



## REPORT TO CITY PLAN COMMISSION

**Municipal Services Committee Meeting Date:** May 10, 2021

**Plan Commission Informal Public Hearing Date:** May 12, 2021

**Common Council Meeting Date – Initial Resolution:** May 19, 2021

**Common Council Meeting Date – Public Hearing (40-day waiting period):** July 7, 2021

**Item:** Street discontinuance to vacate portions of South Oak Street and East Kimball Street

**Case Manager:** David Kress, Principal Planner

### GENERAL INFORMATION

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

**Location:** Part of Oak Street and part of Kimball Street, generally located south of Lawrence Street and east of Morrison Street

**Owner/Applicant's Request:** The applicant is requesting a street discontinuance to vacate portions of Oak Street and Kimball Street right-of-way.

### BACKGROUND

U.S. Venture, Inc. has acquired 16 parcels in the area south of Lawrence Street and east of Morrison Street, and they own all of the parcels adjacent to the areas proposed for vacation. Some buildings have already been demolished on the adjacent parcels, and additional demolition permits have been issued. Rezoning #4-21, to rezone the surrounding parcels from R-1B Single-Family District, R-3 Multi-Family District, and P-I Public Institutional District to CBD Central Business District, is also being presented at this May 12, 2021 Plan Commission meeting. Future redevelopment is anticipated for the entire block, and as a result, the areas proposed for vacation are no longer needed for public right-of-way.

In April 2021, U.S. Venture, Inc. submitted a Certified Survey Map (CSM) to combine surrounding parcels and the proposed vacated right-of-way into one lot. The CSM also proposes to dedicate land for a widened Lawrence Street right-of-way. The dedication of public right-of-way is also being presented at this May 12, 2021 Plan Commission meeting. CSMs are reviewed and administratively approved by City staff; however, CSM approval could only occur after Common Council approval of the items noted above. The CSM, currently under review, is attached for reference.

### STAFF ANALYSIS

**Title to Vacated Street:** When vacated, the land reverts to its original source, which in this case includes the parcels located adjacent to the proposed vacation areas. Consequently, title to the street segments being vacated would belong to the adjoining property owner. All adjacent parcels are commonly owned by U.S. Venture, Inc. As shown on the attached map, the adjoining property owner would acquire the vacated Oak Street right-of-way of approximately 8,080 square feet and the vacated Kimball Street right-

## **Street Vacation – South Oak Street and East Kimball Street**

**May 12, 2021**

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of-way of approximately 5,700 square feet. Combined, the proposed street vacation area totals approximately 13,780 square feet. It is anticipated that the vacated areas would be combined with the surrounding parcels, as described above and illustrated in the attached CSM.

**Existing Public Utilities:** The City will not retain an easement for any existing utilities within the entire length and width of the vacated right-of-way. The easement release is captured in the attached Initial Resolution.

**Street Right-of-Way Width:** These portions of Oak Street and Kimball Street are approximately 32 feet wide.

**Street Classification:** The City's Arterial/Collector Plan Map identifies these portions of Oak Street and Kimball Street as local streets.

**Surrounding Zoning and Land Uses:** The surrounding area is under the jurisdiction of the City of Appleton (north, south, east, and west). The uses are generally residential and institutional in nature. If Rezoning #4-21 is approved, the surrounding zoning would be completely CBD Central Business District.

North: R-3 Multi-Family District and CBD Central Business District. Vacant land and existing Lawrence Street right-of-way are north of the subject area.

South: R-3 Multi-Family District and R-1B Single-Family District. The adjacent land to the south is currently vacant.

East: R-3 Multi-Family District and R-1B Single-Family District. The adjacent land to the east is currently vacant.

West: R-3 Multi-Family District and CBD Central Business District. Building demolition is ongoing on land west of the subject area. Existing Morrison Street right-of-way is also west of the subject area.

