



REPORT TO CITY PLAN COMMISSION

Municipal Services Committee Meeting Date: November 11, 2019

Plan Commission Informal Public Hearing Date: November 12, 2019

Common Council Meeting Date – Initial Resolution: November 20, 2019

Common Council Meeting Date – Public Hearing (40-day waiting period): January 8, 2020

Item: Street discontinuance to vacate a portion of East John Street

Case Manager: David Kress

GENERAL INFORMATION

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

Location: Portion of East John Street, generally located east of South Court

Owner/Applicant's Request: The applicant is requesting a street discontinuance to vacate a portion of East John Street east of South Court.

BACKGROUND

On September 21, 2016, Common Council approved a Development Agreement for the surrounding area, known as Eagle Point, which identified City and developer undertakings and provided a framework for redevelopment of the property. An amendment to the Development Agreement was approved by Common Council on November 6, 2019. A residential care apartment complex was built in 2018 on parcel #31-1-0772-00 as the first phase of development. The proposal for the second phase includes a 28-person community living arrangement (CLA) on parcel #31-1-0772-01. Special Use Permit #9-19 was approved by Common Council on October 2, 2019, and the associated Site Plan #21-19 is currently under review for the proposed CLA. If vacated, the subject area would be incorporated in the second phase and utilized as a cul-de-sac.

STAFF ANALYSIS

Title to Vacated Street: When vacated, the land reverts to its original source, which typically includes the parcels located adjacent to the proposed vacation area. In this case, title to the street being vacated will belong to the adjoining property owner to the north. This ownership distribution reflects what has been agreed to in the amended Development Agreement and would allow parcel #31-1-0772-00 to continue to satisfy the minimum lot width requirement for the R-3 Multi-Family District. The adjoining property owner will acquire, in its entirety, the vacated right-of-way totaling approximately 6,099 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 John Street is approximately 60 feet wide.

Street Vacation – East John Street

November 12, 2019

Page 2

Street Classification: The City’s Arterial/Collector Plan Map identifies this portion of East John 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 residential in nature.

North: R-3 Multi-Family District. The adjacent land to the north is currently vacant (site of proposed CLA).

South: R-3 Multi-Family District. The adjacent land uses to the south are currently residential, including a residential care apartment complex.

East: R-3 Multi-Family District. The adjacent land to the east is currently vacant (site of proposed CLA).

West: R-3 Multi-Family District and R-1C Central City Residential District. Existing John Street right-of-way is immediately west of the subject area.

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

OBJECTIVE 5.3 Housing and Neighborhoods:

Provide a range of housing options that meet the needs and appeal to all segments of the community and allows residents to age in place.

Policy 5.3.2 Identify preferred locations and encourage urban infill and redevelopment to meet the needs of retirees and Generation X and Millennial buyers or renters, such as redevelopment sites along the Fox River Corridor, including the industrial flats, that are suited to a variety of living options.

OBJECTIVE 13.3 Fox River Corridor Plan:

Promote an economically viable mix of existing and redeveloped uses along the riverfront.

