

MEMO

Date: February 9, 2010
To: Town Planning Commission Members
From: Community Development Department Staff
RE: New Business Item 2 – Approval of Improvements in the Vacated Foster Street ROW

Overview

The right-of-way for Foster Street (see aerial below) was vacated back in 1979 with a provision retaining an easement for utilities. The unique aspect of this easement is the added provision that any structures or improvements placed in this easement must obtain permission from the Town before they are erected or installed (see attached right-of-way vacation document). The property is now in the City of Appleton and parking may be placed within this easement (see attached plan for parking). Staff does not see any problem with the placement of parking within this easement as long as it is understood that any improvements placed in this easement could be removed without compensation if there is a need to repair, replace or add utilities within the easement.



Staff Recommendation

Staff recommends that the Town grant the approval of the use of the easement with the provision that any improvements within this easement be limited to parking and landscaping and that the repair of any damage to any improvements within this easement caused by any utility work, including the addition of utilities, will not be repaired or compensated by the utility conducting the work within this easement.

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TOWN OF MENASHA
STREET OR ROAD RIGHT-OF-WAY VACATION

WHEREAS, application has been made to the Town of Menasha, and the Town Board of the Town of Menasha has given the notices required and necessitated by its intention to vacate a portion of a Town street, road or highway; and

WHEREAS, notice was given that on the 12th day of November, 1979, a hearing would be held before the Town Board at the Town Hall, Town of Menasha, at 7:00 PM; and

WHEREAS, said public hearing was held and objections and considerations were given to all aspects of the street vacation in order to make a resolution and final determination regarding the vacating and discontinuing of that portion of Foster Street in question;

NOW, THEREFORE, it is hereby

RESOLVED, that that portion of Foster Street in the Town of Menasha described as follows is hereby vacated for the purpose of use as a public street or roadway, subject to the terms and conditions following the description:

That part of the Northeast 1/4 of the Northwest 1/4 of Section One (1), Township 20 North, Range 17 East, Town of Menasha, Winnebago County, Wisconsin, being more particularly described as follows:

Commencing at the North 1/4 Corner of Section One (1); thence South 00°17'47" West, 268.12 ft. to the centerline of Foster Street; thence South 57°31'00" West, 136.78 ft. along the centerline of Foster Street to a point that is 55.00 ft. South of, measured at right angles to the right-of-way referenced line of Calumet Street pursuant to the relocation order of the Department of Transportation as shown on the Plat of Right-of-way for Project No. 4660-1-21 and the point of beginning, thence

North 89°22'00" West, 54.91 ft. to the Westerly right-of-way of Foster Street; thence South 57°31'00" West, 294.77 ft. along the Westerly right-of-way of Foster Street to a point 60 ft. Easterly of and measured radially to the right-of-way referenced Line of STH "47"; thence along the arc of STH "47" to the right, 151.34 ft. which has a radius of 685.05 ft. and a long chord of 151.03 ft. which bears South 34°06'33" West to the Easterly right-of-way of Foster Street; thence North 57°31'00" East, 525.35 ft. along the Easterly right-of-way of Foster Street to the South right-of-way of Calumet Street as described above; thence North 89°22'00" West, 54.91 ft. along the South right-of-way of Calumet Street to the point of beginning.

Total parcel containing 0.555 acres. Subject to all easements and restriction of record.

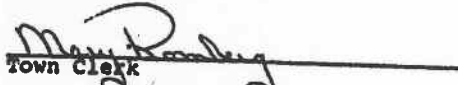
That existing in the said right-of-way abandoned above for public roadway purposes are easements for public utilities, including natural gas, sewer, water, telephone and power company easements. That the foregoing resolution and vacation of the above-specified property vacates the Town of Menasha's interest, so far as it concerns the use of Foster Street as a dedicated public highway for vehicular traffic. That an easement is hereby preserved across the entire property as described above for the purpose of installing and servicing all and any public utilities, either installed in the said right-of-way or hereafter to be installed in the said right-of-way or retained easement.

That the reservation of this easement shall require any person building any structure, placing any type of obstructions, buildings, or structures on the said right-of-way easement to obtain permission from the Town of Menasha before erecting said obstruction or structure.

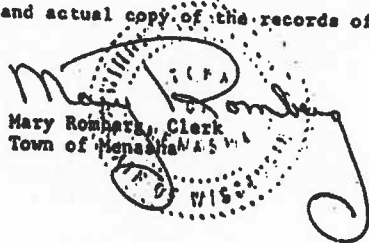
This resolution passed by the Town Board of the Town of Menasha, on the 11th day of November, 1929.


Chairperson

ATTEST:


Town Clerk

I hereby certify this is a true and actual copy of the records of the Clerk of the Town of Menasha.