**Subdivision Ordinance Regulations:** Per Section 17-26(c)(1) of the Municipal Code, all lots shall abut on a public street or an approved access. If the street vacation is approved, four existing parcels (#31-2-0163-00, #31-2-0165-00, #31-2-0166-00, and #31-2-0174-00) would no longer abut a public street. However, the land-locked condition would be temporary, as the attached CSM would combine all surrounding parcels into one lot with frontage on Lawrence Street, Durkee Street, Water Street, and Morrison Street.

**Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map identifies this area with a future Mixed Use designation. The proposed street vacation is consistent with the following excerpts from the *Comprehensive Plan 2010-2030*.

*OBJECTIVE 6.8 Transportation:*

*Implement transportation improvements which also support the City's desired land use, housing and neighborhood goals, objectives, and policies.*

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*OBJECTIVE 10.2 Land Use:*

*Encourage redevelopment to meet the demand for a significant share of future growth, and to enhance the quality of existing neighborhoods.*

*Chapter 14 Downtown Plan, Initiative 4 Downtown Development and Business Retention:  
Strategy 4.8 – Support private sector efforts to redevelop and invest in downtown.*

**Technical Review Group (TRG) Report:** This item appeared on the April 20, 2021 TRG agenda. No negative comments were received from participating departments.

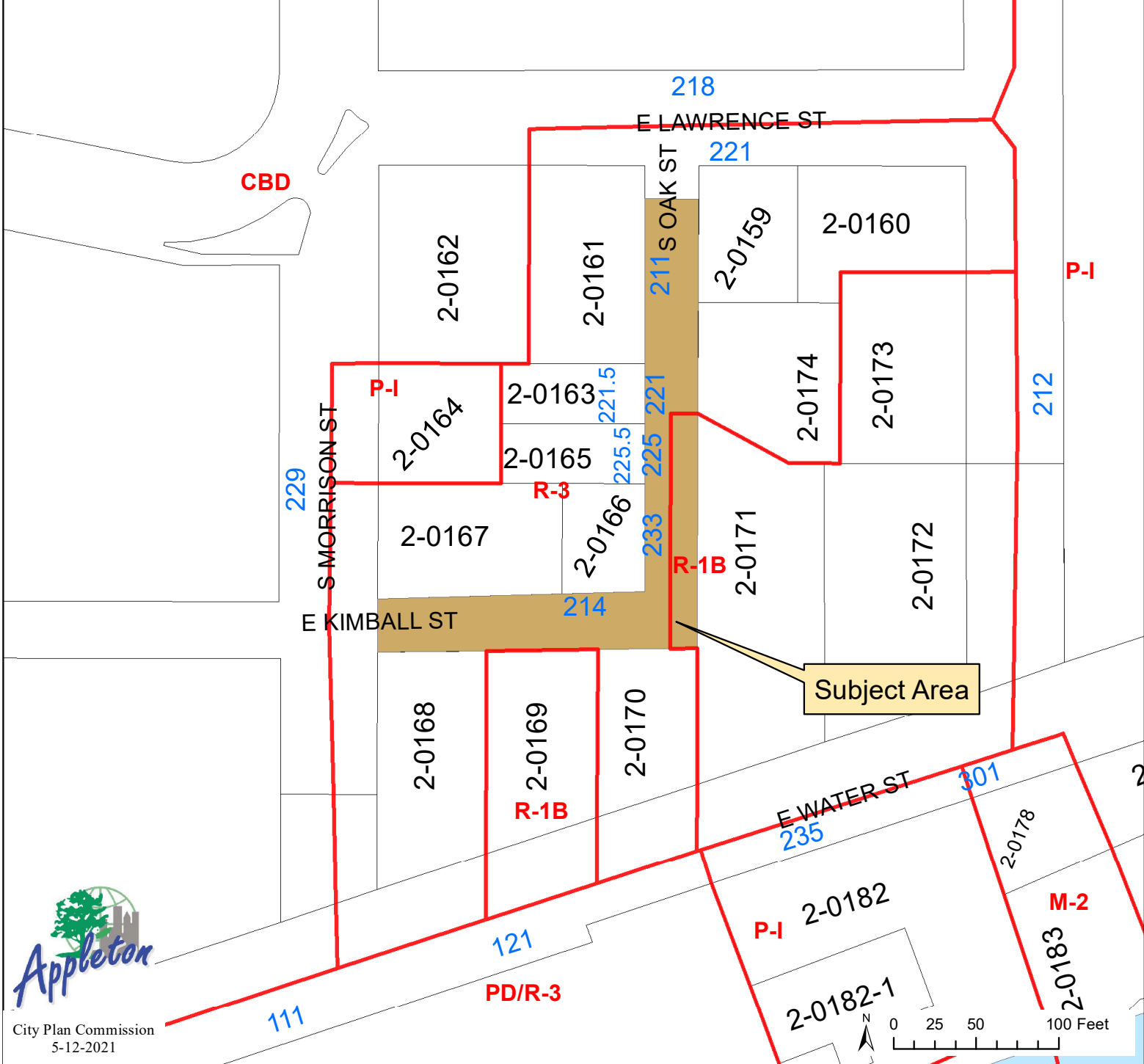
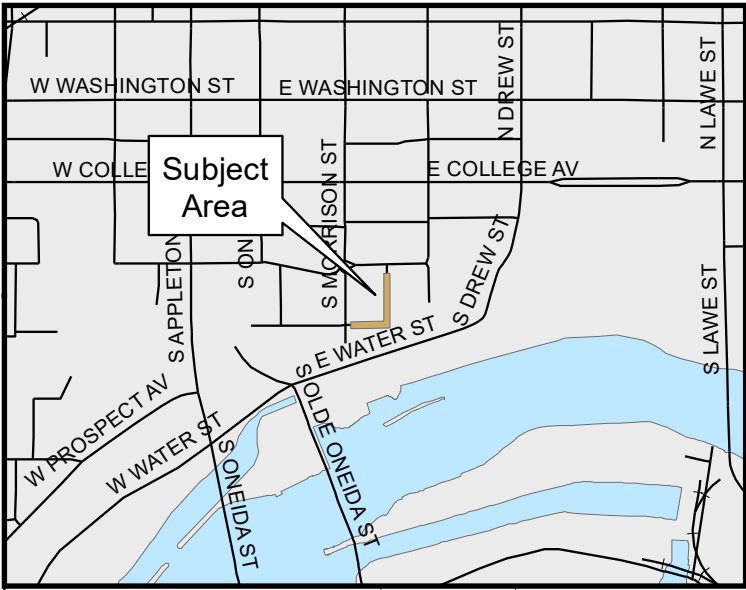
