

RELOCATION ORDER

The City of Appleton, Outagamie/Calumet/Winnebago Counties, Wisconsin, by its Common Council and for its Relocation Order hereby resolves as follows:

1. That this Resolution is a Relocation Order in accordance with subsection 32.05(1), Wisconsin Statutes, for the purpose of the within-described public improvement project and it is also a determination of necessity for that project in accordance with subsection 32.07(2), Wisconsin Statutes;
2. That the City of Appleton hereby determines that it is necessary and of public purpose to construct a retaining wall for Rocky Bleier Roadway, construct a shared use path adjacent to Rocky Bleier and for existing Water Street roadway in or near the City of Appleton, Wisconsin.
3. That said roadway and shared use path will be built within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "A" and is incorporated herein;
4. That the legal descriptions for the acquisition areas necessary for this construction are contained in Exhibits "B" and "C" under the heading "Legal Description for Acquisition," which is also incorporated herein;
5. That the City of Appleton will acquire a fee simple interest in the areas described in the "Legal Description for Acquisition" contained in Exhibits "B" and "C" from the present owners.
6. That the City of Appleton will also acquire Temporary Limited Easements for the areas described in the "Legal Description for Temporary Limited Easement" in Exhibit "B" from the present owner.

Passed and approved this _____ day of _____, 2018.

I hereby certify that on this _____ day of _____, 2018, that the within Relocation Order was adopted by a vote of _____ ayes and _____ nays by the Common Council for the City of Appleton, Wisconsin.

City of Appleton

ATTEST:

APPROVED:

Kami Lynch, City Clerk

Timothy M. Hanna, Mayor

Record and return to:

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

Subscribed and sworn to before me
This _____ day of January, 2018.

Printed Name: _____
Notary Public, State of Wisconsin
My commission is/expires: _____

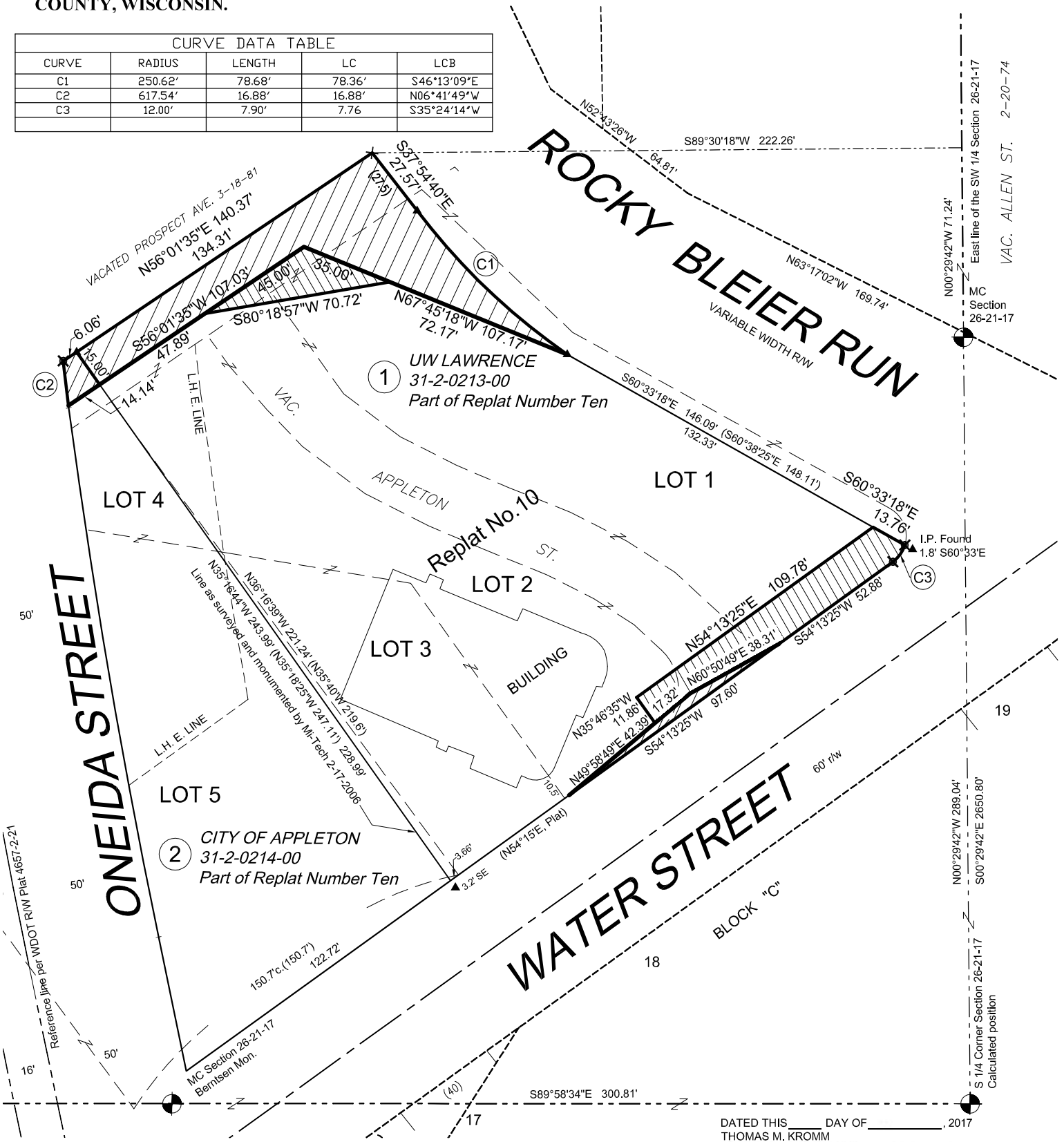
This instrument was drafted by:
James P. Walsh, Appleton City Attorney

