discontinuance to vacate a portion of North Douglas Street between North Badger Avenue and West Commercial Street

BACKGROUND

In 2015, North Badger Avenue is scheduled for reconstruction. As part of the North Badger Avenue reconstruction project, it was determined the existing street improvements (street pavement, curb, and gutter) for this portion of North Douglas Street between North Badger Avenue and West Commercial Street will be replaced with grass.

STAFF ANALYSIS

Property Address Changes: If the street vacation is approved, 916 North Douglas Street (Tax Key Number 5-0138-00) will be assigned a new address off of West Commercial Street, and 910 North Douglas Street (Tax Key Number 5-0137-00) will be assigned a new address off of North Badger Avenue because these parcels will not have frontage on North Douglas Street. The Inspections Division will process and issue address changes for these two properties.

Title to Vacated Street: As a result, when vacated, the land must revert to its original source, which in this case are the parcels located to the east and west of the proposed vacation. Consequently, title to the street being vacated will belong to the adjoining property owners and will acquire an ownership interest in land vacated as shown on the attached map.

Existing Public Utilities: The City will maintain a utility easement for all existing utilities which may exist within the entire width of the vacated area.

Street Right-of-Way Width: This portion of North Douglas Street is approximately 60 feet wide.

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City Owned Lot: The City of Appleton owns the triangle-shaped lot identified as Lot 1 on the exhibit map. Lot 1 is 4,086 square feet in area. The minimum lot area of the R-1B District is 6,000 square feet in area. The City-owned parcel will acquire a portion of the right-of-way and become a conforming lot of record at 6,274 square feet in area.

Street Classification/Driveway Access: The City's Arterial Map identifies this portion of North Douglas Street as a local street. The private driveways located on 910 North Douglas Street and 900 North Badger Avenue that previously connected to North Douglas Street will be extended to North Badger Avenue as part of the Badger Avenue reconstruction project.

Surrounding Zoning and Land Uses:

North: R-1B, Single Family District – Single-family residential
South: R-1B, Single Family District – Single-family residential
East: R-1B, Single Family District – Single-family residential
West: R-1B, Single Family District – Single-family residential

