



## REPORT TO CITY PLAN COMMISSION

**Municipal Services Committee Meeting Date:** April 12, 2021

**Plan Commission Informal Public Hearing Date:** April 13, 2021

**Common Council Meeting Date – Initial Resolution:** April 21, 2021

**Common Council Meeting Date – Public Hearing (40-day waiting period):** June 2, 2021

**Item:** Street discontinuance to vacate portions of West Prospect Avenue and South Douglas Street

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

### GENERAL INFORMATION

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

**Location:** Part of Prospect Avenue and part of Douglas Street, generally located near the intersection of these streets

**Owner/Applicant's Request:** The applicant is requesting a street discontinuance to vacate portions of right-of-way near the intersection of West Prospect Avenue and South Douglas Street.

### BACKGROUND

In 2020, the configuration of the Prospect Avenue and Douglas Street intersection changed as part of the Prospect Avenue reconstruction project. Through this project, the street and sidewalk alignment was adjusted. As a result, the areas proposed for vacation are no longer needed for public right-of-way.

### 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. Title to the vacated part of Prospect Avenue will belong to the adjoining property owner to the south. As shown on the attached map, the owner of parcel #31-3-1617-00 will acquire the vacated right-of-way totaling approximately 1,468 square feet. Title to the vacated part of Douglas Street will belong to the adjoining property owner to the east. As shown on the attached map, the owner of parcel #31-3-1523-00 will acquire the vacated right-of-way totaling approximately 1,174 square feet.

**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 Classification:** The City's Arterial/Collector Plan Map identifies this portion of Prospect Avenue as a collector street and this portion of Douglas 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 and institutional in nature.

## Street Vacation – West Prospect Avenue and South Douglas Street

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North: R-1B Single-Family District and P-I Public Institutional District. The adjacent land uses to the north are currently residential and institutional (Xavier High School).

South: R-1B Single-Family District. The adjacent land uses to the south are currently single-family residential.

East: R-1B Single-Family District. The adjacent land uses to the east are currently single-family residential.

West: R-1B Single-Family District and P-I Public Institutional District. Existing Prospect Avenue and Douglas Street right-of-way is immediately west of the subject areas.

**Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map identifies this area with a future One and Two-Family Residential 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.*

*Policy 6.8.3 Design neighborhood streets that will serve local transportation needs, enhance safety and livability, and improve neighborhood quality.*

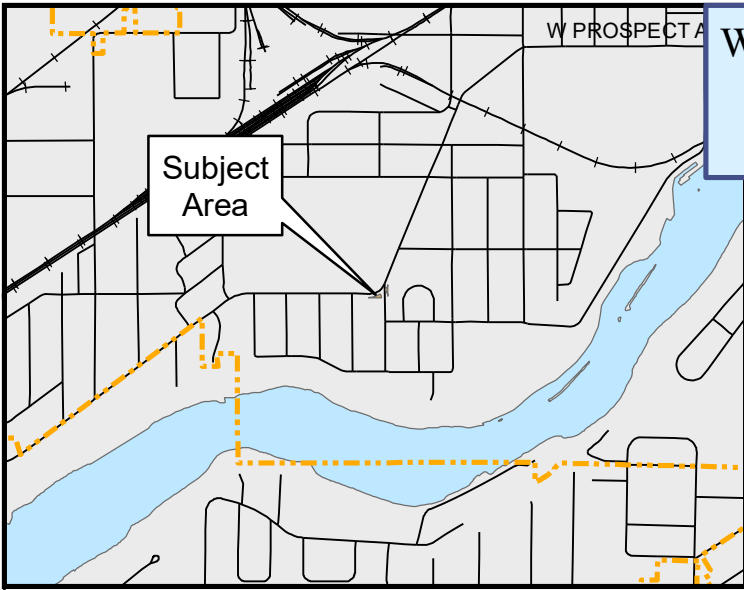
**Technical Review Group (TRG) Report:** This item appeared on the March 23, 2021 TRG agenda. No negative comments were received from participating departments.

