



REPORT TO CITY PLAN COMMISSION

New information is underlined.

Municipal Services Committee Meeting Date: April 3, 2019

Plan Commission Informal Public Hearing Date: March 26, 2019

Common Council Meeting Date – Initial Resolution: April 3, 2019
(Initial Resolution Introduced/Held and Items Referred Back – Williams)

Municipal Services Committee Meeting Date: April 8, 2019

Plan Commission Meeting Date: April 9, 2019

Common Council Meeting Date – Initial Resolution: April 17, 2019

Common Council Meeting Date – Public Hearing (40-day waiting period): May 15, 2019

Item: Street Discontinuance to vacate a portion of East Kimball Street

Case Manager: David Kress

GENERAL INFORMATION

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

Street Name/Location: Portion of East Kimball Street, generally located west of South Allen Street

Owner/Applicant's Request: The applicant is requesting a street discontinuance to vacate a portion of East Kimball Street west of South Allen Street.

BACKGROUND

This street vacation request was referred back to Municipal Services Committee and Plan Commission at the April 3, 2019 Common Council meeting by Alderperson Christine Williams. Pursuant to §66.1003 of the Wisconsin Statutes, the 40-day waiting period started after the Initial Resolution was introduced at Common Council, meaning the Public Hearing and Final Resolution can still appear at the May 15, 2019 Common Council meeting.

Part of the subject area is included in a Development Agreement that was approved by Common Council on December 19, 2017 and amended/restated on August 15, 2018. The proposed development area, commonly referred to as the "bluff site," also includes part or all of parcels #31-2-0156-00, #31-2-0144-00, and #31-2-0152-00. The need to vacate streets was anticipated in Section 3.13 of the Development Agreement.

The proposed street vacation is part of a broader effort to redefine street and lot configurations in the bluff site area. On March 20, 2019, Common Council approved a Relocation Order for new street right-of-way

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for Oneida Street extended, between Lawrence Street and Rocky Bleier Run. The acquisition area identified in the Relocation Order aligns with the 60-foot wide space shown on the attached exhibit map, which will remain as public right-of-way.

STAFF ANALYSIS

Title to Vacated Street: When vacated, the land must revert to its original source, which in this case includes the parcels located north and south of the proposed vacation area. Consequently, title to the street being vacated will belong to the adjoining property owner. The adjoining property owner will acquire an ownership interest in the land vacated, totaling approximately 1,920 square feet, as shown on the attached map.

Existing Public Utilities: The City will retain an easement for all existing utilities and any future utilities deemed necessary within the entire length and width of the vacated right-of-way.

Street Right-of-Way Width: This portion of East Kimball Street is approximately 32 feet wide.

Street Classification: The City's Arterial/Collector Plan Map identifies this portion of East Kimball 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 generally commercial and institutional in nature.

North: CBD Central Business District. The adjacent property to the north is currently unoccupied (formerly occupied by Trinity Lutheran Church).

South: CBD Central Business District. The adjacent property to the south is currently unoccupied (formerly occupied by Michiels Fox Banquet Rivertyme Catering).

East: CBD Central Business District. Existing Kimball Street right-of-way is immediately east of the subject area.

West: CBD Central Business District. The adjacent property to the west is currently unoccupied and includes a previously-vacated segment of Kimball 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*.

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.

OBJECTIVE 6.9 Transportation:

Implement the transportation-related recommendations contained within related plans.

Policy 6.9.2 Implement the recommendations of the 2016 Downtown Mobility Study.

