

FINAL 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; and

WHEREAS, notice was given when and where the resolution would be acted on, as required by law; and

WHEREAS, hearing was had on said Resolution on the 1st day of February, 2023, at City Hall, in and for the City of Appleton, Wisconsin.

BE IT RESOLVED, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that:

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

Record and return to:

City of Appleton | City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key Nos.: 31-2-0748-00, 31-2-0604-00,
31-2-0738-00, 31-2-0739-00, 31-2-0741-00

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, Wisconsin Statutes, upon vacation and discontinuance of said portions of Appleton Street, Pacific Street, and Oneida Street, title to the above-described area shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated (as deemed necessary).

City of Appleton

By: _____
Jacob A. Woodford, Mayor

By: _____
Kami Lynch, City Clerk

Date: _____

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

The foregoing Agreement was acknowledged before me this _____ day of February, 2023 by Jacob A. Woodford, Mayor and Kami Lynch, City Clerk.

Jamie L. Griesbach
Notary Public, State of Wisconsin
My commission expires 11/11/2025

This instrument was drafted by:
City Attorney Christopher R. Behrens
City Law A22-0900

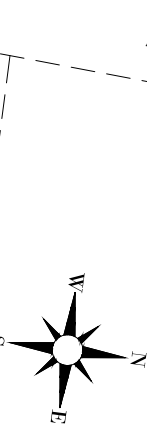
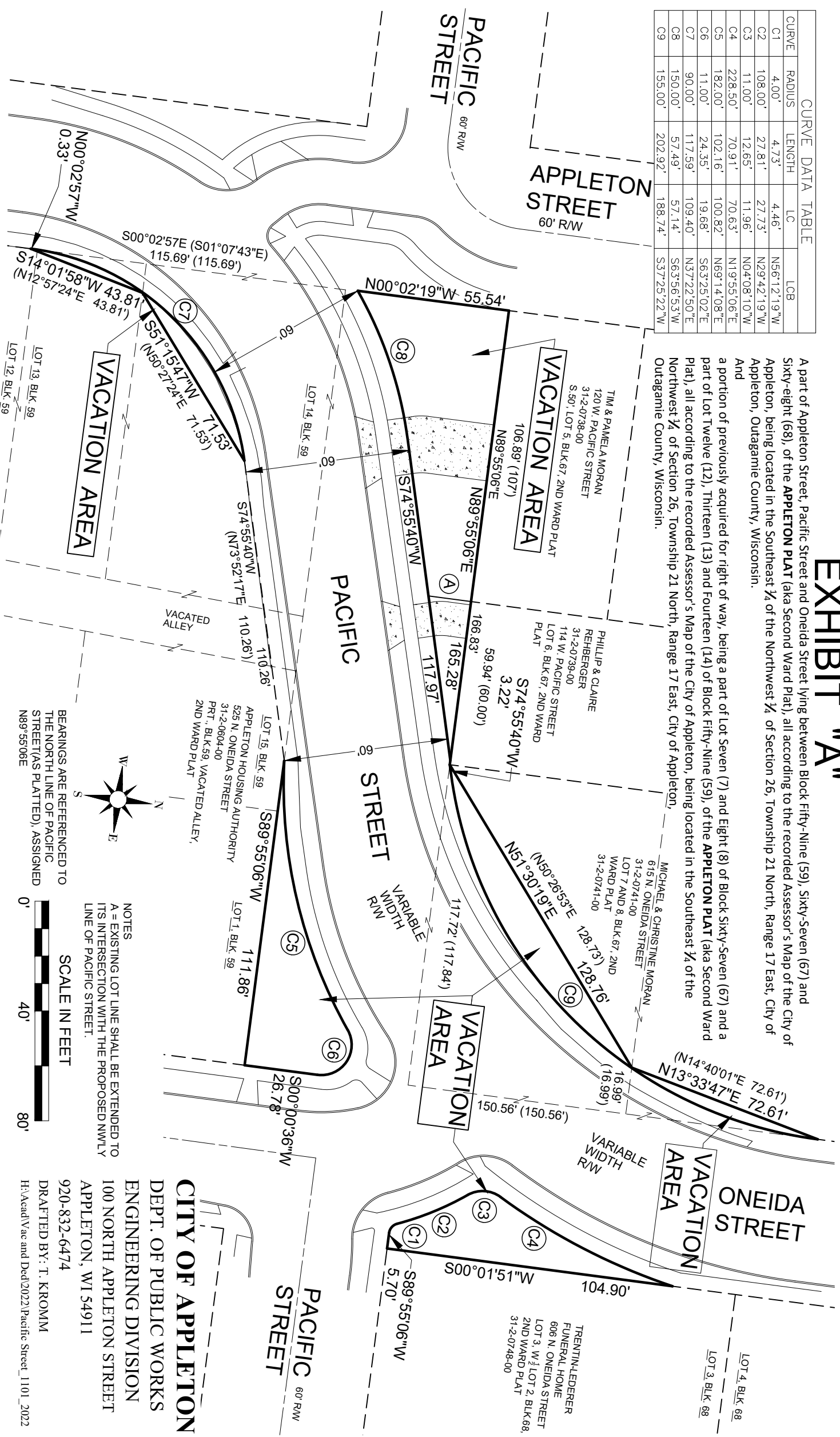
EXHIBIT "A"

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

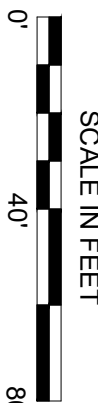
A part of Appleton Street, Pacific Street and Oneida Street lying between Block Fifty-Nine (59), Sixty-Seven (67) and Sixty-eight (68), of the **APPLETON PLAT** (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the Southeast ¼ of the Northwest 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.



