



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: July 11, 2017

Common Council Public Hearing Meeting Date: September 6, 2017

Item: Street Discontinuance of Public Right-of-Way for Locust Street at CN Railroad Crossing

Case Manager: Don Harp

GENERAL INFORMATION

Owner/Applicant: City of Appleton c/o Paula Vandehey, Director of Public Works

Location: Generally located in the 100 block of South Locust Street at the CN Railroad Crossing Number 179 919F

Petitioner's Request: The applicant is requesting a street discontinuance of public right-of-way for Locust Street at the CN Railroad Crossing Number 179 919F.

BACKGROUND

On May 3, 2017, the Common Council approved the Wisconsin Central Ltd. Railroad Real Estate Donation Contract for vacant land and railroad trestles. This agreement included the following language:

"Donee (City of Appleton) and Donor (Wisconsin Central Ltd., a Delaware corporation) mutually agree all measures necessary for the closing of Locust Street crossing in the City of Appleton, Outagamie County, identify as crossing number 179 919 F / NWF 213 78, by the Office of the Commissioner of Railroads for the State of Wisconsin. The parties agree jointly petition for the closer of said crossing with the Office of Commissioner of Railroads (OCR) for the State of Wisconsin no later than July 1, 2017"

Contract details can found per link below.

- <https://cityofappleton.legistar.com/LegislationDetail.aspx?ID=3027263&GUID=146857AC-0A33-433E-B8AF-5E4AD061190F&Options=&Search=>

On September 7, 2016, the Common Council approved the Railroad Quiet Zone Implementation Plan. The approved plan (Scenario #4) included closing Locust Street crossing as one of twenty three (23) improvements needed to create the proposed Quiet Zone.

Scenario #4 details can found per link below.

- <https://cityofappleton.legistar.com/LegislationDetail.aspx?ID=2814770&GUID=6275BDAA-92BD-4876-BA80-F5FA46E20954&Options=&Search=>

Street Discontinuance – S. Locust Street at CN Railroad Crossing 179 919F

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STAFF ANALYSIS

Title to Discontinued Street: Title to the portion of this street being discontinued will belong to the City.

Street Classification: The City's Arterial/Collector Plan Map identifies this portion of Locust Street as a local street.

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 a mix of residential and commercial in nature.

North: CBD Central Business District – Existing Locust Street right-of-way is immediately north of the subject area.

South: CBD Central Business District – Existing Lawrence Street right-of-way is immediately south of the subject area.

East: CBD Central Business District – Existing C.N. Wisconsin Central Ltd. Railroad right-of-way is immediately east of the subject area.

West: CBD Central Business District – Existing C.N. Wisconsin Central Ltd. Railroad right-of-way is immediately west of the subject area.

Comprehensive Plan 2010-2030: The City of Appleton *Comprehensive Plan 2010-2030* identifies this area for future one and two-family residential uses. The proposed street right-of-way discontinuance is consistent with the following goal of the *Comprehensive Plan 2010-2030*.