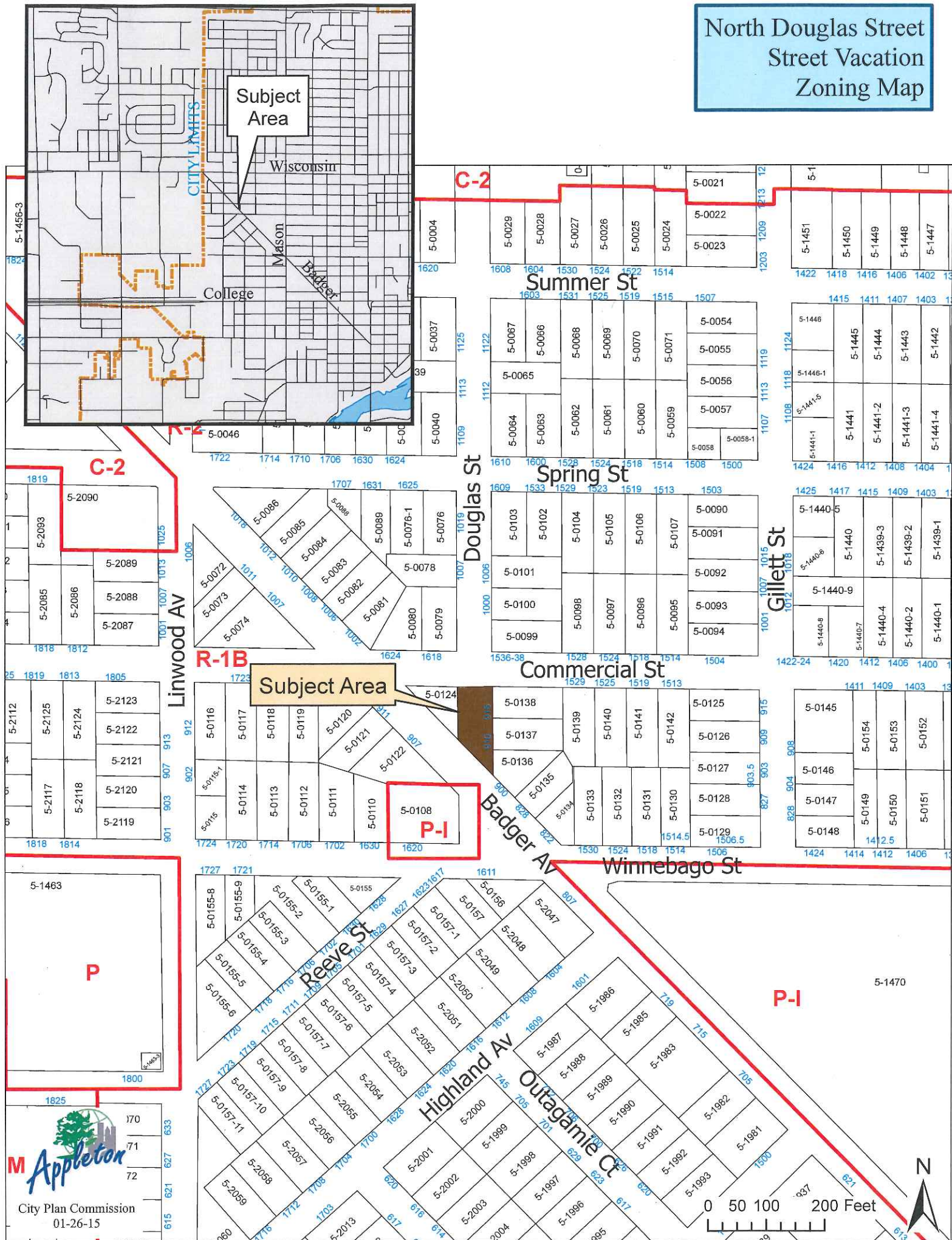
2010-2030 Comprehensive Plan: The City of Appleton 2010-2030 Comprehensive Plan identifies this area for future single/two family uses.

Technical Review Group Report (TRG): This item was discussed at the January 6, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

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

North Douglas Street Street Vacation Zoning Map



INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of Douglas 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 Douglas 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 121.4 feet m/l in length along its centerline:
Bounded on the West by Lot 1, Block 9, Gilmore Addition, according to the recorded Assessor's Plat of the City of Appleton;
Bounded on the East by Lots 12, 13 and 14 of Block 10, Gilmore Addition, according to the recorded Assessor's Plat of the City of Appleton;
Bounded on the South by the Northeasterly line of Badger Avenue;
Bounded on the North by the South line of Commercial Street, all being located in the NW ¼ of the NW ¼ of Section 27, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin, containing 7,286 square feet of land m/l and being further described by:

Commencing at the Northwest corner of Lot 14 of said Block 10 said point also being the Southeast corner of Commercial Street and Douglas Street and being the point of beginning;

Thence Southerly 151.8 feet m/l, along the East line of said Douglas Street to the Northeasterly line of said Badger Avenue and also being the Southwest corner of Lot 12 of said Block 10;

Thence Northwesterly 86.34 feet m/l, along the Northeasterly line of said Badger Avenue to the West line of Douglas Street and also being the most Southerly corner of Lot 1 of said Block 9;

Thence Northerly 91.0 feet m/l along the West line of Douglas Street and also being the East line of Lot 1 of said Block 9 to the South line of Commercial Street;

Thence Easterly 60.015 feet m/l, along the South line of Commercial Street to the point of beginning.

See also attached Exhibit "A" for illustration.