## **RECOMMENDATION**

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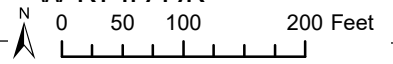
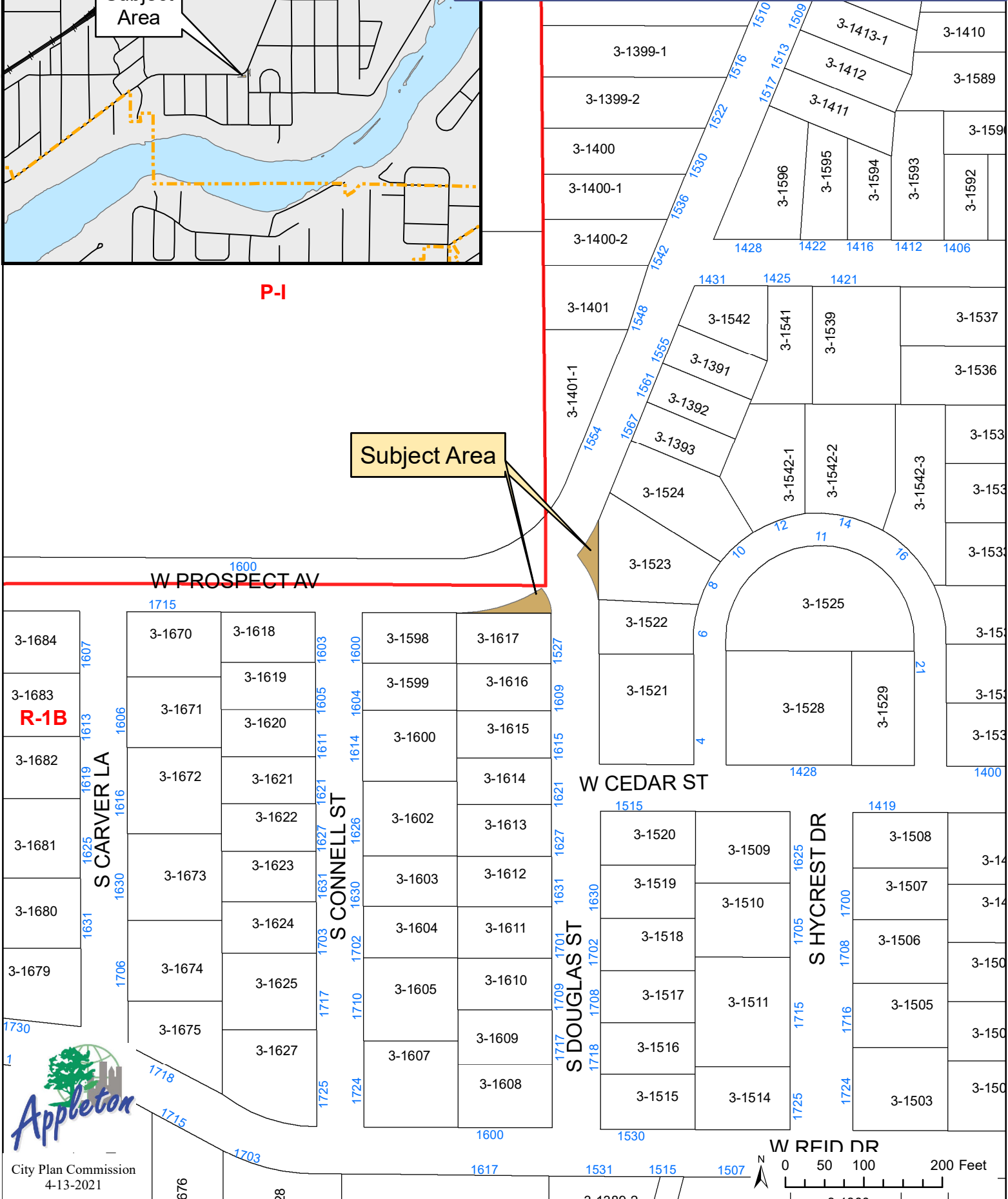
Staff recommends the discontinuance of portions of West Prospect Avenue and South Douglas Street public right-of-way, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and the adoption of the Initial Resolution, **BE APPROVED**.