Goal 4 – Transportation

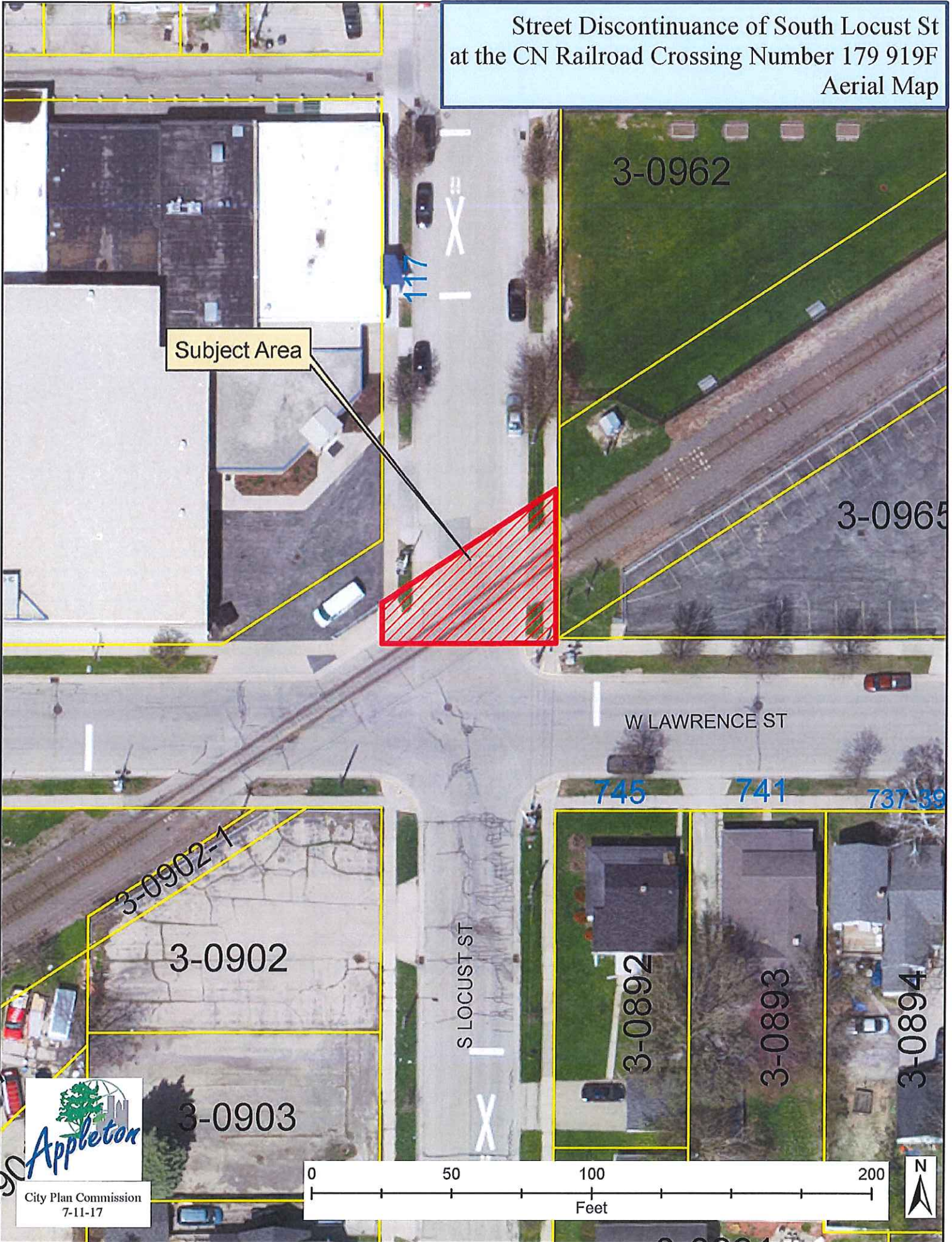
Appleton will support a comprehensive transportation network that provides viable options for pedestrian, bicycle, highway, rail, and air transportation, both locally and within the region.

Technical Review Group (TRG) Report: This item was discussed at the June 20, 2017 Technical Review Group meeting. No negative comments were received from participating departments.

RECOMMENDATION

Staff recommends the discontinuance of South Locust Street public right-of-way at the CN Railroad Crossing Number 179 919F, 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**.

Street Discontinuance of South Locust St
at the CN Railroad Crossing Number 179 919F
Aerial Map