Mary Romberg, Clerk
Town of Menasha, Wis.

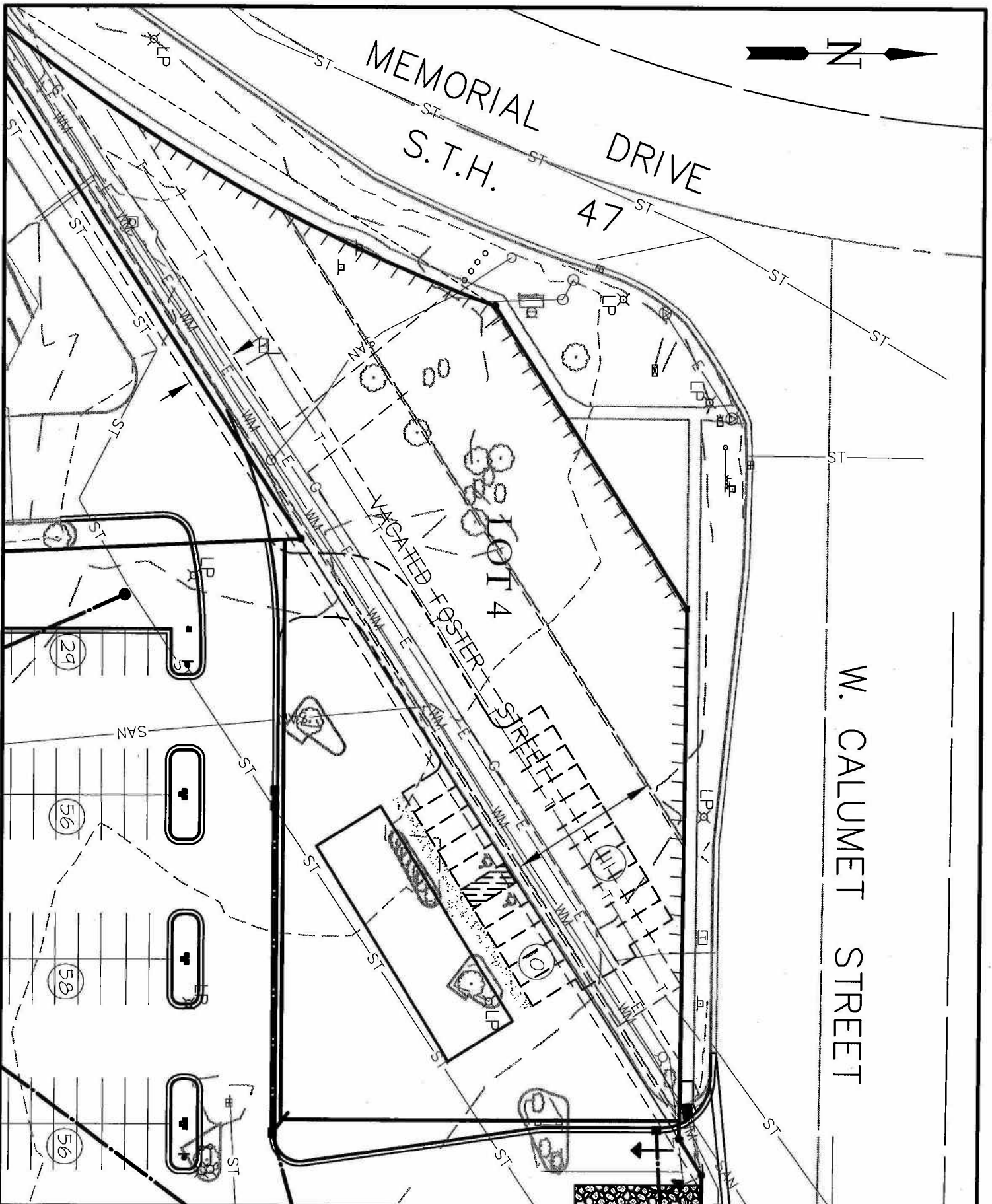
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Register's Office
Winnebago County, Wis.
Received for record this 10th
day of December, A.D. 1980
at 10:04 o'clock A.M.
recorded in Vol. 588 of his Records
as page 11.

Robert J. Day
Register of Deeds

Schmitt Abstract & Title Co.
133 State St., P.O. Box 541
Oshkosh, Wisconsin 54902
Phone 1 (414) 235-8991

8
2:00



McMAHON
ENGINEERS ARCHITECTS

Project No. V0061 990533.68 Date FEB., 2010 Scale 1"=50'

Drawn By DEW Field Book _____ Page _____

1445 McMAHON DRIVE NEENAH, WI 54956
Mailing: P.O. BOX 1025 NEENAH, WI 54957-1025
Tel: (920) 751-4200 Fax: (920) 751-4284

File No.