**RECOMMENDATION**

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Staff recommends the discontinuance of portions of South Oak Street and East Kimball Street public right-of-way, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and the adoption of the Initial Resolution, **BE APPROVED** subject to the following condition:

1. After completion of the street vacation, a Certified Survey Map or other acceptable document must be recorded with the Outagamie County Register of Deeds in order to eliminate the land-locked lots created by the vacation of Oak Street and Kimball Street (#31-2-0163-00, #31-2-0165-00, #31-2-0166-00, and #31-2-0174-00).

# South Oak Street and East Kimball Street Street Vacation Zoning Map



South Oak Street and East Kimball Street  
Street Vacation  
Aerial Map



**INITIAL RESOLUTION**

**WHEREAS**, the public interest requires that a part of South Oak Street and a part of East Kimball Street, that have 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 part of South Oak Street and a part of East Kimball 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**

All that part of Kimball Street lying East of the East line of Morrison Street and abutting Block Twelve (12) of the **APPLETON PLAT** (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in Government Lot Two (2) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 5,700 square feet of land more or less.

And

All that part of Oak Street lying South of a line 20 feet South of and parallel to the South line of Lawrence Street and abutting Block Twelve (12) of the **APPLETON PLAT** (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in Government Lot Two (2) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 8,080 square feet of land more or less.