Subject Area

3-0962

3-0965

W LAWRENCE ST

745

741

737-39

3-0902-1

3-0902

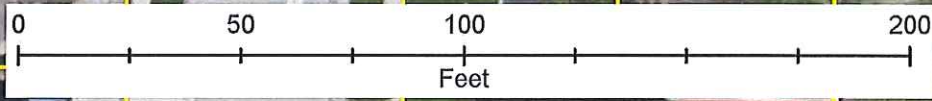
S LOCUST ST

3-0892

3-0893

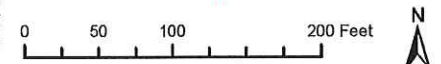
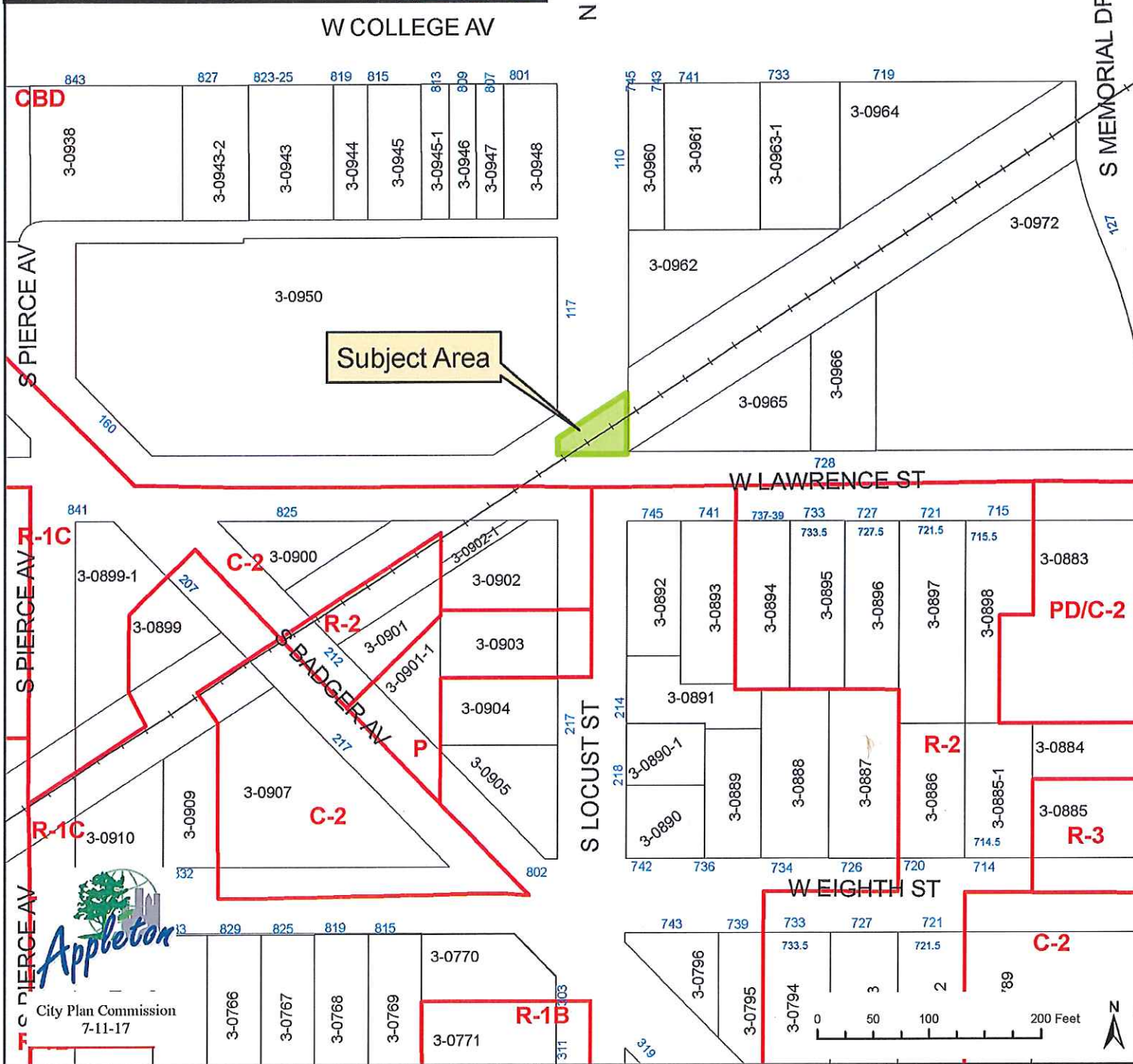
3-0894