EXHIBIT "A"

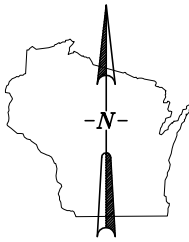
ROCKY BLEIER RUN AND WATER STREET

RIGHT-OF WAY MONUMENTATION MAP, LOCATED IN THE SOUTHEAST QUARTER (SE 1/4) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.

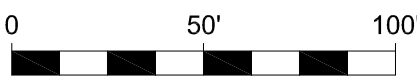
CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LCB
C1	250.62'	78.68'	78.36'	S46°13'09"E
C2	617.54'	16.88'	16.88'	N06°41'49"W
C3	12.00'	7.90'	7.76'	S35°24'14"W



DATED THIS _____ DAY OF _____, 2017
THOMAS M. KROMM



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, SOUTH LINE OF THE SW 1/4 OF SECTION 26, T.21N., R.17E., RECORDED TO BEAR N.89°58'34"W.



- LEGEND-----
- = 3/4" x 24" Iron Rebar set
 - ✕ = Iron Rebar Found
 - ⊙ = Government Corner
 - ▲ = Iron Pipe Found
 - +
 - - - = Historic Parcel Line
 - () = Measurement of Record
 - [Diagonal Lines] = Acquisition(Fee) Area
 - [Cross-hatch] = Temporary Limited Easement



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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SCHEDULE OF LAND AND INTERESTS REQUIRED

PARCEL NO.	SHEET NO.	OWNER	INTEREST	NEW AREA	EXISTING	REMAINING
1	1	LAWRENCE UNIVERSITY OF WISCONSIN	FEE	3,879 SQ. FT.	39,473 SQ. FT.	35,594 SQ. FT.
1	1	LAWRENCE UNIVERSITY OF WISCONSIN	TLE	2,197 SQ. FT.	N/A	N/A
2	1	CITY OF APPLETON	FEE	152 SQ. FT.	16,282 SQ. FT.	16,130 SQ. FT.

EXHIBIT B

Legal Description for Acquisition LAWRENCE UNIVERSITY OF WISCONSIN

A portion of land for street right way, containing 3,663 square feet of land m/l and being all those lands of the owner within the following described area:

A part of Lot One (1), **REPLAT NUMBER TEN**, a Replat of parts of Blocks Seventeen and D, Appleton Plat and a part of vacated Prospect Avenue per a Final Resolution recorded on March 20, 1981 as Document Number 794896, all being located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section Twenty-Six (26), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin and being further described by:

Commencing at the South $\frac{1}{4}$ corner of said Section 26;
Thence North 00°29'42" West 289.04 feet along the East line of the SW $\frac{1}{4}$ of said Section 26 to a Meander corner to said South $\frac{1}{4}$ corner;
Thence continue North 00°29'42" West 71.24 feet along the East line of the SW $\frac{1}{4}$ of said Section 26;
Thence South 89°30'18" West 222.26 feet to the centerline of vacated Prospect Avenue, as surveyed and monumented by MI-TECH Services, Inc. on January 30th, 2006 and being the point of Beginning;
Thence South 37°54'40" East 27.57 feet coincident with the Southwesterly line of Rocky Bleier Run;
Thence Southeasterly 78.68 feet along the arc of a non-tangent curve to the left having a radius of 250.62 feet and the chord of which bears South 46°13'09" East 78.36 feet and being coincident with the Southwesterly line of Rocky Bleier Run;
Thence North 67°45'18" West 107.17 feet;
Thence South 56°01'35" West 107.03 feet to the Easterly line of Oneida Street (aka Oneida Skyline Bridge) per Wisconsin Department of Transportation Right of Way Plat 1657-2-21;
Thence Northwesterly 16.88 feet along the arc of a curve to the right having a radius of 617.54 feet and the chord of which bears North 06°41'49" West 16.88 feet and being coincident with the Easterly line of Oneida Street per Wisconsin Department of Transportation Right of Way Plat 1657-2-21;
Thence North 56°01'35" East 140.37 feet coincident to the centerline of vacated Prospect Avenue, as surveyed and monumented by MI-TECH Services, Inc. on January 30th, 2006 to the point of Beginning.