BEARINGS ARE REFERENCED TO THE NORTH LINE OF PACIFIC STREET (AS PLATTED), ASSIGNED N89°55'06"E



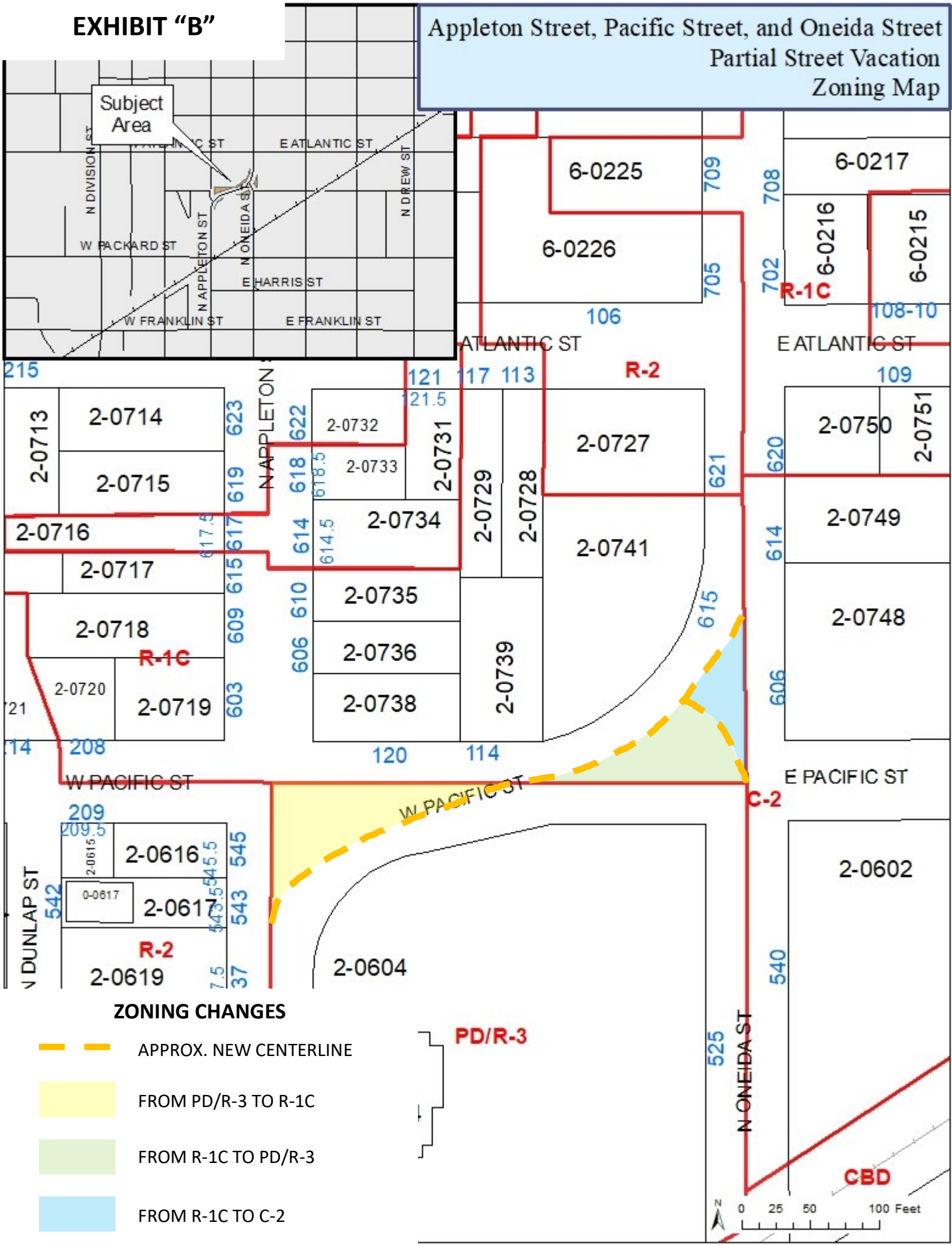
NOTES
 A = EXISTING LOT LINE SHALL BE EXTENDED TO ITS INTERSECTION WITH THE PROPOSED NWLY LINE OF PACIFIC STREET.

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

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

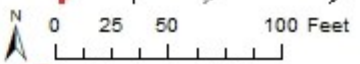
Subject Area



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