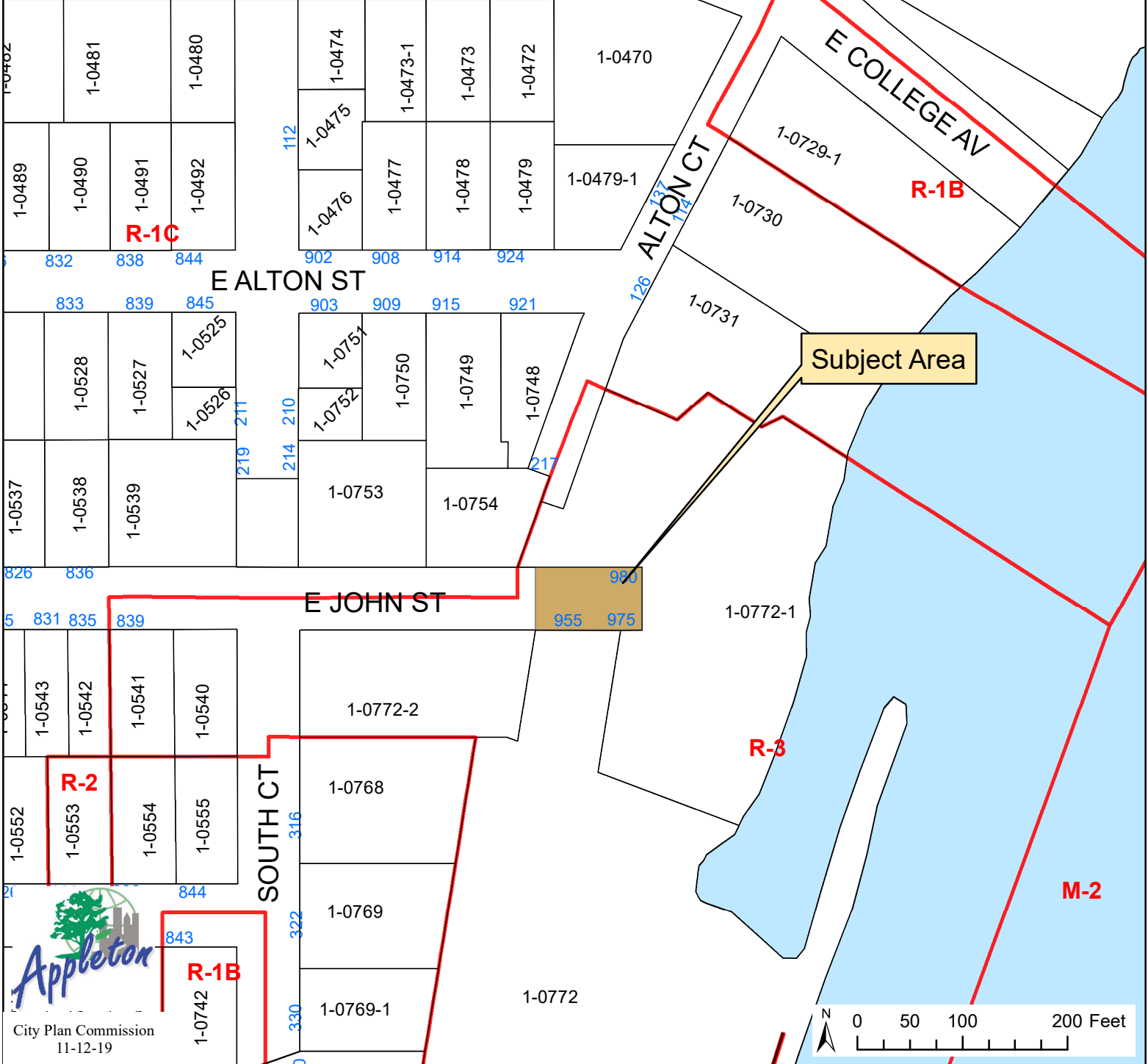
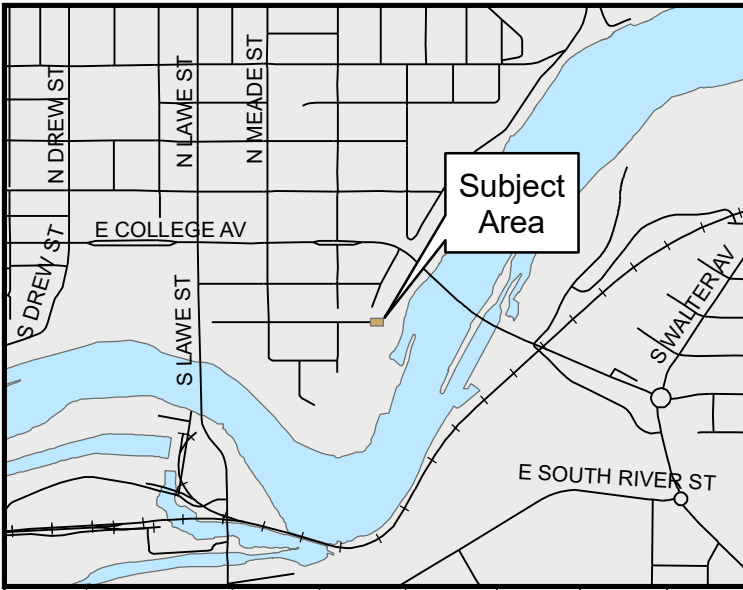
Technical Review Group (TRG) Report: This item was discussed at the October 1, 2019 Technical Review Group meeting.