See also attached Exhibit "A" for illustration.

**EASEMENT RELEASE**

The City of Appleton hereby releases any and all rights to any existing utilities within the above described vacated right of way, including but not limited to, storm sewer, drainage, sanitary sewer and watermain within the entire length and width of the above described right of ways.

**COMMON DESCRIPTION:**

A part of South Oak Street and a part of East Kimball Street, generally located south of Lawrence Street and east of Morrison

**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 part of South Oak Street and said part of East Kimball Street, title to the above-described streets 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 Map.

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Date

City Law A21-0300  
5/3/2021

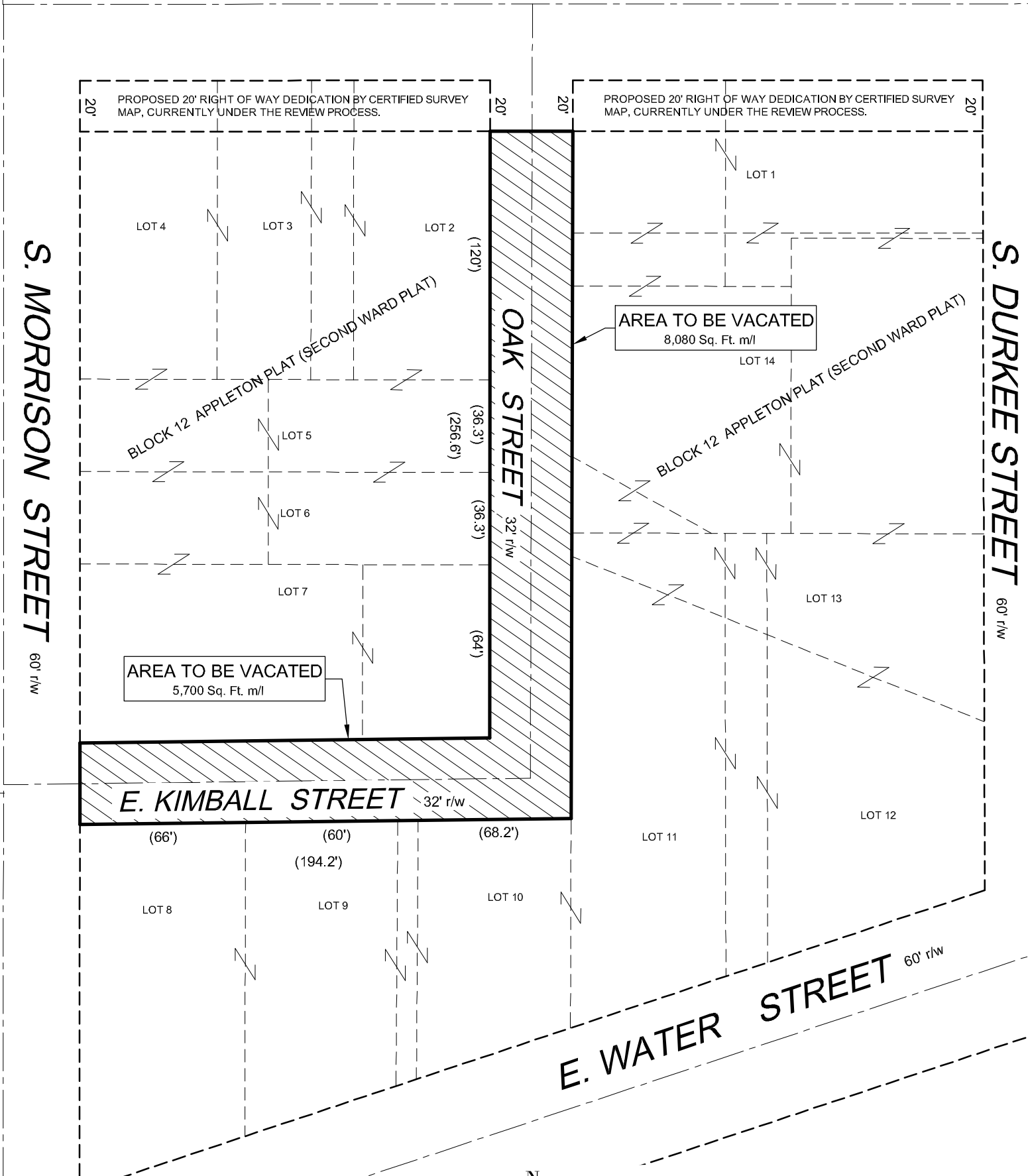
# EXHIBIT "A"

