



REPORT TO CITY PLAN COMMISSION

Plan Commission Informal Public Hearing Date: March 23, 2015

Municipal Services Committee Meeting Date: March 24, 2015

Common Council Meeting Date-Initial Resolution: April 1, 2015

Common Council Meeting Date - Public Hearing Date (40 day waiting period): May 20, 2015

Item: Street Discontinuance to vacate a portion of North Douglas Street between North Badger Avenue and West Winnebago Street

GENERAL INFORMATION

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

Street Name/Location: Portion of North Douglas Street, generally located between North Badger Avenue and West Winnebago Street

Owner/Applicant's Request: Street Discontinuance to vacate a portion of North Douglas Street between North Badger Avenue and West Commercial Street

BACKGROUND

In 2015, North Badger Avenue is scheduled for reconstruction. As part of the North Badger Avenue reconstruction project, it was determined the existing street improvements (street pavement, curb, and gutter) for this portion of North Douglas Street between North Badger Avenue and West Winnebago Street will be removed and replaced with grass.

STAFF ANALYSIS

Title to Vacated Street: As a result, when vacated, the land must revert to its original source, which in this case is parcel number 31-5-0108-00 located to the west of the proposed vacation. Consequently, title to the street being vacated will belong to the adjoining property owner and will acquire an ownership interest in land vacated as shown on the attached map.

Zoning Classification: Rezoning #1-15 to change the current Official Zoning Map for the portion of North Douglas Street being discontinued (vacated) from R-1B Single Family District to P-I Public Institutional District is also being presented at this March 23, 2015 Plan Commission meeting. The purpose of the rezoning request is to ensure that the zoning classification of the subject vacated right-of way matches the zoning classification of the adjacent property located at 1620 West Winnebago Street (parcel number 31-5-0108-00).

Existing Public Utilities: The City will maintain a utility easement for all existing utilities which may exist within the entire width of the vacated area.

Street Right-of-Way Width: This portion of North Douglas Street is approximately 60 feet wide.

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

Surrounding Zoning and Land Uses:

North: R-1B, Single Family District – Single-family residential

South: R-1B, Single Family District – Single-family residential

East: R-1B, Single Family District – Single-family residential

West: P-I, Public Institutional District – Place of Worship

2010-2030 Comprehensive Plan: The City of Appleton 2010-2030 Comprehensive Plan identifies this area for future single/two family uses.