3-0903



City Plan Commission
7-11-17

Street Discontinuance of South Locust St
at the CN Railroad Crossing Number 179 919F
Zoning Map





MEMO

TO: Municipal Services Committee
City Plan Commission

FROM: Paula Vandehey, Director of Public Works *PAV*

DATE: June 6, 2017

SUBJECT: **Discontinuance of Locust Street at the CN Railroad Crossing Number 179 919F.**

On May 3, 2017 the City Council approved the Wisconsin Central Ltd. Railroad Donation Agreement for the trestles. This agreement included the following language:

"Donee and Donor mutually agree to undertake all measures necessary for the closing of Locust Street crossing in the City of Appleton, Outagamie County, identified as crossing number 179 919F / NWF 213 78, by the Office of Commissioner of Railroads for the State of Wisconsin. The parties agree to jointly petition for the closure of said crossing with the Office of Commissioner of Railroads (OCR) for the State of Wisconsin no later than July 1, 2017."

In addition, the City Council approved the Railroad Quiet Zone Implementation Plan on September 7, 2016. The approved plan (Scenario #4) included closing the Locust Street crossing of the railroad tracks as one of twenty three (23) improvements needed to create the proposed Quiet Zone.

Therefore, we recommend approval of the discontinuance of Locust Street at the CN Railroad Crossing Number 179 919F as shown on the attached drawing and legal description.

Attachments

INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of South Locust Street, that has 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 portion of South Locust 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:

**SOUTH LOCUST STREET
AT
C.N. WISCONSIN CENTRAL LTD. RAILROAD CROSSING**

A strip of land 62 feet in width and 34.6 feet in length along its centerline:
Bounded on the East and West by the C.N. Railway-Wisconsin Central Limited;
Bounded on the North by South Locust Street;
Bounded on the South by the North line of West Lawrence Street, being located in the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼), of Section Twenty-Seven (27), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, containing 2,146 square feet of land m/l and being further described by:

Commencing at the Southeast corner of said Section 27;
Thence N.00°17'14"W. 862.40 feet, along the East line of the SE ¼ of said Section 27;
Thence S.89°56'24"W. 435.86 feet, to the Northeast corner of South Locust Street and West Lawrence Street and being the point of beginning;
Thence continue S.89°56'24"W. 62.00 feet, along the North line of West Lawrence Street to the West line of South Locust Street;
Thence N.00°05'54"W. 14.50 feet, along the West line of South Locust Street, to a point 20 feet Northerly of the center of the main track of the C.N. Railway-Wisconsin Central Limited, as measured at a right angle to said track;
Thence N.56°56'24"E. 73.89 feet, parallel to the main track of the C.N. Railway-Wisconsin Central Limited to the East line of South Locust Street;
Thence S.00°05'54"E. 54.74 feet, along the East line of South Locust Street to the Northeast corner of West Lawrence Street and South Locust Street and the point of beginning.

COMMON DESCRIPTION:

Railroad crossing in the 100 block of South Locust 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.