All that part of Kimball Street lying East of the East line of Morrison Street and abutting Block Twelve (12) of the **APPLETON PLAT** (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in Government Lot Two (2) of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 5,700 square feet of land more or less.

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**E. LAWRENCE STREET** 60' r/w

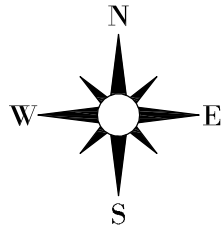


PROPOSED 20' RIGHT OF WAY DEDICATION BY CERTIFIED SURVEY MAP, CURRENTLY UNDER THE REVIEW PROCESS.

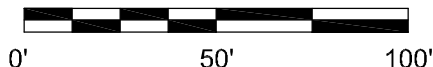
PROPOSED 20' RIGHT OF WAY DEDICATION BY CERTIFIED SURVEY MAP, CURRENTLY UNDER THE REVIEW PROCESS.

AREA TO BE VACATED  
5,700 Sq. Ft. m/l

AREA TO BE VACATED  
8,080 Sq. Ft. m/l



SCALE IN FEET



**CITY OF APPLETON**

DEPT. OF PUBLIC WORKS

ENGINEERING DIVISION

100 NORTH APPLETON STREET

APPLETON, WI 54911

920-832-6474

DRAFTED BY: T. KROMM

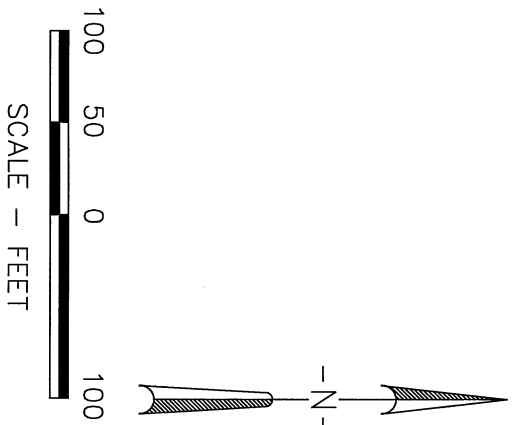
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CERTIFIED SURVEY MAP NO. \_\_\_\_\_