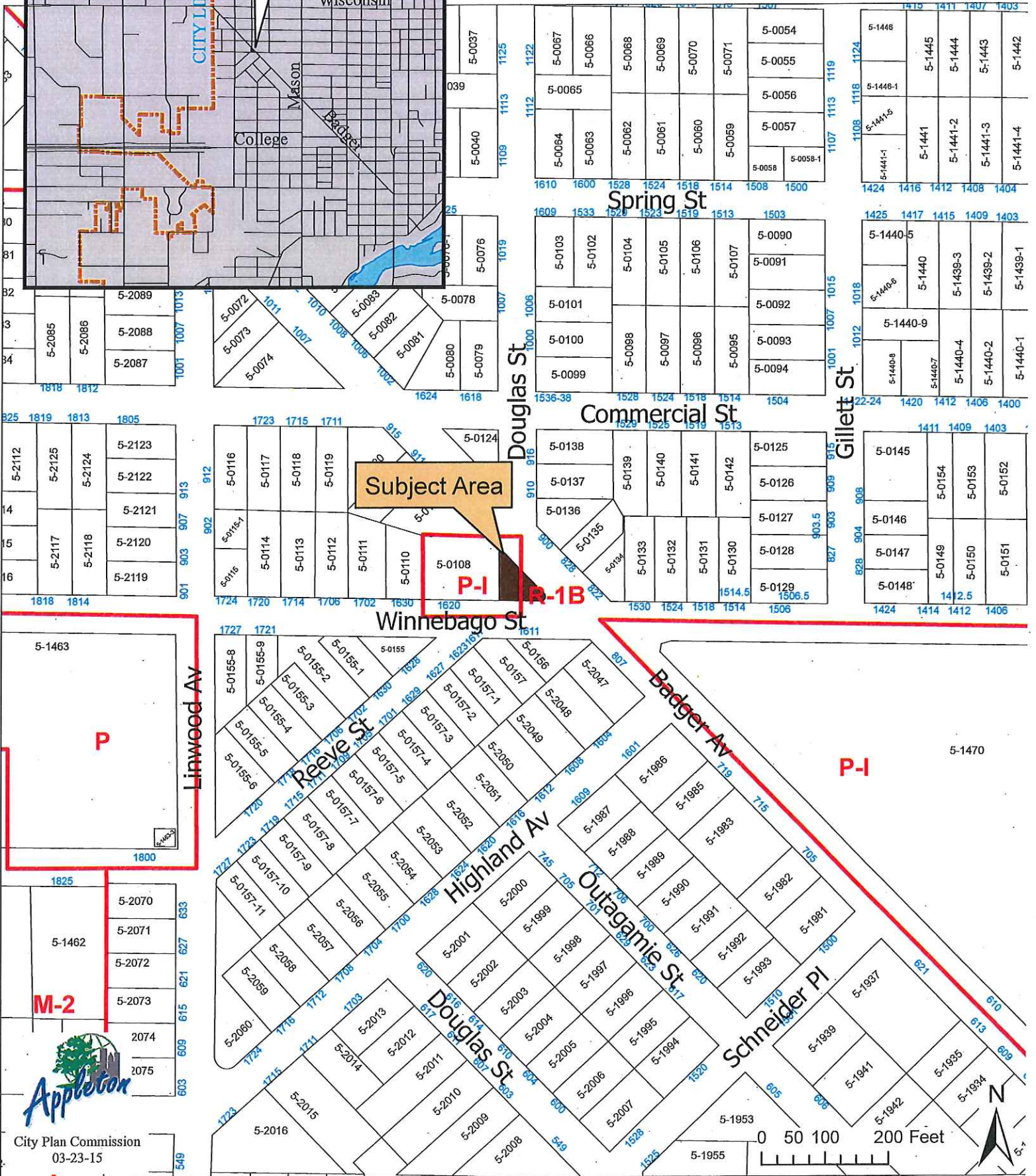
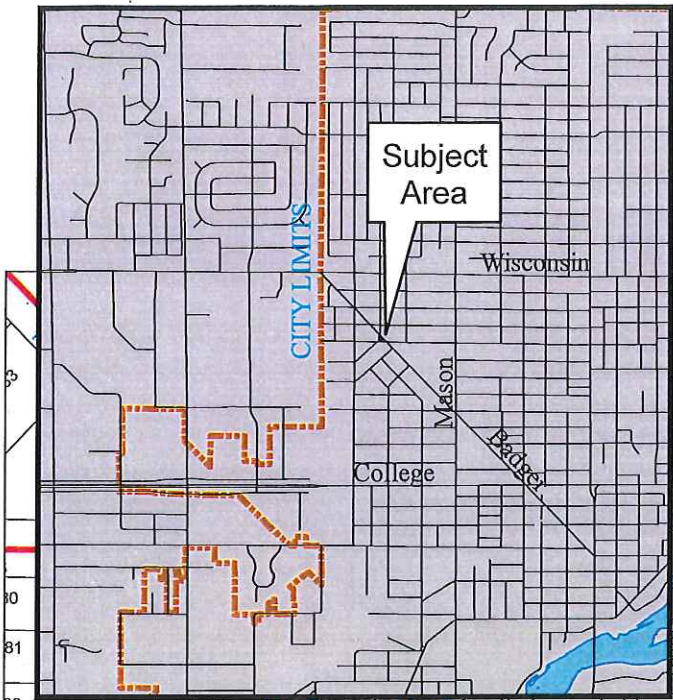
Technical Review Group Report (TRG): This item was discussed at the March 3, 2015 Technical Review Group meeting. No negative comments were received from participating departments.

- The purpose of vacating this portion of North Douglas Street is to simplify intersection configurations, eliminate several potential vehicle conflict points, and eliminate street maintenance costs for the portion of street being vacated.

RECOMMENDATION

Staff recommends the discontinuance of a portion of North Douglas Street public right-of-way, as shown on the attached map and legal description, pending approval by the Municipal Services Committee, and adopt the Initial Resolution, **BE APPROVED**.

North Douglas Street Street Vacation (South of Badger Avenue) Zoning/Vicinity Map



INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of North Douglas 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 North 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:

All of a triangular shaped portion of land being a part of Douglas Street, Badger Avenue and or Winnebago Street:
Bounded on the West by Lots 1 and 2, Block 8, Gilmore Addition, according to the recorded Assessor's Plat of the City of Appleton;
Bounded on the Northeast by the Southeasterly extension of Badger Avenue;
Bounded on the South by the Easterly extension of the North line of Winnebago Street, all being located in the NW ¼ of the NW ¼ of Section 27, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin, containing 3,429 square feet of land m/l and being further described by:

Commencing at the Southeast corner of Lot 2 of said Block 8 said point also being on the West line of Douglas Street and the North line of Winnebago Street and being the point of beginning;

Thence N.00°24'05"W. 84.04 feet (recorded as 84.2 feet), along the West line of Douglas Street to the Southeasterly line of said Badger Avenue and also being a Northeasterly corner of Lot 1 of said Block 10;

Thence S.44°25'16"E. 102.50 feet, along the Southeasterly extension of the Southwesterly line of said Badger Avenue;

Thence Southeasterly, Southerly and Southwesterly 16.535 feet along the arc of a curve to the right, having a radius of 7.00 feet and the chord of which bears S.23°14'58"W. 12.95 feet, to the Easterly extension of the North line of Winnebago Street;

Thence N.89°04'48"W. 66.05 feet along said extension to the Southeast corner of lot of said Block 8, to the point of beginning.