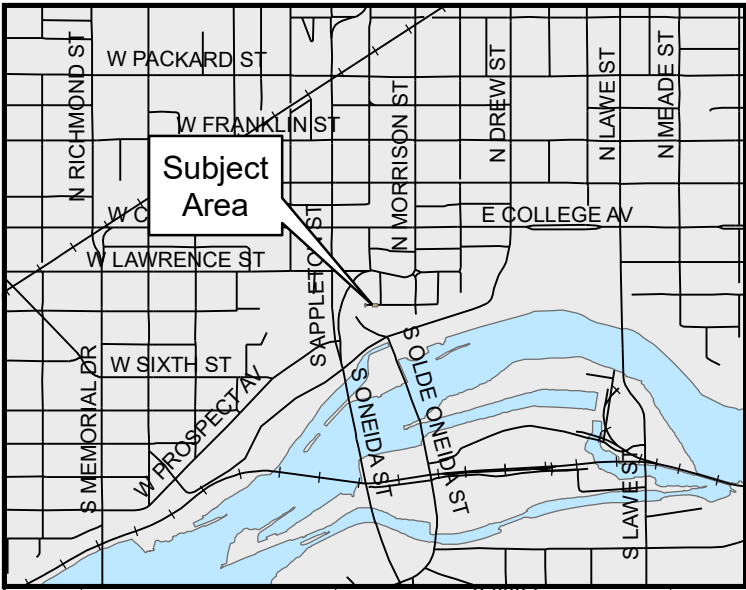
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Technical Review Group (TRG) Report: This item was discussed at the March 5, 2019 Technical Review Group meeting. No negative comments were received from participating departments.