EXISTING LOT LINE PROJECTIONS

The adjoining property owners shall acquire ownership to the afore described and vacated portion of Douglas Street as shown on the attached Exhibit "A" Map and more specifically as follows:

Lot 14, Block 10 of Gilmore Addition, according to the recorded Assessor's Plat of the City of Appleton shall acquire an ownership interest in that portion of vacated Douglas Street as follows: Commencing at the Northwest corner of said Lot 14 and

being the point of beginning; Thence Southerly 54 feet along the West line of said Lot 14 to the Southwest corner thereof; Thence Westerly 30.01 feet along the Westerly extension of the South line of said Lot 14 to the centerline of Douglas Street; Thence Northerly 54 feet to the South line of Commercial Street; Thence Easterly 30.01 feet along the South line of Commercial Street to the point of beginning.

Lot 13, Block 10 of Gilmore Addition, according to the recorded Assessor's Plat of the City of Appleton shall acquire an ownership interest in that portion of vacated Douglas Street as follows: Commencing at the Northwest corner of said Lot 13 and being the point of beginning; Thence Southerly 54 feet along the West line of said Lot 13 to the Southwest corner thereof; Thence Southwesterly 30.42 feet m/l to a perpendicular point on the Northeasterly line of Badger Avenue; Thence Northwesterly 54.86 feet m/l along the Northeasterly line of Badger Avenue to the West line of Douglas Street and also being the most Southerly corner of Lot 1 of Block 9 of said Gilmore Addition; Thence Northeasterly 47.16 feet m/l to a point on the centerline of Douglas Street where it intersects the Westerly prolongation of the common lot line between Lots 13 and 14 of said Block 10; Thence Easterly 30.01 feet along the prolongation of the common lot line between Lots 13 and 14 of said Block 10 to the point of beginning.

Lot 12, Block 10 of Gilmore Addition, according to the recorded Assessor's Plat of the City of Appleton shall acquire an ownership interest in that portion of vacated Douglas Street as follows: Commencing at the Northwest corner of said Lot 12 and being the point of beginning; Thence Southerly 43.8 feet along the West line of said Lot 12 to the Southwest corner thereof and also being the Northeasterly line of Badger Avenue; Thence Northwesterly 31.48 feet m/l along the Northeasterly line of Badger Avenue; Thence Northeasterly 30.42 feet at a right angle to the Northeasterly line of said Badger Avenue to the point of beginning.

Lot 1, Block 9 of Gilmore Addition, according to the recorded Assessor's Plat of the City of Appleton shall acquire an ownership interest in that portion of vacated Douglas Street as follows: Commencing at the Northeast corner of said Lot 1 and being the point of beginning; Thence Easterly 30.01 feet along the South line of Commercial Street to the centerline of Douglas Street; Thence Southerly 54 feet along the centerline of Douglas Street to the its intersection with the Westerly prolongation of the common Lot line between Lots 13 and 14 of Block 10 of said Gilmore Addition; Thence Southwesterly 47.16 feet m/l to the most Southerly corner of said Lot 1 and also being the West line of Douglas Street; Thence Northerly 91.0 feet m/l along the East line of said lot 1 and also being the West line of Douglas Street to the point of beginning.

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 said property, as closely as possible, to the condition previously existing, and Grantee does hereby agree to compensate fully for any damage caused directly or indirectly from said maintenance, resizing, repair, replacement or relocation of said utilities. 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:

North Douglas Street – North of Badger Avenue and South of Commercial 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.