# West Prospect Avenue and South Douglas Street Partial Street Vacation Zoning Map

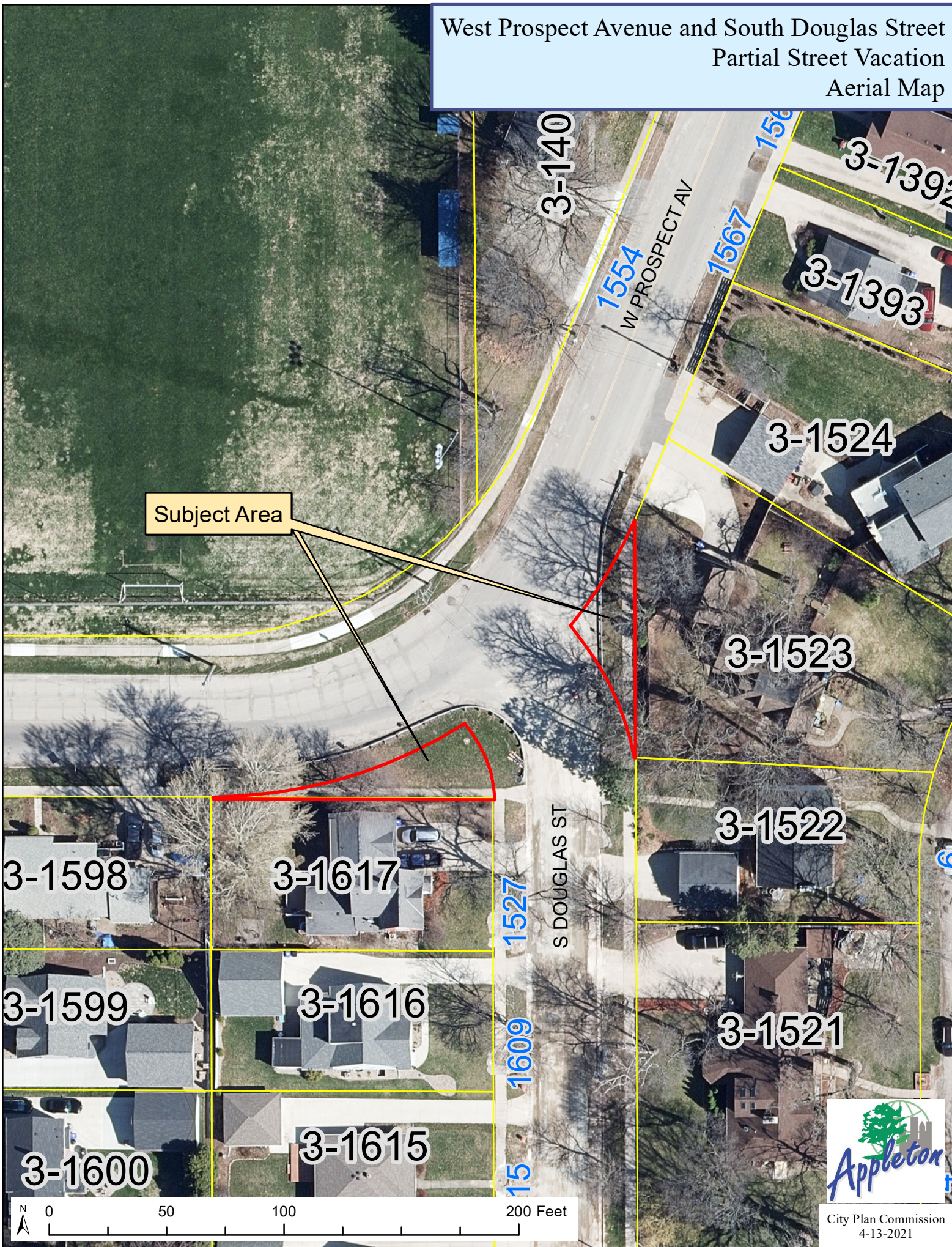


**P-I**

**Subject Area**



West Prospect Avenue and South Douglas Street  
Partial Street Vacation  
Aerial Map