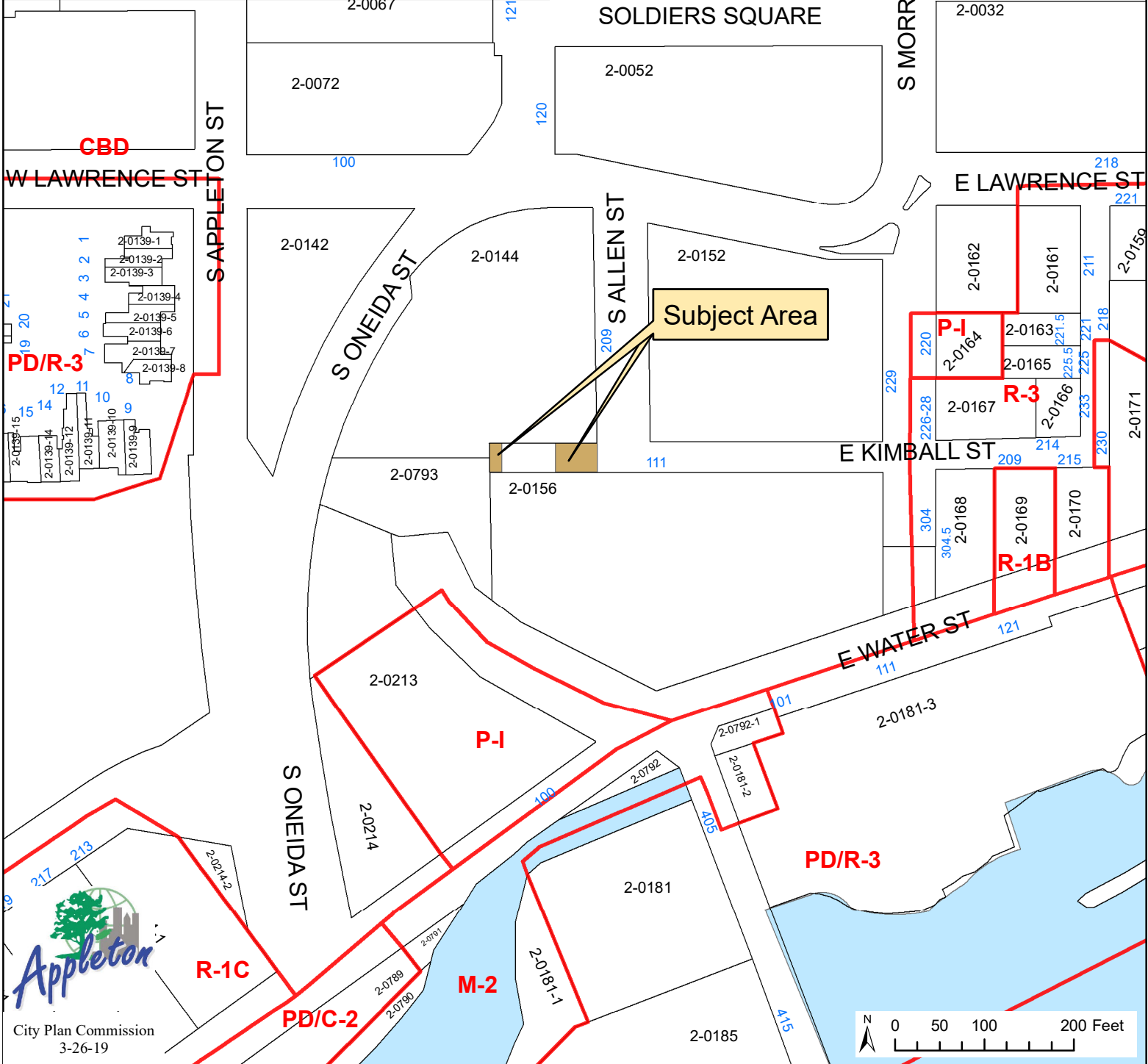
RECOMMENDATION

Staff recommends the discontinuance of a portion of 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**.

Kimball Street (West of Allen Street) Street Vacation Zoning Map



2-0287	2-0282-12	2-0312
	2-0282-13	2-0313
	2-0282-14	2-0315
	2-0282-15	2-0316
		2-0317
		2-0319
		2-0320.5



Kimball Street (West of Allen Street)
Street Vacation
Aerial Map



2-0144

2-0152

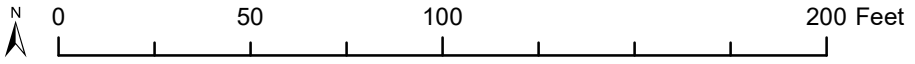
Subject Area

E KIMBALL ST

2-0793

2-0156

ROCKY BLEIER RUN



INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of East Kimball Street, west of South Allen 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 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 between Block Ten (10) and Block D of the APPLETON PLAT (aka Second Ward Plat), all according to the recorded Assessor's Map of the City of Appleton, being located in the SE ¼ of the SW ¼ of Section 26, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin, containing 1,920 Square feet of land and being more fully described by:
Commencing at the Southeast corner of said Block 10 and being coincident with the Northwest corner of Allen Street and Kimball Street and being the point of beginning;
Thence South 00°57'34" East 32.00 feet coincident with the Southerly extension of the West line of Allen Street to the South line of Kimball Street;
Thence North 89°57'25" West 106.33 feet coincident with the South line of said Kimball Street;
Thence continue North 89°57'25" West 13.67 feet coincident with the South line of said Kimball Street;
Thence North 00°57'34" West 32.00 feet to the North line of Kimball Street;
Thence South 89°57'25" East 14.18 feet coincident with the North line of Kimball Street;
Thence South 00°02'58" East 32.00 feet to the South line of Kimball Street;
Thence South 89°57'25" East 60.00 feet coincident with the South line of Kimball Street;
Thence North 00°02'58" West 32.00 feet to the North line of Kimball Street;
*Thence South 89°57'25" East 45.82 feet coincident with the North line of Kimball Street 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.

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 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.

COMMON DESCRIPTION:

A portion of East Kimball Street, west of South Allen 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.

