

## ***INITIAL RESOLUTION***

***WHEREAS***, the public interest requires that a portion of South Badger Avenue, 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 South Badger Avenue, City of Appleton, Outagamie County, Wisconsin, as hereinafter described, is hereby vacated and discontinued pursuant to §66.1003 of the Wisconsin Statutes.

### **LEGAL DESCRIPTION**

Bounded on the Northeast by Lots 16, 17 and 19, of Block 39, Grand Chute Plat (aka 3<sup>rd</sup> Ward Plat), according to the recorded Assessor's Plat of the City of Appleton, all being located in the SE ¼ of the SE ¼ of Section 27, the NE ¼ of the NE ¼ of Section 34 and the NW ¼ of the NW ¼ of Section 35, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin, containing 4,198 square feet of land m/l and being further described by:

Commencing at the Southeast corner of said Section 27;  
Thence North 89°12'54" West 20.68 feet along the South line of the SE ¼ of said Section 27 to the Northeasterly line of Badger Avenue and being the point of beginning;  
Thence South 44°28'35" East 66.725 feet along the Northeasterly line of said Badger Avenue;  
Thence South 61°11'51" West 26.09 feet;  
Thence North 61°28'03" West 33.97 feet;  
Thence North 34°53'10" West 28.87 feet;  
Thence Northwesterly 193.72 feet, along the arc of a curve to the left having a radius of 884.00 feet and the chord of which bears North 35°28'47" West 193.34 feet to the Northeasterly line of Badger Avenue;  
Thence South 44°28'35" East 192.235 feet along the Northeasterly line of said Badger Avenue to the point of beginning.

See attached Exhibit "A" for illustration.

### **TITLE TO VACATED LANDS**

The adjoining property owners shall acquire ownership to the afore described and vacated portions of Badger Avenue as shown on the attached Exhibit "A" Map and more specifically as follows:

The owner of Lots 17, 19 and that part of Lot 16 of Block 39 in the Grand Chute Plat abutting the portion of vacated Badger Avenue shall acquire the vacated area in its entirety.

### **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, traffic, 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 said property, as closely as possible, to the condition previously existing, and Grantee does hereby agree to compensate fully for any damage caused directly or indirectly from said maintenance, resizing, repair, replacement or relocation of said utilities. 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:**

South Badger Avenue

***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.

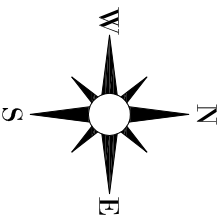
***FURTHER RESOLVED***, that according to §66.1005 of the Wisconsin Statutes, upon vacation and discontinuance of said portion of South Badger Avenue, title to the above-described streets shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated as described herein.

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Date

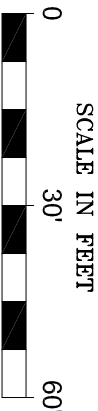
J:\Attorney\WORD\VACATION\Spencer & Badger (2015)\  
Spencer & Badger - AMENDED Initial Resolution (Badger Only) - July 2015.doc

PART OF BADGER AVENUE LYING ADJACENT TO LOTS 16, 17 AND 19 OF BLOCK 39, **GRAND CHUTE PLAT (AKA 3RD WARD)**, ALL ACCORDING TO THE RECORDED ASSESSORS PLAT OF THE CITY OF APPLETON, LOCATED IN THE NE 1/4 OF THE NE 1/4 OF SECTION 34, THE SE 1/4 OF THE SE 1/4 OF SECTION 27 AND THE NW 1/4 OF THE NW 1/4 OF SECTION 35, ALL IN TOWNSHIP 21 NORTH, RANGE 17 EAST, CITY OF APPLETON, OUTAGAMIE COUNTY, WISCONSIN.



- ⊕ = Chisel Mark Found  
 ✕ = 3/4" Iron Rebar Found  
 ▲ = 1.3" O.D. Iron Pipe Found

BEARINGS ARE REFERENCED TO THE  
WISCONSIN COUNTY COORDINATE  
SYSTEM, OUTAGAMIE COUNTY, NORTH  
LINE OF THE NW ¼ OF SECTION 27-21-17  
RECORDED AS S. 89° 01' 30"E.



**CITY OF APPLETON**  
**DEPT. OF PUBLIC WORKS**  
**ENGINEERING DIVISION**  
**100 NORTH APPLETON STREET**  
**APPLETON, WI 54911**  
**920-832-6474**  
**DRAFTED BY: T. KROMM**