

FINAL 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; and

WHEREAS, notice was given when and where the resolution would be acted on, as required by law; and

WHEREAS, hearing was had on said Resolution on the 2nd day of June, 2021, at City Hall, in and for the City of Appleton, Wisconsin.

BE IT RESOLVED, that the Common Council of the City of Appleton, Wisconsin, hereby determines that the public interest requires that:

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;

Record and return to:

City of Appleton – City Attorney's Office
100 North Appleton Street
Appleton, WI 54911-4799

Tax Key Nos.: 31-3-1617-00 and 31-3-1523-00

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°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°13'29" West 0.63 feet;
Thence North 86°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°53'48" East 98.67 feet;
Thence South 36°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°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, Wisconsin Statutes, upon vacation and discontinuance of said portion of West Prospect Avenue and said portion of South Douglas Street, title to the above-described area shall belong to the adjoining property owners and shall acquire an ownership interest in the entire area being vacated (as deemed necessary).

By: _____
Jacob A. Woodford, Mayor

By: _____
Kami Lynch, City Clerk

Date: _____

STATE OF WISCONSIN)
 : ss.
OUTAGAMIE COUNTY)

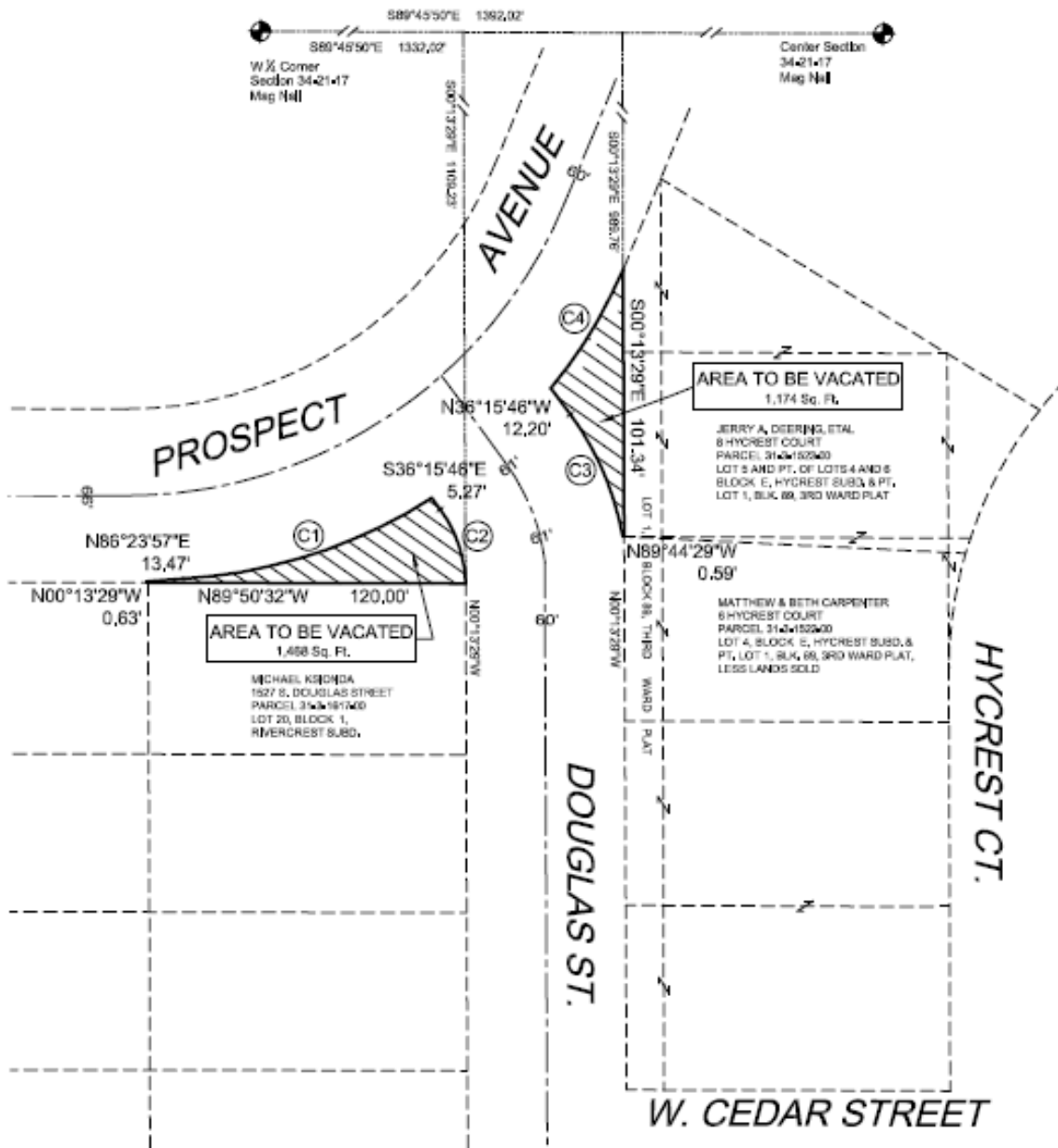
The foregoing Agreement was acknowledged before me this _____ day of June, 2021 by Jacob A. Woodford, Mayor and Kami Lynch, City Clerk.

Jamie L. Griesbach
Notary Public, State of Wisconsin
My commission expires 11/11/2021

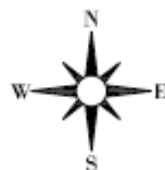
This instrument was drafted by:
City Attorney Christopher R. Behrens
City Law A21-0230

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'	98.87'	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'	52.85'	N31°11'04"E



CITY OF APPLETON
 DEPT. OF PUBLIC WORKS
 ENGINEERING DIVISION
 100 NORTH APPLETON STREET
 APPLETON, WI 54911
 920-832-6474

BEARINGS ARE REFERENCED TO WISCONSIN COUNTY COORDINATES, OUTAGAMIE COUNTY

DRAFTED BY: T. KRÖMM

01Acad/Vac and Dedicatn/0200ProspectAve_DraftSet_1030_2008