SHEET 1 OF 4

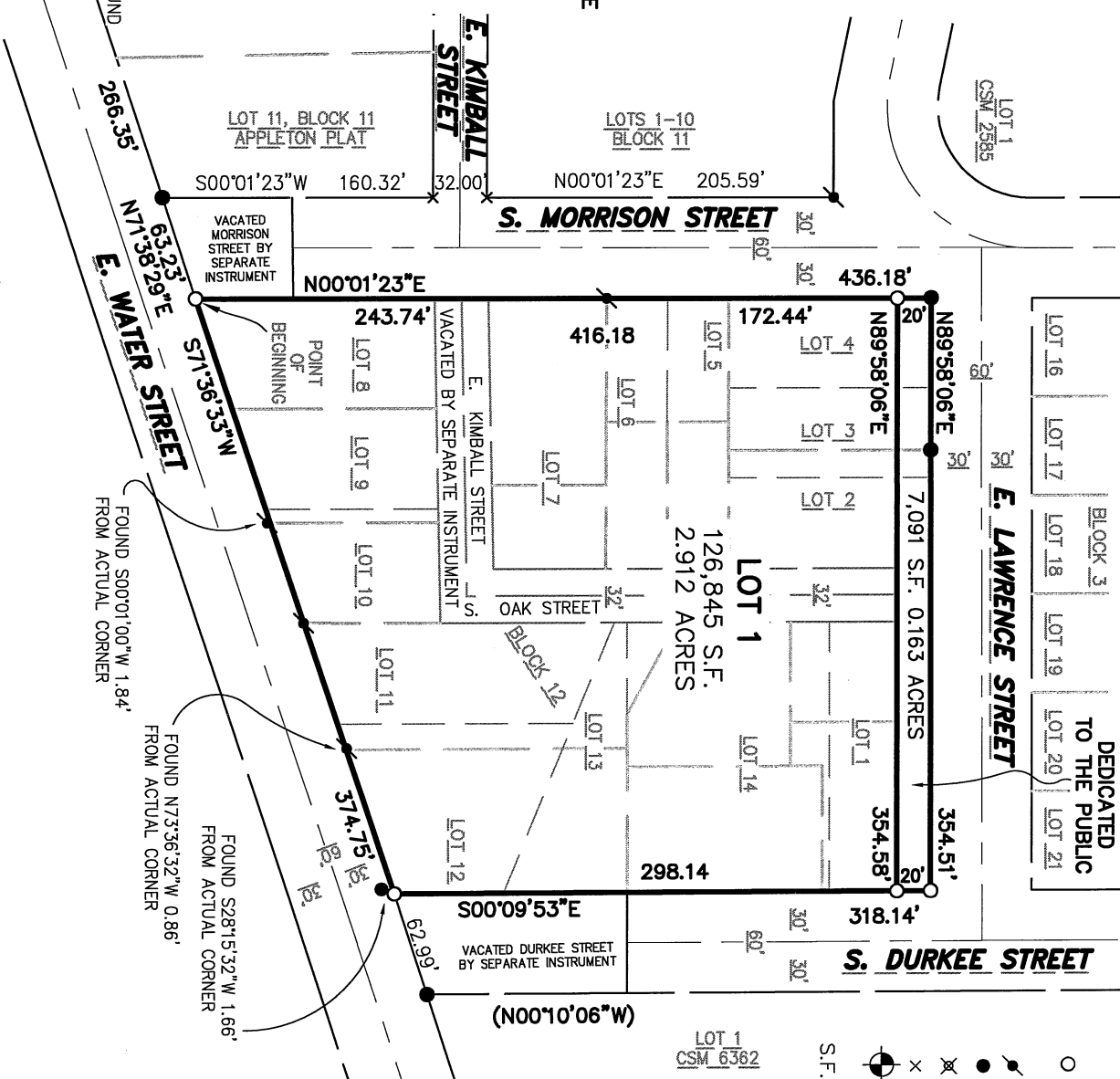
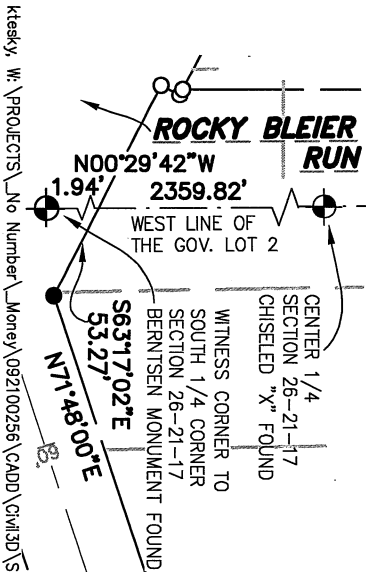
ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, ALL OF S. OAK STREET, AND PART OF E. KIMBALL STREET, ALL IN BLOCK 12, BEING PART OF THE APPLETON PLAT (SECOND WARD PLAT), ACCORDING TO THE RECORDED ASSESSORS PLAT, LOCATED IN GOVERNMENT LOT 2 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN



