

FINAL RESOLUTION

Record and return to:

City of Appleton – City Clerk’s Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key Nos. 31-4-0273-00, 31-4-0271-02, 31-4-0271-00,

FINAL RESOLUTION

WHEREAS, the public interest requires that a portion of East North Island Street, west of South Vulcan Street, that has 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 4th day of September, 2019, 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

All of a strip of land 30 feet in width and 123.91 feet m/l in length along its centerline and containing 3,717 square feet of land m/l and being further described by:

All that part of North Island Street lying between Lots K and M of the GRAND CHUTE ISLAND PLAT, according to the recorded Assessors Map of the City of Appleton, being located in the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼), Section 35, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being further described as follows:

Commencing at the Southwesterly corner of North Island Street and Vulcan Street; Thence North 80°22'38" West 100.30 feet along the Southwesterly line of North Island Street to the point of beginning; Thence continue North 80°22'38" West 123.70 feet along the Southwesterly line to the Westerly terminus of North Island Street per Resolution document No.1238146; Thence North 08°48'17" East 30.00 feet along the Westerly terminus of North Island Street to the Northeasterly line thereof; Thence South 80°22'38" East 124.13 feet along the Northeasterly line of North Island Street; Thence South 09°37'22" West 30.00 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 above

described right of way. Grantee also retains an access easement for motorized maintenance and emergency response vehicles for the purpose of responding to any and all emergency situations.

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.

EXISTING LOT LINE PROJECTIONS AND THE FINAL OWNERSHIP DISTRIBUTION OF THE VACATED STREET AREA

It is the intent of the City of Appleton that the adjoining property owner's existing lot lines be extended until they intersect with the centerline of North Island Street. The City of Appleton and the abutting landowner (Neenah Paper) have also agreed that upon the recording of the vacation in the Outagamie County Register of Deeds Office the abutting landowner of tax parcel 31-4-0271-02 (Neenah Paper) shall immediately transfer its interest in the vacated street area to the owner of tax parcel 31-4-0271-00 (Neenah Paper). The purpose of this transfer of interest in the vacated street area is to maintain frontage on a public street for tax parcel 31-4-0271-00.

COMMON DESCRIPTION:

A portion of East North Island Street west of South Vulcan 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 portion of East North Island Street, title to the above-described area shall belong to the adjoining property owners of this vacated street area and shall acquire an

ownership interest in the entire area being vacated (as deemed necessary).

City of Appleton

By: _____
Timothy M. Hanna, Mayor

By: _____
Kami Lynch, City Clerk

Date: _____

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

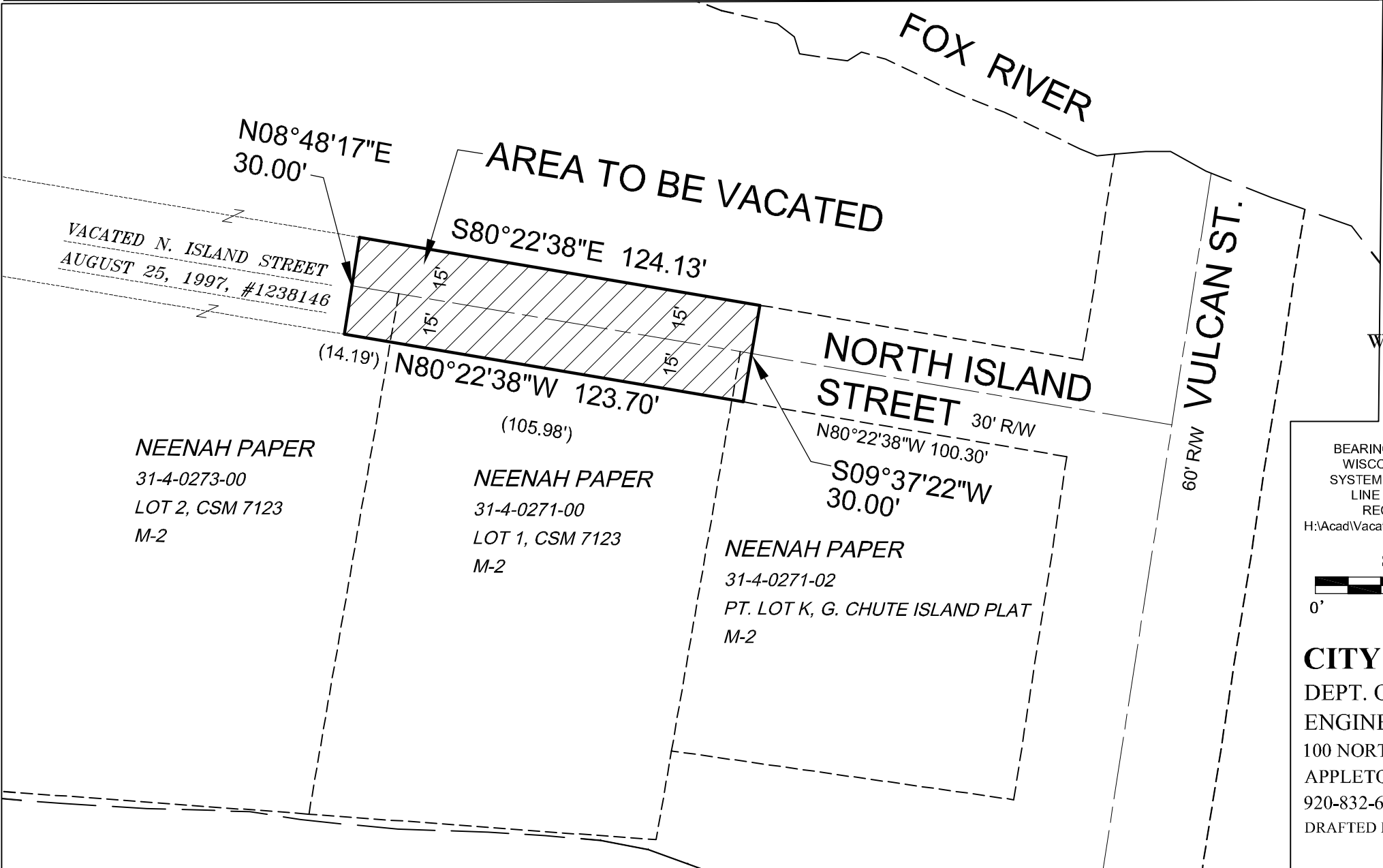
The foregoing Agreement was acknowledged before me this _____ day of September, 2019 by Timothy M. Hanna, Mayor and Kami Lynch, City Clerk.

Jamie L. Griesbach
Notary Public, State of Wisconsin
My commission expires 11/11/2021

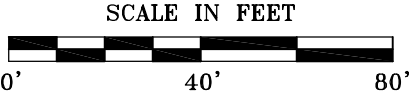
This instrument was drafted by:
Attorney James P. Walsh
City Law: A19-0481

STREET VACATION

PART OF NORTH ISLAND STREET LYING BETWEEN LOTS K AND M OF THE GRAND CHUTE ISLAND PLAT, ALL ACCORDING TO THE RECORDED ASSESSOR'S PLAT OF THE CITY OF APPLETON, LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION 35, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, NORTH LINE OF NORTH ISLAND STREET RECORDED AS N.80°22'38"W.
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CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
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 920-832-6474
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