See also attached Exhibit Map 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:

North Douglas Street – South of Badger Avenue and north of Winnebago 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.

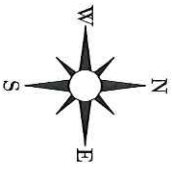
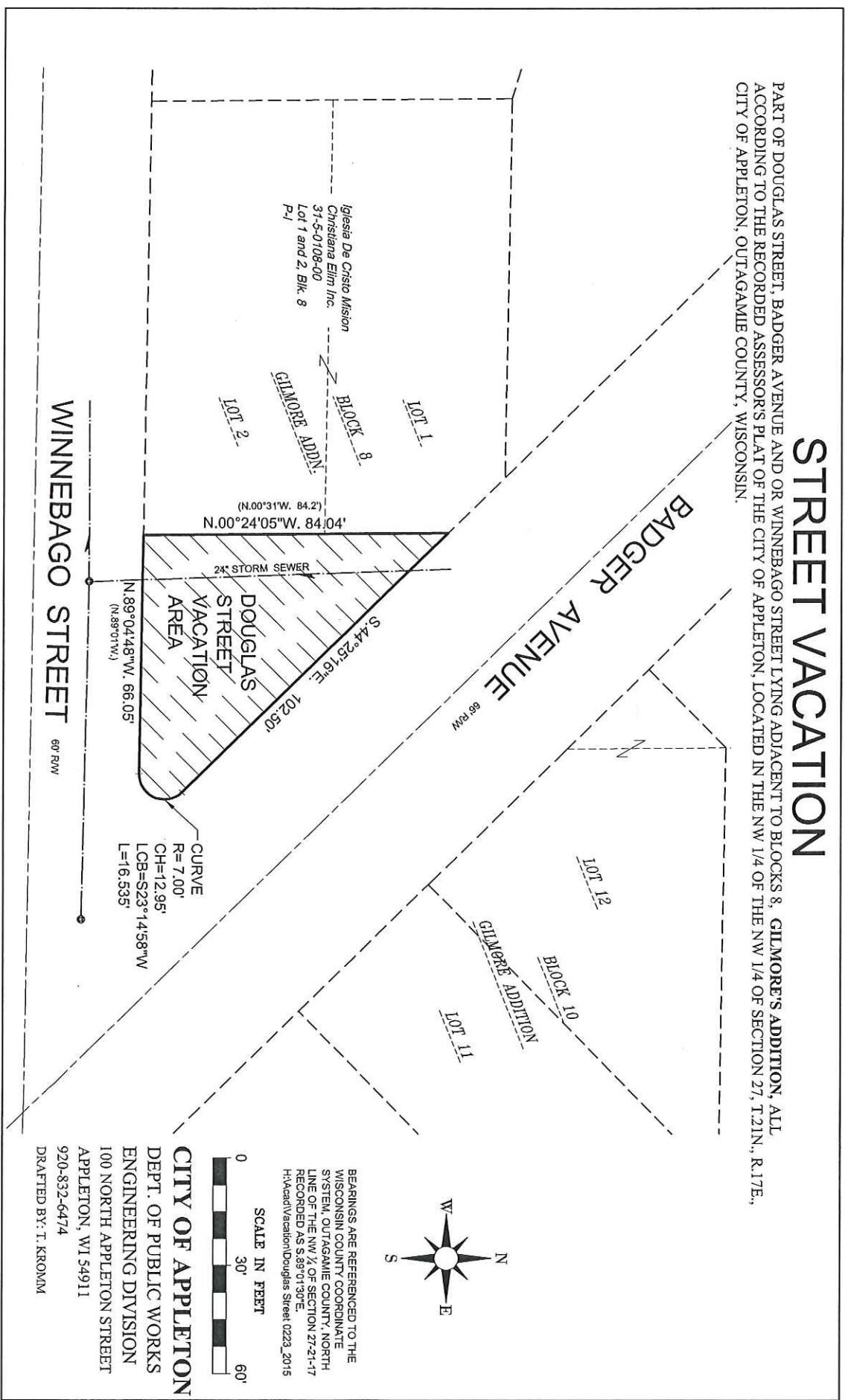
FURTHER RESOLVED, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said portion of Douglas Street, title to the above-described street shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as shown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

Date

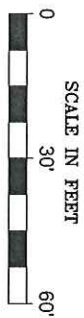
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North Douglas St - Initial Resolution - March 2015.doc

STREET VACATION

PART OF DOUGLAS STREET, BADGER AVENUE AND OR WINNEBAGO STREET LYING ADJACENT TO BLOCKS 8, GILMORE'S ADDITION, ALL ACCORDING TO THE RECORDED ASSESSOR'S PLAT OF THE CITY OF APPLETON, LOCATED IN THE NW 1/4 OF THE NW 1/4 OF SECTION 27, T.21N., R.17E., CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, NORTH LINE OF THE NW 1/4 OF SECTION 27-21-17 RECORDED AS S.89 01'30"E. H:\Vacat\Vacation\Douglas Street 0223_2015



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