

INITIAL RESOLUTION

WHEREAS, the public interest requires that a portion of South Lynndale Drive, 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 Lynndale Drive, 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 80 feet in width and 1117.9 feet m/l in length along its centerline and containing 89,431 square feet of land m/l and being further described by:

All that part of Lynndale Drive South of the Westerly extension of the South line of Leonard Street and Northerly of the Northwestern line of the Wisconsin Central Railroad Ltd.(formerly known as the Chicago and Northwestern Railroad Company), being located in the Northwest Quarter (NW ¼) of the Southeast Quarter (SE ¼) and the Northeast Quarter (NE ¼) of the Southwest Quarter (SW ¼), Section 33, T.21N., R.17E., City of Appleton, Outagamie County, Wisconsin and being further described as follows:

Commencing at the Southeast corner of Lynndale Drive and Leonard Street and being the point of beginning;

Thence S.00°02'W. 1092.00 feet m/l along the East line of Lynndale Drive to the Northwestern line of the Wisconsin Central Railroad Ltd. r/w;

Thence S.57°06'W. 95.32 feet, along the Northwestern line of the Wisconsin Central Railroad Ltd. r/w to the West line of Lynndale Drive;

Thence N.00°02'E. 1143.77 feet m/l along the West line of Lynndale Drive to the Westerly extension of the South line of Leonard Street;

Thence N.90°00'E. 80.00 feet along said extension 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. Grantee also retains an access easement for motorized maintenance and emergency response vehicles for the purpose of responding to any and all emergency situations.

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:

South Lynndale Drive – South of Leonard Street to railroad right-of-way

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 Lynndale Drive, 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.

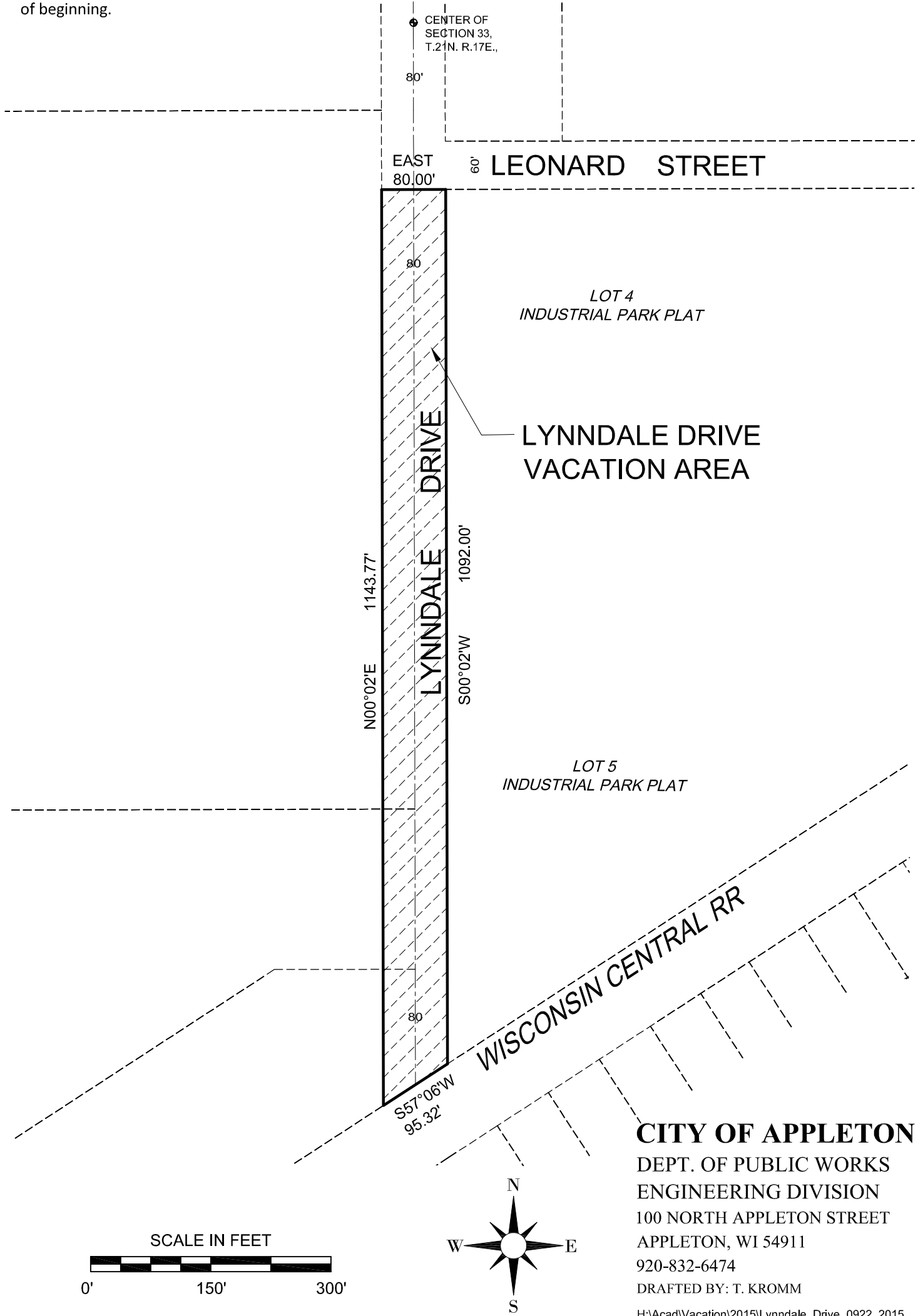
Date

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Lynndale Drive - Initial Resolution.doc

Christopher W. Croatt, Chair

EXHIBIT "A"

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CITY OF APPLETON
DEPT. OF PUBLIC WORKS
ENGINEERING DIVISION
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