

JOHN STREET VACATION

LEGAL DESCRIPTION

All of a strip of land 60 feet in width and 101.65 feet m/l in length along its centerline and containing 6,099 square feet of land m/l and being further described by:

All that part of John Street lying between Lots 1 and 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being further described as follows:

Commencing at the Northwest corner of Lot 1 of Certified Survey Map No. 7281, being coincident with the South line of John Street and being the point of beginning;

Thence North 00°02'19" West 60.00 feet to the North line of John Street;

Thence North 89°57'41" East 101.73 feet coincident with the North line of John Street to the currently established East line of John Street;

Thence South 00°07'39" West 60.00 feet coincident with the East line of John Street to the South line thereof;

Thence South 89°57'41" West 101.56 feet coincident with the South line of John 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 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. Grantee shall also have the right to build and maintain a public trail in a mutually agreeable location within the vacated street area.

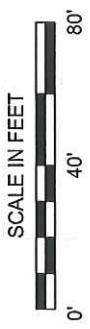
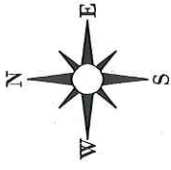
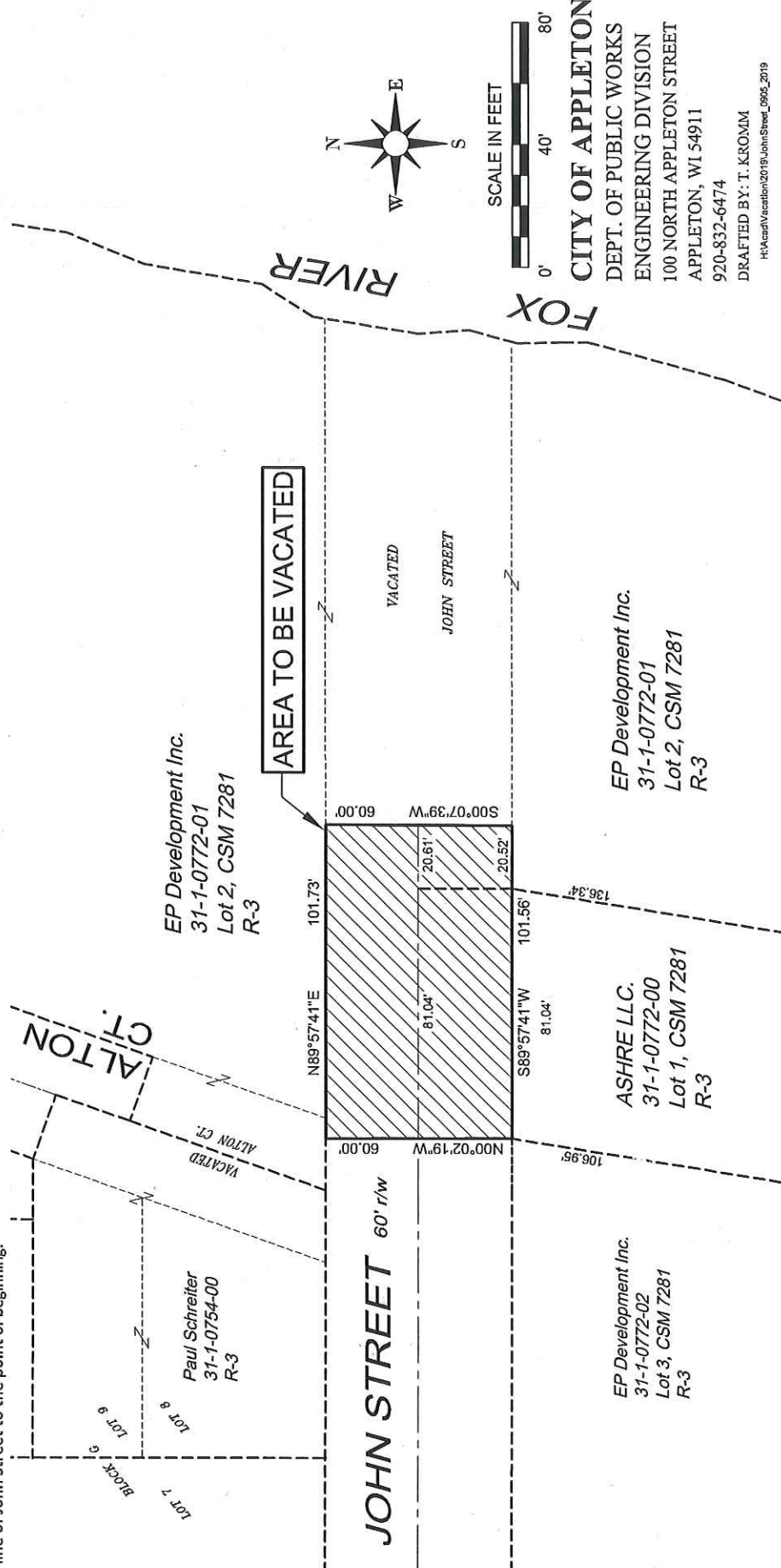
OWNERSHIP DISTRIBUTION OF THE VACATED STREET AREA

It is the intent of the City of Appleton that the new property line be drawn from the existing abutting property owner lot line to a perpendicular point on the centerline of John Street. See also the attached exhibit for additional detail.

EXHIBIT "A"

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CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
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