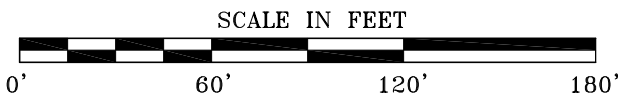
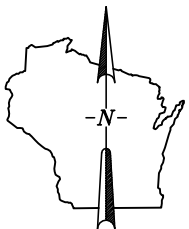
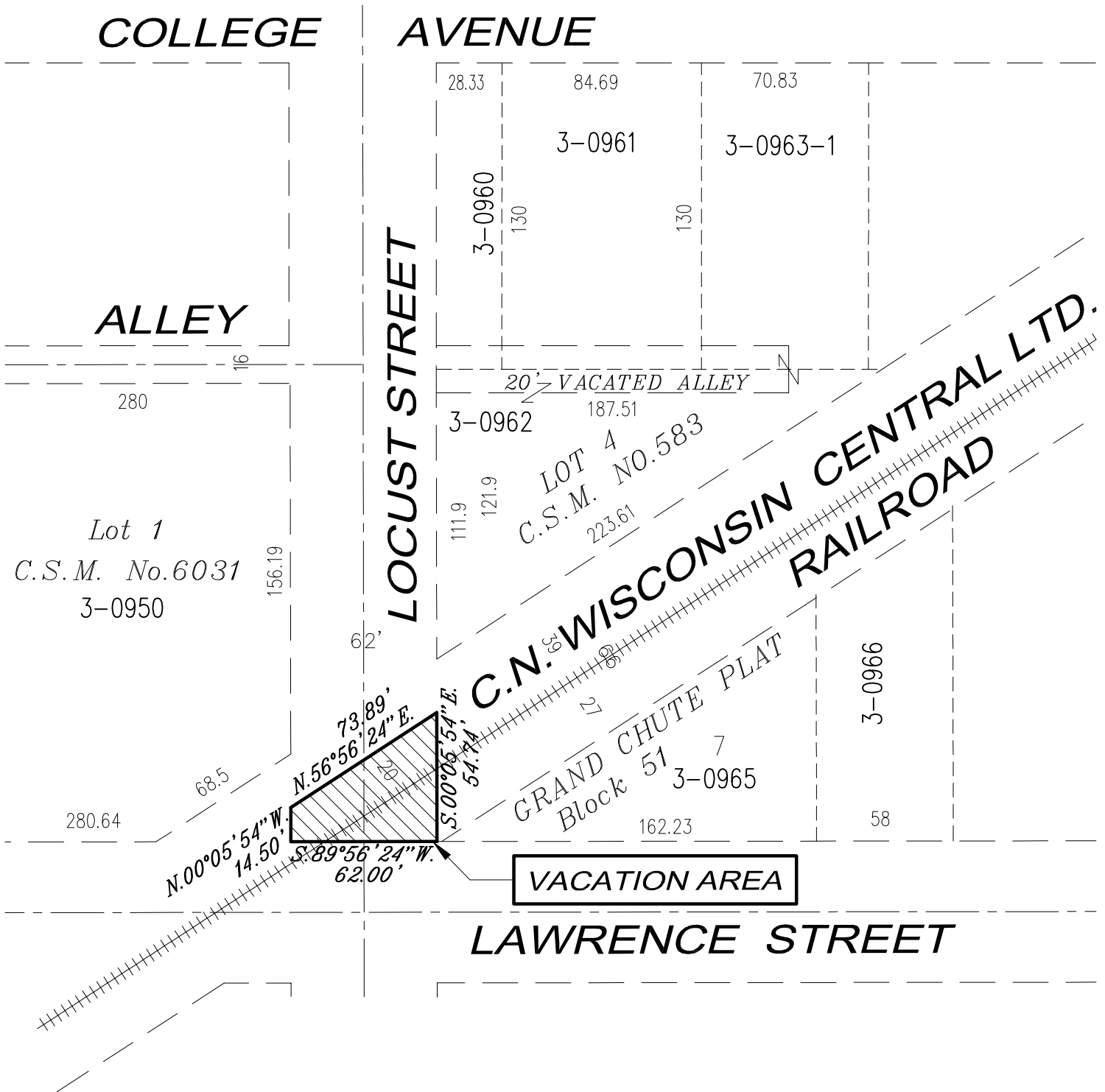
FURTHER RESOLVED, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said portion of South Locust Street, title to the above-described street shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as shown on the attached Exhibit Map.

Date

J:\Attorney\WORD\VACATION\Locust (RR Xing 2017)\
Locust Street RR Xing - Initial Resolution.doc
City Law: A17-0405

EXHIBIT

LOCUST STREET VACATION



CITY OF APPLETON

DEPT. OF PUBLIC WORKS

ENGINEERING DIVISION

APPLETON, WISCONSIN. DWN. BY:TMK

H:AcadVac and DedRailroad at Locust Superior Eighth 042111