



## LEGAL SERVICES DEPARTMENT

### Office of the City Attorney


100 North Appleton Street

Appleton, WI 54911

Phone: 920/832-6423

Fax: 920/832-5962

**TO:** Alderperson Brad Firkus, Chair  
Members of the Finance Committee

**FROM:** Christopher R. Behrens, City Attorney 

**DATE:** May 5, 2022

**RE:** Amended Relocation Order

---

This order relates to a portion of permanent limited easement for the second raw water line. The property owner will be reconstructing the parking lot where this easement will be located and the owner's plans call for a detention pond at the original easement location. Accordingly, engineering staff was able to shift the easement location to the east and the new location is reflected in the Amended Relocation Order.

Staff is requesting APPROVAL of the attached Amended Relocation Order.

CL: 21-0938

---

Christopher R. Behrens  
*City Attorney*

Amanda K. Abshire  
*Deputy City Attorney*

Darrin M. Glad  
*Assistant City Attorney*

Nicholas J. Vande Castle  
*Assistant City Attorney*

## AMENDED 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 water main in the area of Oneida Street, in or near the city of Appleton, Wisconsin;
3. That said project will be built within the area marked as set forth in the scale drawing, which is attached to this Relocation Order as Exhibit "B" and is incorporated herein;
4. That said construction work will be done within the areas marked on the scale drawing, which is attached to this Relocation Order as Exhibit "B" and is incorporated herein;
5. That the legal description for the acquisition of a permanent limited easement necessary for this project is contained in Exhibit "A" which are also incorporated herein;
6. That the City of Appleton will acquire a permanent limited easement in the area described in the "Legal Description for PLE" contained in Exhibit "A" from the present owner.
7. This document amends the Relocation Order dated January 19, 2022 and recorded with the Calumet County Register of Deeds on January 31, 2022 as Document No. 567862.

Record and return to:  
City of Appleton – City Attorney's Office  
100 North Appleton Street  
Appleton, WI 54911-4799

Harrison Tax ID No. 39870

Passed and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

I hereby certify that on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, that the within Amended Relocation Order was adopted by a vote of \_\_\_\_\_ ayes and \_\_\_\_\_ nays by the City Council for the City of Appleton, Wisconsin.

SIGNATURES APPEAR ON THE FOLLOWING PAGE

**City of Appleton**

ATTEST:

APPROVED:

\_\_\_\_\_  
Kami Lynch, City Clerk

\_\_\_\_\_  
Jacob A. Woodford, Mayor

Subscribed and sworn to before me  
this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

This instrument was drafted by:  
Christopher R. Behrens, City Attorney  
City Law: A21-0938

# EXHIBIT A

## Legal Description for PLE W Beach Holdings, LLC

**Harrison Tax Id No. 39870**

**Document No. 2232656**

**The Servient Property Is Described As:**

All that part of Government Lot Four (4) of Fractional Section Eighteen (18), Township Twenty (20) North, Range Eighteen (18) East, Village of Harrison (formerly Town of Harrison), Calumet County, Wisconsin more fully described in Warranty Deed Document No. 562420 of the Calumet County Registers of Deeds Office.

**The Permanent Easement Area Is Described As:**

A 30 foot wide strip of land being a part of Government Lot Four (4) of Fractional Section Eighteen (18), Township Twenty (20) North, Range Eighteen (18) East, Village of Harrison, Calumet County, Wisconsin, containing 0.124 Acres of land and being more particularly described by:

Commencing at the Northwest corner of said Section 18;

Thence South 00°40'58" West 2037.64 feet coincident with the West line of the NW ¼ of said Section 18;

Thence South 89°19'02" East 109.45 feet coincident with a South line of lands described in Warranty Deed Document Number 562420 and being the point of beginning;

Thence North 00°43'48" East 180.58 feet to the North line of lands described in Warranty Deed Document Number 562420;

Thence Easterly 30.00 feet along the arc of a curve to the right having a radius of 4535.87 feet and the chord of which bears South 89°57'08" East 30.00 feet along the North line of lands described in Warranty Deed Document Number 562420 and being coincident with the South line of the CN Railroad right of way;

Thence South 00°43'48" West 180.91 feet to a South line of lands described in Warranty Deed Document Number 562420;

Thence North 89°19'02" West 30.00 feet coincident with the South line of lands described in Warranty Deed Document Number 562420 to the point of beginning.

# EXHIBIT "B"

A part of the West One-Half ( $W\frac{1}{2}$ ) of the Northwest Quarter ( $NW\frac{1}{4}$ ) of Fractional Section Eighteen (18), Township Twenty (20) North, Range Eighteen (18) East, Village of Harrison, Calumet County, Wisconsin

