



## REPORT TO CITY PLAN COMMISSION

**Municipal Services Committee Meeting Date:** July 15, 2019

**Plan Commission Informal Public Hearing Date:** July 9, 2019

**Common Council Meeting Date – Initial Resolution:** July 24, 2019

**Common Council Meeting Date – Public Hearing (40-day waiting period):** September 4, 2019

**Item:** Vacate a portion of West Water Street public right-of-way

**Case Manager:** Jessica Titel

### GENERAL INFORMATION

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

**Street Name/Location:** Portion of West Water Street, generally located 500' m/l northeast of Jackman Street.

**Owner/Applicant's Request:** The applicant is requesting to vacate a portion of West Water Street right-of-way, northeast of Jackman Street.

### BACKGROUND

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The proposed street vacation is being proposed to realign the Water Street right-of-way in this area in order to coincide with the street location. The Water Street pavement is not centered on the existing right-of-way and this street vacation is being done in concurrence with a right-of-way dedication on the northwesterly side of Water Street so that the street pavement is fully contained within the right-of-way. The City of Appleton owns the land adjacent to the proposed vacation and dedication.

### STAFF ANALYSIS

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**Title to Vacated Street:** When vacated, the land must revert to its original source, which in this case includes the parcels located south of the proposed vacation area. Consequently, title to the street being vacated will belong to the adjoining property owner, which is the City of Appleton. The adjoining property owner will acquire an ownership interest in the land vacated, totaling approximately 7,349 square feet, as shown on the attached map.

**Existing Public Utilities:** The City will retain title of the vacated land; therefore, no easements are needed for the small length of existing water main that is located within the vacated portion of right-of-way.

**Street Classification:** The City's Arterial/Collector Plan Map identifies this portion of West Water Street as a collector 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 public/institutional in nature.

## Street Vacation – West Water Street

July 9, 2019

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North: M-2 General Industrial District. The adjacent property to the north is currently Water Street right-of-way.

South: M-2 General Industrial District. The adjacent property to the south is currently undeveloped (future Ellen Kort Peace Park).

East: M-2 General Industrial District. The adjacent property to the east is currently undeveloped (future Ellen Kort Peace Park).

West: M-2 General Industrial District. The adjacent property to the west is currently Water Street right-of-way.

**Comprehensive Plan 2010-2030:** The City of Appleton *Comprehensive Plan 2010-2030* Future Land Use Map identifies this area with a future Public Parks and Open Space 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.*

### *Chapter 14 – Downtown Plan*

*Initiative 7.4 – Plan, design, and construct improvements to Jones Park and Ellen Kort Peace Park*

**Technical Review Group (TRG) Report:** This item was discussed at the May 21, 2019 and June 18, 2019 Technical Review Group meetings. No negative comments were received from participating departments. Staff discussed the need to coordinate with WE Energies regarding potential future dedication of 211 square feet of their property for Water Street right-of-way.

## **RECOMMENDATION**

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Staff recommends the discontinuance of a portion of West Water 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**.

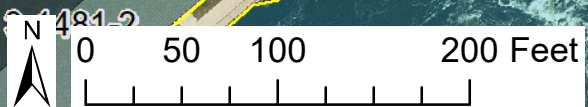




# W. Water Street Street Vacation Aerial Map



Area to be Vacated





**INITIAL RESOLUTION**

**WHEREAS**, the public interest requires that a portion of the southeasterly side of West Water Street located 500' m/l northeast of Jackman 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 West Water 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 or Water Street lying adjacent to Lots Six (6), Seven (7), Eight (8) and Nine (9), Block G, of the **GRAND CHUTE PLAT** and all that part of Water Street lying adjacent to Block 71 of the **APPLETON PLAT**, all according to the recorded Assessor's Map of the City of Appleton, being located in Government Lot Two (2), Section Thirty-Five (35), Township Twenty-One (21) North, Range Seventeen (17) East, City of Appleton, Outagamie County, Wisconsin, containing 7,349 square feet of land and being described by:

Commencing at the most Northerly corner of Lot 7 in said Block G and being the point of beginning; Thence South 49°41'17" West 78.07 feet along the Northwesterly line of said Block G and being coincident with the Southeasterly line of Water Street; Thence North 29°03'55" East 351.44 feet to the Southwesterly extension of a Southeasterly line of Water Street; Thence North 48°46'37" East 42.03 feet along said extension to an angle point in the Southeasterly line of Water Street; Thence South 26°40'00" West 318.22 feet along the Southeasterly line of Water Street and being coincident with the Northwesterly line of said Block 71 and Block G to the point of beginning.

**COMMON DESCRIPTION:**

A portion of the southeasterly side of West Water Street located 500' m/l northeast of Jackman 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 West Water 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.

