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Gen. Ord. No. 43 - 21 - 22. By Alderperson Dekker. April 18, 2022.

AN ORDINANCE granting Old World Creamery, LLC, its successors and assigns, the privilege of encroaching upon described portions of St. Clair Avenue right of way in the City of Sheboygan for the purpose of creating a concrete approach.

THE COMMON COUNCIL OF THE CITY OF SHEBOYGAN DO ORDAIN AS FOLLOWS:

Section 1. Subject to the terms and conditions contained herein, Old World Creamery, LLC, its successors and assigns, is hereby granted the privilege of encroaching upon part of Block 84 of the original plat, part of the NE 1/4 of Section 22, T15N, R23E, City of Sheboygan, Sheboygan County, Wisconsin; and further described as follows:

BEGINNING AT THE NE CORNER OF BLOCK 84 OF THE ORIGINAL PLAT;
THENCE THE FOLLOWING BEARINGS AND DISTANCES:
N89°34'51"W 77.96 FEET ALONG THE NORTH LINE OF BLOCK 84;
THENCE N00°25'09"E 1.50 FEET; THENCE N83°57'16"E 81.21 FEET;
THENCE S00°32'20"W 10.64 FEET; THENCE N89°34'51"W 2.71 FEET
TO THE POINT OF BEGINNING AND CONTAINING 490 SF (0.011 ACRES)
OF LAND.

for the purpose of creating a concrete approach in accordance with the sketch attached hereto and made a part hereof.

Section 2. The privilege as granted above is granted only on the condition that by the acceptance of the privilege, the said Old World Creamery, LLC, its successors and assigns:

a. Shall become primarily responsible and liable for all and any damage to persons or property caused by and arising from the grant and exercise of such privilege.

b. Shall remove the encroachment allowed herein within ten (10) days after notice so to remove given by the State of Wisconsin or the City of Sheboygan; in the event of the failure so to remove, the said Old World Creamery, LLC, its successors and assigns: shall pay the costs of removal by the State of Wisconsin or the City of Sheboygan, waiving all claim or claims for damages resulting from such removal, whether the removal is done by the said Old World Creamery, LLC, its successors and assigns, or by the State of Wisconsin or by the City of Sheboygan.

c. Shall pay such compensation to the City of Sheboygan for the grant of this privilege as may be determined by a board consisting of the Mayor, the Director of Public Works and the City Attorney; the compensation shall be paid into the General Fund.

City Plan

d. Shall make such construction and/or alterations and maintain the same subject to the approval of the City Building Inspector and Director of Public Works, and shall waive the right to contest in any manner the validity of this ordinance or the amount of compensation charged.

Section 3. The provisions of §66.045(1)(2) of the Wisconsin Statutes are incorporated herein by reference to all intents and purposes as if set out fully.

Section 4. The City Clerk is authorized and directed to record a certified copy of this ordinance in the office of the Register of Deeds for Sheboygan County, Wisconsin, the costs thereof to be charged to the General Fund.

Section 5. This ordinance shall take effect and be in full force from and after its passage and publication and upon payment of the consideration to be determined hereunder, provided, however, that in the event of failure to exercise the privilege herein granted and the payment of such consideration within six (6) months from the effective date hereof, then and in that event such privilege shall be rendered null and void.

I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the _____ day of _____, 20____.

Dated _____ 20____. _____, City Clerk

Approved _____ 20____. _____, Mayor