BEARINGS ARE REFERENCED TO THE EAST LINE OF GOVERNMENT LOT 3 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 17 EAST WHICH BEARS N00°29'42"W PER THE WISCONSIN PUBLISHED COORDINATE SYSTEM FOR OUTAGAMIE COUNTY, WISCONSIN

FOR: -U.S. VENTURE, INC.  
 A WISCONSIN CORPORATION

-425 BETTER WAY  
 -APPLETON, WI 54915  
 -PHONE: 920-739-6101



ktesky, W:\PROJECTS\No Number\Money\092100256\CADD\Civil3D\Survey Documents\CSM\_East\_CSM\_2021.dwg, sheet1\_Layout1-landscape, Plot Date: 4/8/2021 4:21 PM.

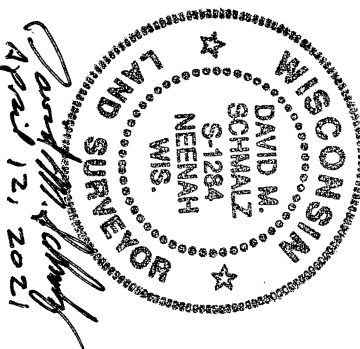
**LEGEND**

- - 3/4" x 24" ROUND IRON REBAR WEIGHING 1.5 lbs./lineal ft. SET
- 3/4" ROUND STEEL REBAR FOUND
- 1" IRON PIN FOUND
- - CHISELED "X" SET
- ⊗ - CHISELED "X" FOUND
- - CERTIFIED LAND CORNER OUTAGAMIE COUNTY
- SQUARE FEET

**NOTES**

- E. KIMBALL STREET & S. OAK STREETS TO BE VACATED BY SEPARATE INSTRUMENT.
- EXISTING BUILDINGS ARE TO BE DEMOLISHED AND ARE NOT SHOWN ON THIS CSM

DRAFTED BY: **Kyle J. Tesky, P.L.S.**



**McMAHON**  
 ENGINEERS ARCHITECTS

McMAHON ASSOCIATES, INC.  
 1445 McMAHON DRIVE NEENAH, WI 54956  
 Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025  
 PH 920.751.4200 FX 920.751.4284 MCMGRP.COM

ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, ALL OF S. OAK STREET, AND PART OF E. KIMBALL STREET, ALL IN BLOCK 12, BEING PART OF THE APPLETON PLAT (SECOND WARD PLAT), ACCORDING TO THE RECORDED ASSESSORS PLAT, LOCATED IN GOVERNMENT LOT 2 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

**SURVEYOR'S CERTIFICATE**

I, David M. Schmalz, Wisconsin Professional Land Surveyor S-1284, certify that I have surveyed, divided, mapped all of Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, all of S. Oak Street, and part of E. Kimball Street, all in Block 12, being part of the Appleton Plat (Second Ward Plat), according to the recorded assessors plat, located in Government Lot 2 of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin containing 133,936 square feet (3.075 acres) of land and described as follows:

Commencing at the Northerly Witness Corner to the South 1/4 Corner of said Section 26; thence N00°29'42"W, 1.94 feet along the West line of Government Lot 2 to the Northerly Right of Way (ROW) of Rocky Bleier Run; thence S63°17'02"E, 53.27 feet along said ROW; thence N71°48'00"E, 266.35 feet along the Northerly ROW of E. Water Street; thence N71°38'29"E, 63.23 feet along said ROW to the Southwest Corner of said Lot 8 and the Point of Beginning; thence N00°01'23"E 436.18 feet along the East ROW of S. Morrison Street; thence N89°58'06"E, 354.51 feet along the South ROW of E. Lawrence Street; thence S00°09'53"E, 318.14 feet along the West ROW of S. Durkee Street; thence S71°36'33"W, 374.75 feet along the Northerly ROW of E. Water Street to the Point of Beginning.