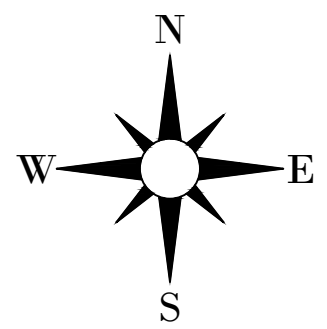
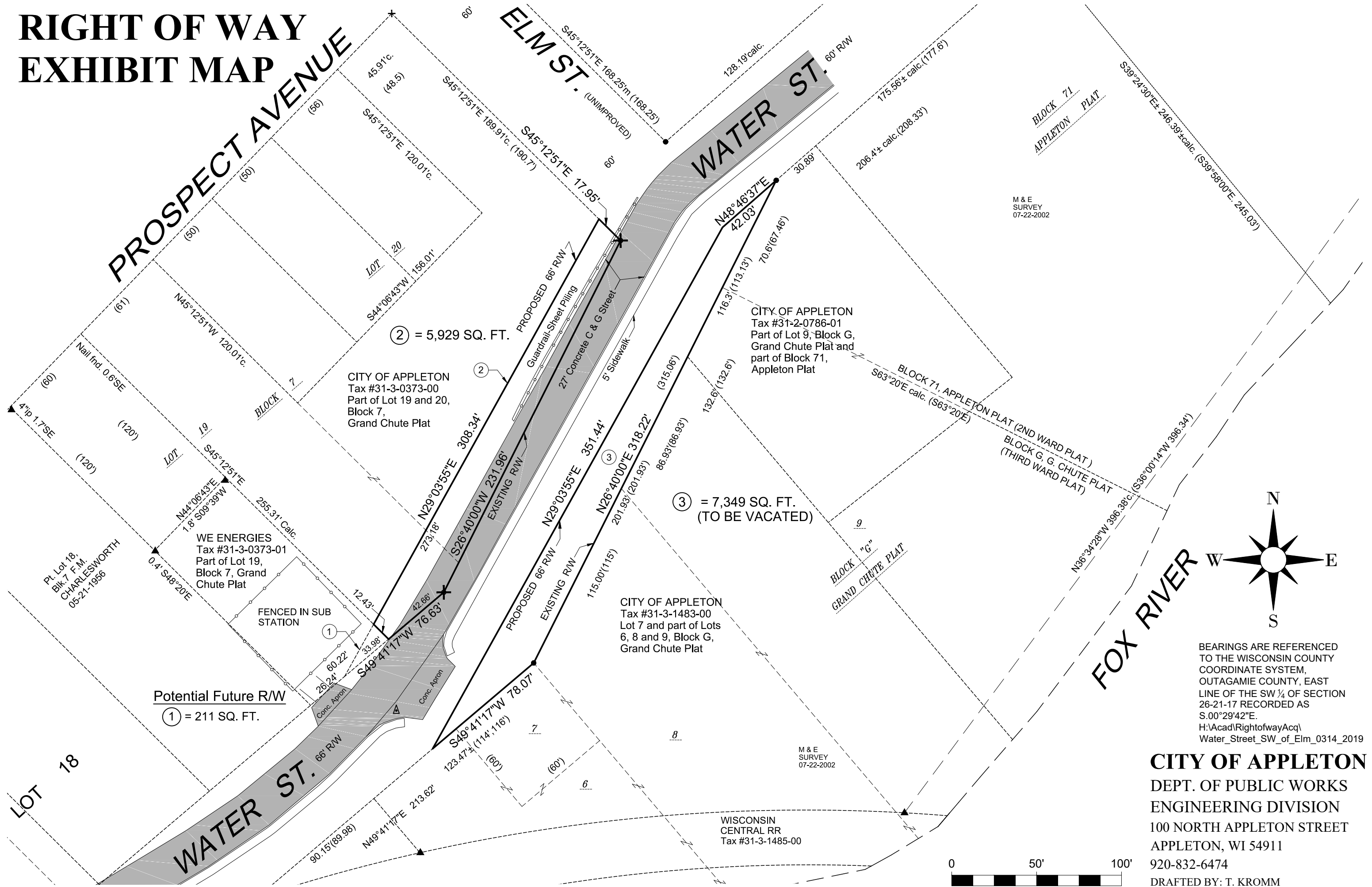
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**Date**

City Law A19-0480  
06/27/2019



# RIGHT OF WAY EXHIBIT MAP



BEARINGS ARE REFERENCED TO THE WISCONSIN COUNTY COORDINATE SYSTEM, OUTAGAMIE COUNTY, EAST LINE OF THE SW ¼ OF SECTION 26-21-17 RECORDED AS S.00°29'42"E.  
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