Subject Area

3-1598

3-1617

3-1599

3-1616

3-1600

3-1615

3-140

1554  
W PROSPECT AV

1567

1568

3-1392

3-1393

3-1524

3-1523

3-1522

S DOUGLAS ST

1527

1609

15

3-1521



City Plan Commission  
4-13-2021

0 50 100 200 Feet

**INITIAL RESOLUTION**

**WHEREAS**, the public interest requires that a part of West Prospect Avenue and a part of South Douglas 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 West Prospect Avenue and a part of South Douglas 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**

A part of Douglas Street, being located in the Government Lot Three (3), Fractional Southwest Quarter (SW ¼) of Section Thirty-Four (34), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, containing 1,174 Sq. Ft. of land and being further described as follows:

Commencing at the West Quarter corner of said Section 34:

Thence South 89°45'50" East 1392.02 feet coincident with the North line of the Fractional SW ¼ of said Section 34;

Thence South 00°13'29" East 989.76 feet to the Southeast corner of Prospect Avenue and Douglas Street and being the Point of Beginning;

Thence continue South 00°13'29" East 101.34 feet coincident with the East line of Douglas Street;

Thence North 89°44'29" West 0.59 feet;

Thence Northwesterly 50.90 feet along the arc of curve to the left having a radius of 111.00 feet and the chord of which bears North 23°07'34" West 50.46 feet;

Thence North 36°15'46" West 12.20 feet;

Thence Northeasterly 52.82 feet along the arc of a curve to the left having a radius of 189.14 feet and the chord of which bears North 31°11'04" East 52.65 feet to the point of beginning.

And

A part of Prospect Avenue, being located in Government Lot Three (3) and Government Lot Four (4), Fractional Southwest Quarter (SW ¼) of Section Thirty-Four (34), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, containing 1,468 Sq. Ft. of land and being further described as follows:

Commencing at the West Quarter corner of said Section 34:

Thence South 89°45'50" East 1332.02 feet coincident with the North line of the Fractional SW ¼ of said Section 34;

Thence South 00°13'29" East 1109.23 feet to the Southwest corner of Prospect Avenue

and Douglas Street and also being the Northeast corner of Lot 20, Block 1, Rivercrest Subdivision and being the Point of Beginning;

Thence North  $89^{\circ}50'32''$  West 120.00 feet coincident with the North line of Lot 20 of said Block 1 to the Northwest corner thereof and also being coincident with the South line of Prospect Avenue;

Thence North  $00^{\circ}13'29''$  West 0.63 feet;

Thence North  $86^{\circ}23'57''$  East 13.47 feet;

Thence Northeasterly 99.73 feet along the arc of a curve to the left having a radius of 197.00 feet and the chord of which bears North  $71^{\circ}53'48''$  East 98.67 feet;

Thence South  $36^{\circ}15'46''$  East 5.27 feet;

Thence Southeasterly 30.28 feet along the arc of a curve to the right having a radius of 50.00 feet and the chord of which bears South  $18^{\circ}54'42''$  East 29.82 feet 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.

### **COMMON DESCRIPTION:**

A part of West Prospect Avenue and a part of South Douglas 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 part of West Prospect Avenue and part of South Douglas 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.