AND

A portion of land for street right way, containing 216 square feet of land m/l and being all those lands of the owner within the following described area:

A part of Lot One (1) and Lot Two (2), **REPLAT NUMBER TEN**, a Replat of parts of Blocks Seventeen and D, Appleton Plat and a part of vacated Appleton Street per a Final Resolution recorded on February 27th, 1974 as Document Number 679893, all being located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section Twenty-Six (26), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin and being further described by:

Commencing at the South ¼ corner of said Section 26;
Thence North 00°29'42" West 289.04 feet along the East line of the SW ¼ of said Section 26 to a Meander corner to said South ¼ corner;
Thence continue North 00°29'42" West 71.24 feet along the East line of the SW ¼ of said Section 26;
Thence South 89°30'18" West 222.26 feet to the centerline of vacated Prospect Avenue, as surveyed and monumented by MI-TECH Services, Inc. on January 30th, 2006;
Thence South 37°54'40" East 27.57 feet coincident with the Southwesterly line of Rocky Bleier Run;
Thence Southeasterly 78.68 feet along the arc of a non-tangent curve to the left having a radius of 250.62 feet and the chord of which bears South 46°13'09" East 78.36 feet and being coincident with the Southwesterly line of Rocky Bleier Run;
Thence South 60°33'18" East 146.09 feet coincident with the Southwesterly line of Rocky Bleier Run;
Thence Southwesterly 7.90 feet along the arc of a non-tangent curve to the right having a radius of 12.00 feet and the chord of which bears South 35°24'14" West 7.76 feet to the Northwesterly line of Water Street;
Thence South 54°13'25" West 52.88 feet coincident with the Northwesterly line of Water Street to the point of beginning;
Thence continue South 54°13'25" West 97.60 feet coincident with the Northwesterly line of Water Street;
Thence North 49°58'49" East 59.71 feet;
Thence North 60°50'49" East 38.31 feet to the point of Beginning.
Part of Tax Parcel No. 31-2-0213-00.
SEE ALSO ATTACHED EXHIBIT "A"

Tax Key No. 31-2-0213-00

Document: Quit Claim Deed; Document No. 964734

Fee Interest: 3,879 total sf of new right-of-way

Legal Description for Temporary Limited Easement LAWRENCE UNIVERSITY OF WISCONSIN

A part of Lot One (1), **REPLAT NUMBER TEN**, a Replat of parts of Blocks Seventeen and D, Appleton Plat, a part of vacated Prospect Avenue per a Final Resolution recorded on March 20th, 1981 as document number 794896 and a part of vacated Appleton Street per a Final Resolution recorded on February 27th, 1974 as Document Number 679893, all being located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section Twenty-Six (26), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, containing 655 square feet of land m/l and being further described by:

Commencing at the South $\frac{1}{4}$ corner of said Section 26;
Thence North 00°29'42" West 289.04 feet along the East line of the SW $\frac{1}{4}$ of said Section 26 to a Meander corner to said South $\frac{1}{4}$ corner;
Thence continue North 00°29'42" West 71.24 feet along the East line of the SW $\frac{1}{4}$ of said Section 26;
Thence South 89°30'18" West 222.26 feet to the centerline of vacated Prospect Avenue, as surveyed and monumented by MI-TECH Services, Inc. on January 30th, 2006;
Thence South 37°54'40" East 27.57 feet coincident with the Southwesterly line of Rocky Bleier Run;
Thence Southeasterly 78.68 feet along the arc of a non-tangent curve to the left having a radius of 250.62 feet and the chord of which bears South 46°13'09" East 78.36 feet and being coincident with the Southwesterly line of Rocky Bleier Run;
Thence North 67°45'18" West 72.17 feet to the point of Beginning;
Thence South 80°18'57" West 70.72 feet;
Thence North 56°01'35" East 45.00 feet;
Thence South 67°45'18" East 35.00 feet to the point of Beginning.