- Department of Public Works Comments: Consider possibility of three-party street vacation agreement to clarify ultimate distribution of vacated land.

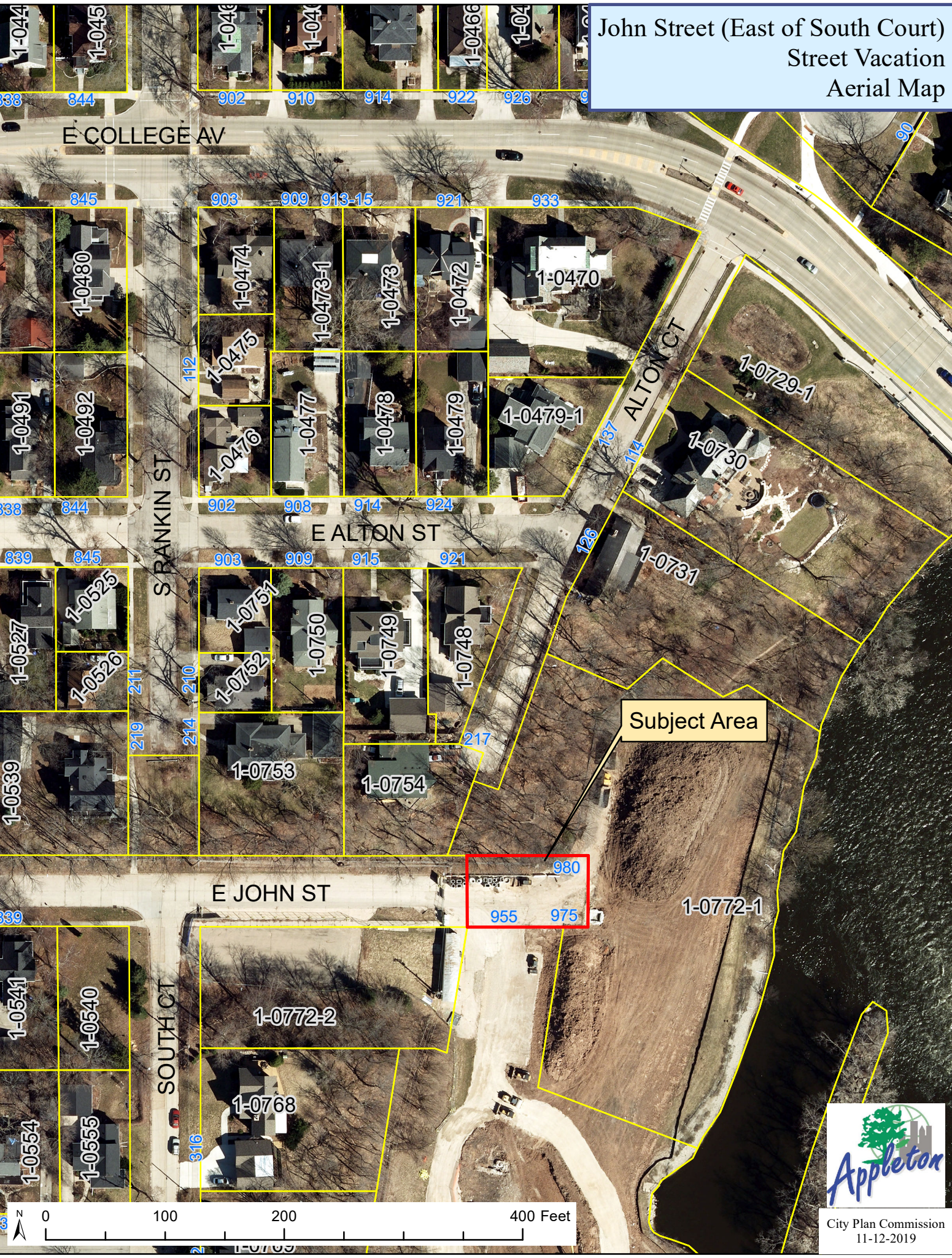
RECOMMENDATION

Staff recommends the discontinuance of a portion of East John 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**.

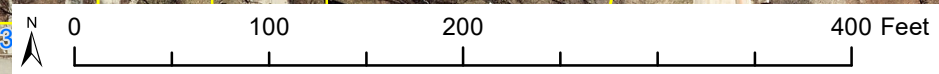
John Street (East of South Court) Street Vacation Zoning Map



John Street (East of South Court) Street Vacation Aerial Map



Subject Area



INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of East John Street, east of South Court, 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 John 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 of a strip of land 60 feet in width and 101.65 feet m/l in length along its centerline and containing 6,099 square feet of land m/l and being further described by:

All that part of John Street lying between Lots 1 and 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being further described as follows:
Commencing at the Northwest corner of Lot 1 of Certified Survey Map No. 7281, being coincident with the South line of John Street and being the point of beginning;
Thence North 00°02'19" West 60.00 feet to the North line of John Street;
Thence North 89°57'41" East 101.73 feet coincident with the North line of John Street to the currently established East line of John Street;
Thence South 00°07'39" West 60.00 feet coincident with the East line of John Street to the South line thereof;
Thence South 89°57'41" West 101.56 feet coincident with the South line of John 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 any and 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. Grantee shall also have the right to build and maintain a public trail in a mutually agreeable location within the vacated street area.

OWNERSHIP DISTRIBUTION OF THE VACATED STREET AREA

The adjoining property owner shall acquire ownership to the afore described and vacated portion of John Street, in its entirety and with the entire vacated portion attaching to owners property, as shown on the attached Exhibit "A" Map and more specifically as follows:

The owner of Lot 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin. Said Owner abutting the portion of vacated John Street shall acquire, in its entirety, the vacated right-of-way.

COMMON DESCRIPTION:

A portion of East John Street, east of South Court

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 John 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.