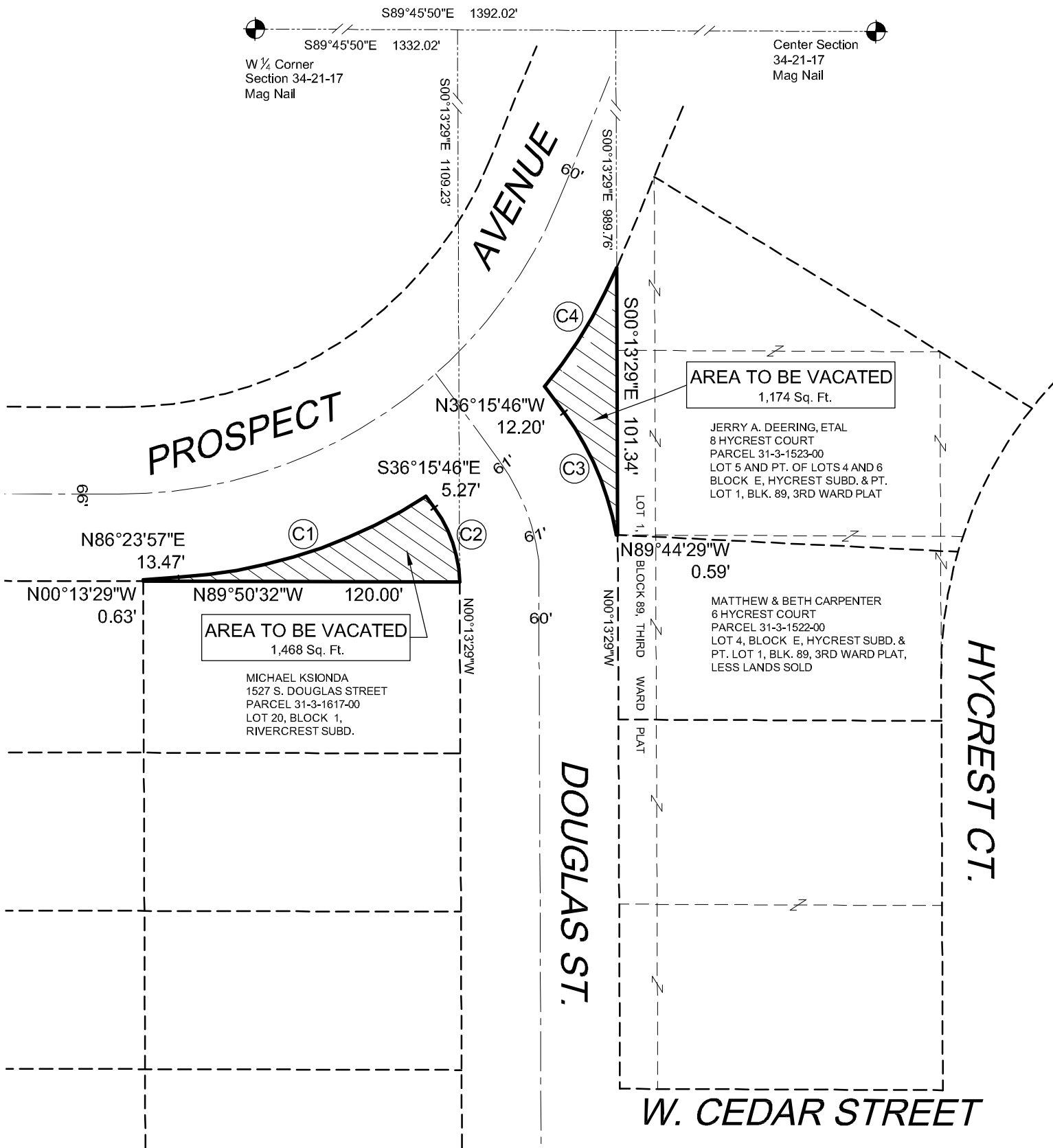
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Date

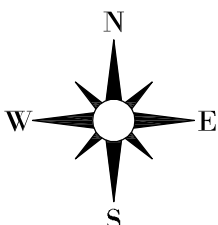
City Law A21-0230  
3/29/2021

# EXHIBIT "A"

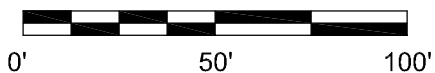
A part of Prospect Avenue lying adjacent to Lot Twenty (20), Block One (1), **RIVERCREST SUBD.** and a part of Douglas Street lying adjacent to a part of Lot One (1), Block Eighty-Nine (89), **THIRD WARD PLAT**, according to the recorded Assessor's Map, all being located in the Government Lot Three (3) and Government Lot Four (4) of Section Thirty-Four (34), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin



CURVE DATA TABLE				
CURVE	RADIUS	LENGTH	LC	LCB
C1	197.00'	99.73'	98.67'	N71°53'48"E
C2	50.00'	30.28'	29.82'	S18°54'42"E
C3	111.00'	50.90'	50.46'	N23°07'34"W
C4	189.14'	52.82'	52.65'	N31°11'04"E



SCALE IN FEET



BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATES, OUTAGAMIE COUNTY

**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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