That I have made this survey by the direction of the Owners of said Land.

I further certify that this map is a correct representation of the exterior boundary lines of the land surveyed and the division of that land, and that I have complied with section 236.34 of the Wisconsin Statutes and the City of Appleton Subdivision Ordinance in surveying, dividing and mapping the same.

Given under my hand and seal this 12<sup>th</sup> day of April, 2021.

*David M. Schmalz*

David M. Schmalz, Professional WI land Surveyor S-1284



| TAX PARCEL No. | OWNER             | DOCUMENT No. |
|----------------|-------------------|--------------|
| 31-2-0159-00   | U.S. VENTURE, INC | 2228710      |
| 31-2-0160-00   | U.S. VENTURE, INC | 2214439      |
| 31-2-0161-00   | U.S. VENTURE, INC | 2228709      |
| 31-2-0162-00   | U.S. VENTURE, INC | 2228708      |
| 31-2-0163-00   | U.S. VENTURE, INC | 2228712      |
| 31-2-0164-00   | U.S. VENTURE, INC | 2214456      |
| 31-2-0165-00   | U.S. VENTURE, INC | 2228713      |
| 31-2-0166-00   | U.S. VENTURE, INC | 2228711      |
| 31-2-0167-00   | U.S. VENTURE, INC | 2214440      |
| 31-2-0168-00   | U.S. VENTURE, INC | 2214441      |
| 31-2-0169-00   | U.S. VENTURE, INC | 2214442      |
| 31-2-0170-00   | U.S. VENTURE, INC | 2214457      |
| 31-2-0171-00   | U.S. VENTURE, INC | 2214458      |
| 31-2-0172-00   | U.S. VENTURE, INC | 2214400      |
| 31-2-0173-00   | U.S. VENTURE, INC | 2214443      |
| 31-2-0174-00   | U.S. VENTURE, INC | 2228714      |

**NOTES:**

THE PROPERTY OWNER OF RECORD IS: U.S. VENTURE, INC., A WISCONSIN CORPORATION

THIS PROPERTY IS CONTAINED WHOLLY WITHIN LANDS DESCRIBED IN: DOCUMENT NUMBERS AND TAX PARCEL NUMBERS LISTED IN TABLE.

**McMAHON**  
ENGINEERS ARCHITECTS

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1445 McMAHON DRIVE NEENAH, WI 54956  
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PH 920.751.4200 FX 920.751.4284 MCMGRP.COM



CERTIFIED SURVEY MAP NO. \_\_\_\_\_

SHEET 4 OF 4

ALL OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, ALL OF S. OAK STREET, AND PART OF E. KIMBALL STREET, ALL IN BLOCK, 12 BEING PART OF THE APPLETON PLAT (SECOND WARD PLAT), ACCORDING TO THE RECORDED ASSESSORS PLAT, LOCATED IN GOVERNMENT LOT 2 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN

OWNER'S CERTIFICATE

U.S. VENTURE, INC., A WISCONSIN CORPORATION, As Owners, We hereby certify that we caused the land described on this Certified Survey Map to be surveyed, divided, mapped, and dedicated as represented on this Certified Survey Map. We also certify that this Certified Survey Map is required by s. 236.10 or 236.12 of the Wisconsin Statutes to be submitted to the following for approval.

City of Appleton

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

U.S. VENTURE INC., A WISCONSIN CORPORATION

\_\_\_\_\_  
Authorized Signature, Title

\_\_\_\_\_  
Authorized Signature, Title

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Printed Name

State of Wisconsin)  
\_\_\_\_\_ County) ss

Personally appeared before me on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, the above named person(s) to me known to be the person(s) who executed the foregoing instrument, and acknowledged the same.

\_\_\_\_\_  
Notary Public

\_\_\_\_\_ County, \_\_\_\_\_

My commission expires \_\_\_\_\_



*David M. Schmalz*  
April 12, 2021