AND

A part of Lot One (1) and Lot Two (2), **REPLAT NUMBER TEN**, a Replat of parts of Blocks Seventeen and D, Appleton Plat and a part of vacated Appleton Street per a Final Resolution recorded on February 27th, 1974 as document number 679893, all being located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section Twenty-Six (26), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, containing 1,542 square feet of land m/l and being further described by:

Commencing at the South $\frac{1}{4}$ corner of said Section 26;
Thence North 00°29'42" West 289.04 feet along the East line of the SW $\frac{1}{4}$ of said Section 26 to a Meander corner to said South $\frac{1}{4}$ corner;
Thence continue North 00°29'42" West 71.24 feet along the East line of the SW $\frac{1}{4}$ of said Section 26;
Thence South 89°30'18" West 222.26 feet to the centerline of vacated Prospect Avenue, as surveyed and monumented by MI-TECH Services, Inc. on January 30th, 2006;
Thence South 37°54'40" East 27.57 feet coincident with the Southwesterly line of Rocky Bleier Run;
Thence Southeasterly 78.68 feet along the arc of a non-tangent curve to the left having a radius of 250.62 feet and the chord of which bears South 46°13'09" East 78.36 feet and being coincident with the Southwesterly line of Rocky Bleier Run;

Thence South 60°33'18" East 132.33 feet coincident with the Southwesterly line of Rocky Bleier Run to the point of beginning;

Thence continue South 60°33'18" East 13.76 feet coincident with the Southwesterly line of Rocky Bleier Run to the Northwesterly line of Water Street;

Thence Southwesterly 7.90 feet along the arc of a non-tangent curve to the right having a radius of 12.00 feet and the chord of which bears South 35°24'14" West 7.76 feet coincident to the Northwesterly line of Water Street;

Thence South 54°13'25" West 52.88 feet coincident with the Northwesterly line of Water Street;

Thence South 60°50'49" West 38.31 feet;

Thence South 49°58'49" West 17.32 feet;

Thence North 35°46'35" West 11.86 feet;

Thence North 54°13'25" East 109.78 feet to the point of Beginning.

Part of Tax Parcel No. 31-2-0213-00.

SEE ALSO EXHIBIT "A"

This Temporary Limited Easement (TLE) is a right for construction purposes, including the right to operate necessary equipment thereon, the right of ingress and egress, including the right to preserve, protect, remove, or plant thereon any vegetation deemed necessary or desirable and the responsibility of preventing erosion of the soil. This TLE shall expire upon the completion of the project.

EXHIBIT C

Legal Description for Acquisition CITY OF APPLETON

A portion of land for street right way, containing 152 square feet of land m/l and being all those lands of the owner within the following described area:

A part of vacated Prospect Avenue per a Final Resolution recorded on March 20, 1981 as Document Number 794896, lying Northwesterly of and adjacent to Lot Four (4), **REPLAT NUMBER TEN**, a Replat of parts of Blocks Seventeen and D, Appleton Plat, being located in the SE $\frac{1}{4}$ of the SW $\frac{1}{4}$ of Section Twenty-Six (26), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin and being further described by:

Commencing at the South $\frac{1}{4}$ corner of said Section 26;
Thence North $00^{\circ}29'42''$ West 289.04 feet along the East line of the SW $\frac{1}{4}$ of said Section 26 to a Meander corner to said South $\frac{1}{4}$ corner;
Thence continue North $00^{\circ}29'42''$ West 71.24 feet along the East line of the SW $\frac{1}{4}$ of said Section 26;
Thence South $89^{\circ}30'18''$ West 222.26 feet to the centerline of vacated Prospect Avenue, as surveyed and monumented by MI-TECH Services, Inc. on January 30th, 2006 and being the point of Beginning;
Thence South $37^{\circ}54'40''$ East 27.57 feet coincident with the Southwesterly line of Rocky Bleier Run;
Thence Southeasterly 78.68 feet along the arc of a non-tangent curve to the left having a radius of 250.62 feet and the chord of which bears South $46^{\circ}13'09''$ East 78.36 feet and being coincident with the Southwesterly line of Rocky Bleier Run;
Thence North $67^{\circ}45'18''$ West 107.17 feet;
Thence South $56^{\circ}01'35''$ West 107.03 feet to the Easterly line of Oneida Street (aka Oneida Skyline Bridge) per Wisconsin Department of Transportation Right of Way Plat 1657-2-21;
Thence Northwesterly 16.88 feet along the arc of a curve to the right having a radius of 617.54 feet and the chord of which bears North $06^{\circ}41'49''$ West 16.88 feet and being coincident with the Easterly line of Oneida Street per Wisconsin Department of Transportation Right of Way Plat 1657-2-21;
Thence North $56^{\circ}01'35''$ East 140.37 feet coincident to the centerline of vacated Prospect Avenue, as surveyed and monumented by MI-TECH Services, Inc. on January 30th, 2006 to the point of Beginning.

Tax Key No. 31-2-0214-00

Document: Warranty Deed Document No. 597412

Fee Interest: 152 total sf of new right-of-way