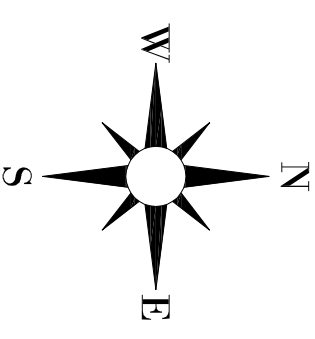
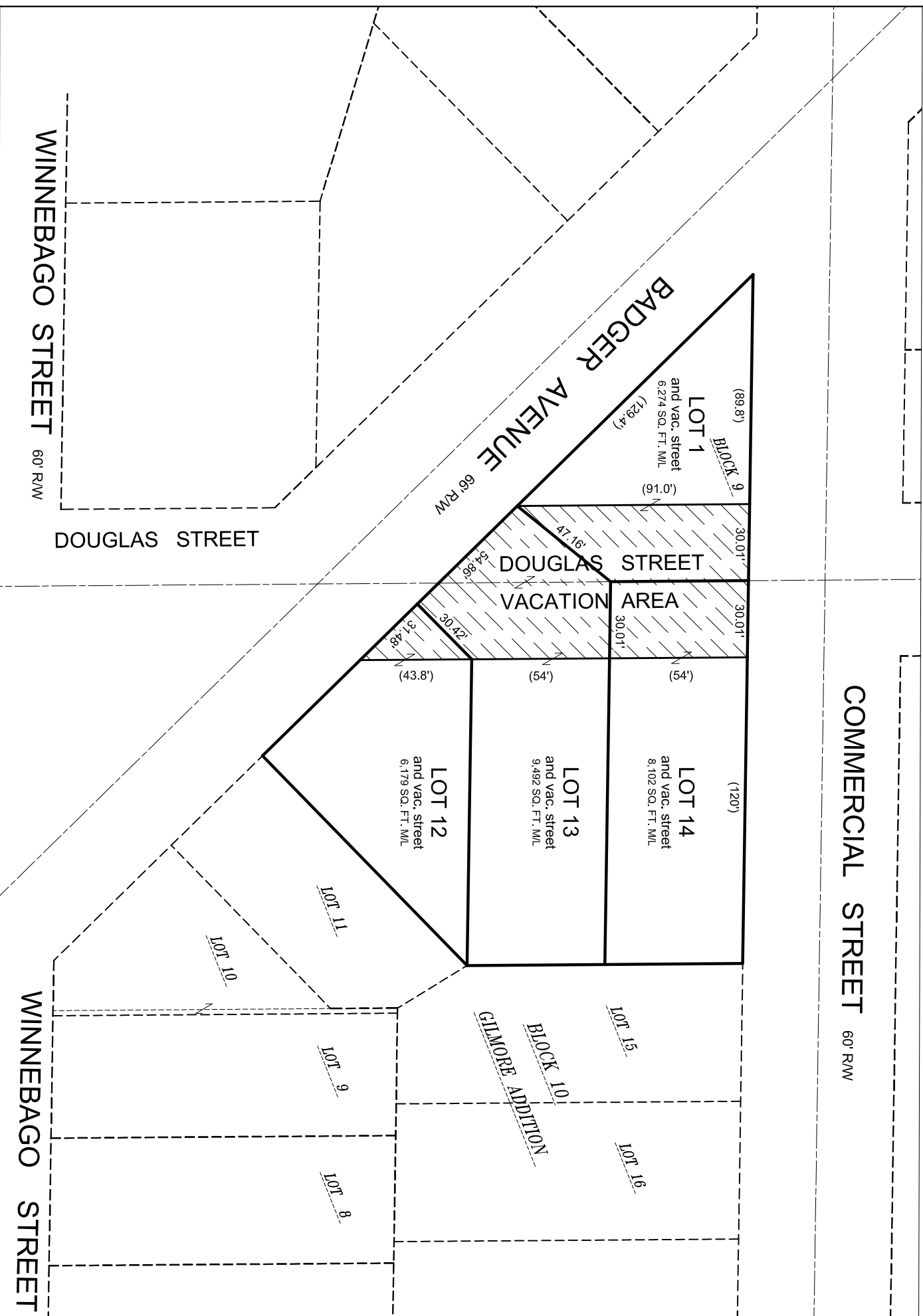
FURTHER RESOLVED, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said portion of Douglas Street, title to the above-described street shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit A.

Date

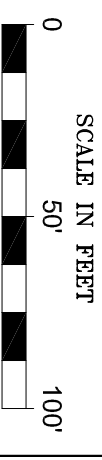
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Douglas St - Initial Resolution - January 2015.doc

STREET VACATION

COMMERCIAL STREET 60' R/W



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, NORTH LINE OF THE NW ¼ OF SECTION 27-21-17 RECORDED AS S.89°01'30"E. H:\Acad\Vacation\Douglas Street 1210_2014



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474
 DRAFTED BY: T. KROMM