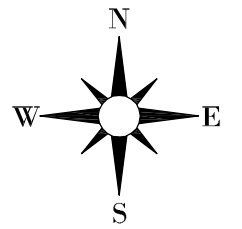
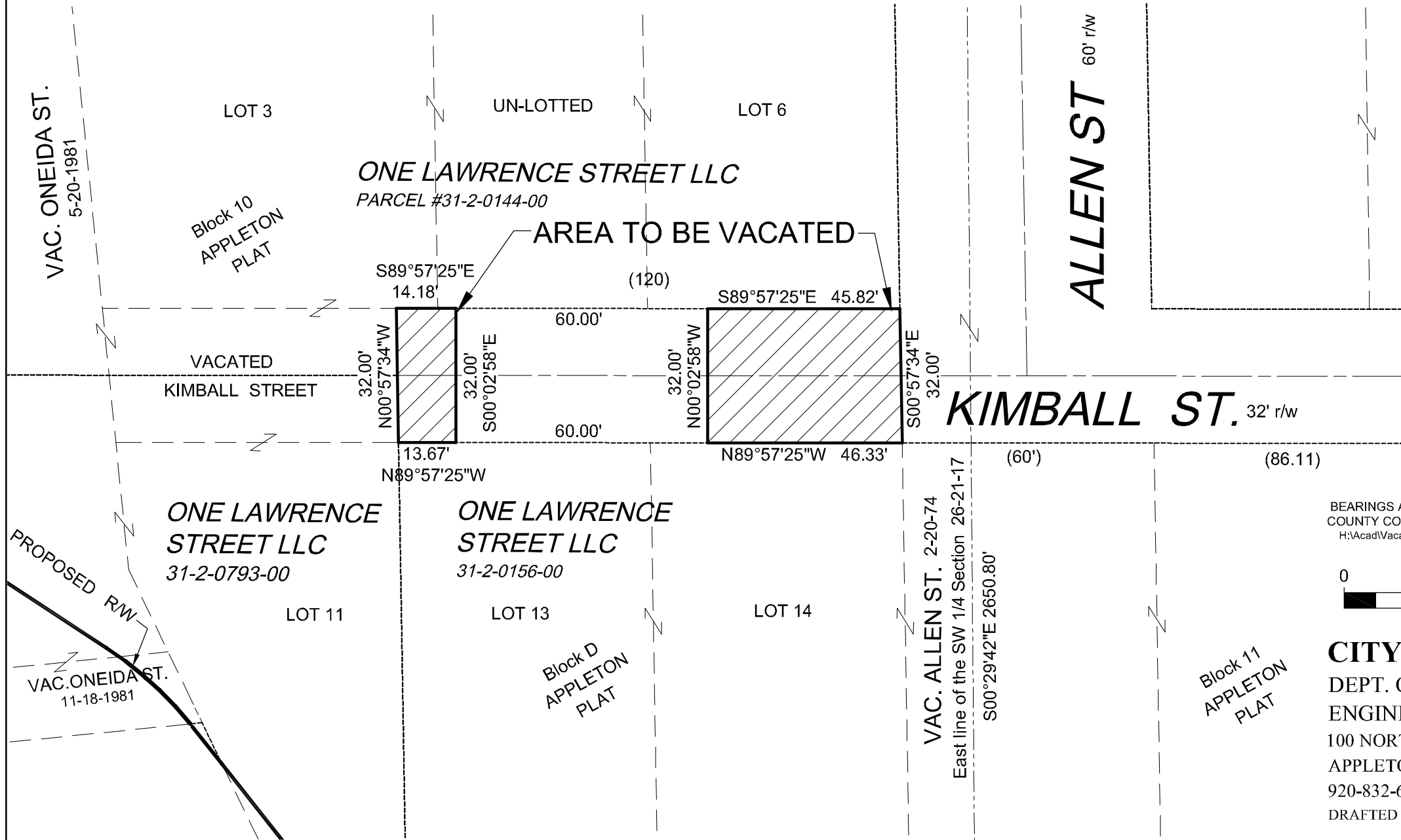
FURTHER RESOLVED, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said portion of East Kimball Street, title to the above-described street shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as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

Date
City Law: A19-0178

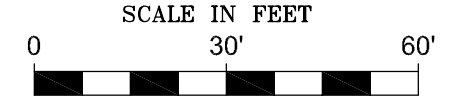
Christopher W. Croatt

EXHIBIT "A"

PART OF KIMBALL STREET LYING BETWEEN BLOCK 10 AND BLOCK D, APPLETON PLAT, (AKA SECOND WARD PLAT), ALL ACCORDING TO THE RECORDED ASSESSOR'S MAP OF THE CITY OF APPLETON, BEING LOCATED IN THE SE 1/4 OF THE SW 1/4 OF SECTION 26, TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATES, OUTAGAMIE COUNTY
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CITY OF APPLETON
DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
100 NORTH APPLETON STREET
APPLETON, WI 54911
920-832-6474
DRAFTED BY: T. KROMM