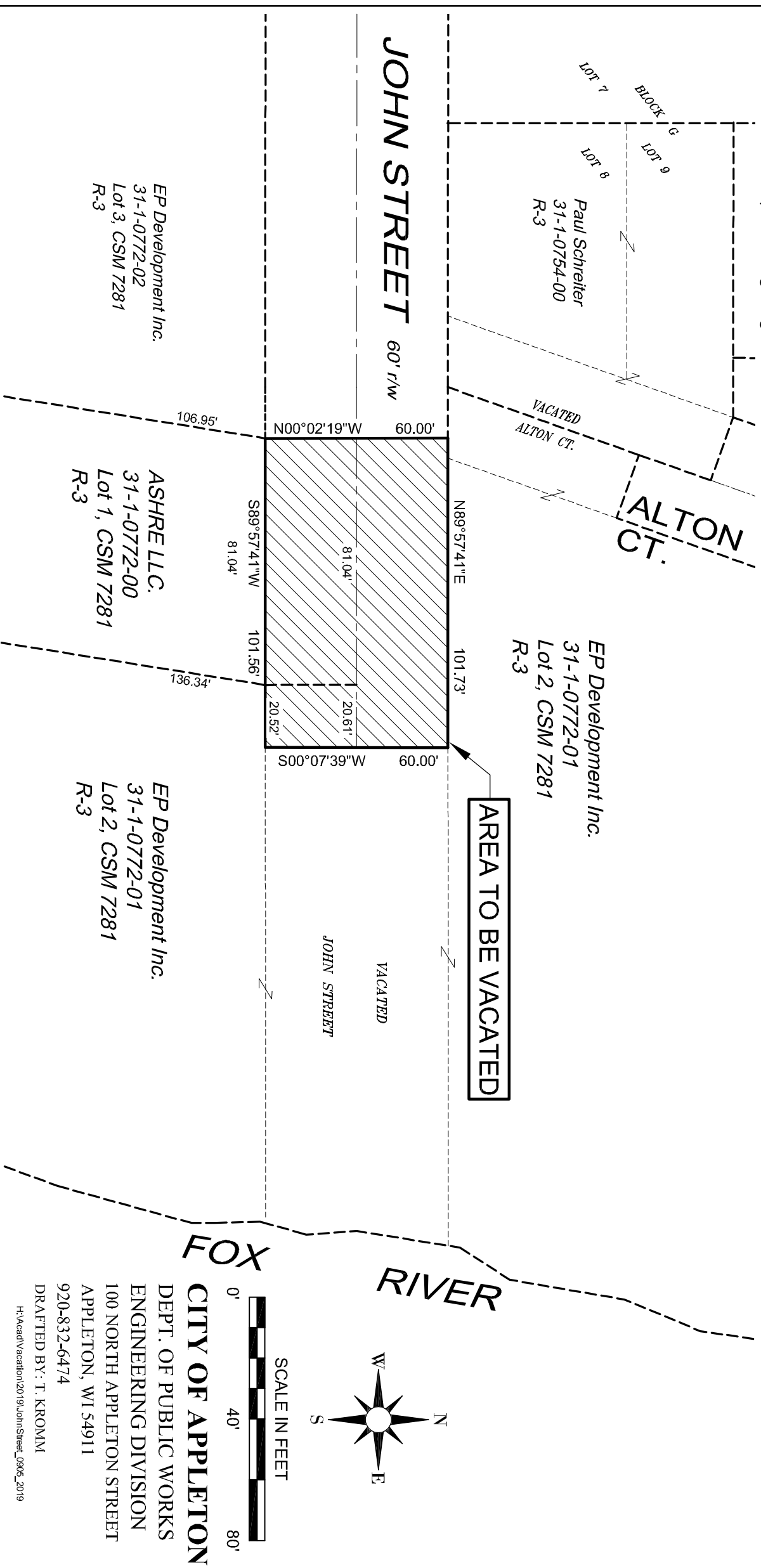
Date

City Law A19-1064
10/29/2019

EXHIBIT "A"

LEGAL DESCRIPTION

All of a strip of land 60 feet in width and 101.65 feet m/l in length along its centerline and containing 6,099 square feet of land m/l and being further described by: All that part of John Street lying between Lots 1 and 2 of Certified Survey Map No. 7281, being located in the Government Lot 5, Fractional Southwest Quarter (SW ¼) of Section 25, Township 21 North, Range 17 East, City of Appleton, Outagamie County, Wisconsin and being further described as follows: Commencing at the Northwest corner of Lot 1 of Certified Survey Map No. 7281, being coincident with the South line of John Street and being the point of beginning; Thence North 00°02'19" West 60.00 feet to the North line of John Street; Thence North 89°57'41" East 101.73 feet coincident with the North line of John Street to the currently established East line of John Street; Thence South 00°07'39" West 60.00 feet coincident with the East line of John Street to the South line thereof; Thence South 89°57'41" West 101.56 feet coincident with the South line of John Street to the point of beginning.



SCALE IN FEET
 0' 40' 80'

CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474
 DRAFTED BY: T. KROMM
 H:\Acad\Vacation\2019\JohnStreet_0905_2019