

**CITY OF SHEBOYGAN
ORDINANCE 13-26-27**

BY ALDERPERSON CLOSE.

SEPTEMBER 15, 2026.

AN ORDINANCE granting CD Smith, on behalf of the Sheboygan Area School District, its successors and assigns, the privilege of encroaching upon the described portions of South 10th Street, Ashland Avenue, and South 11th Street right-of-way in the City of Sheboygan for the purpose of protecting the public, construction personnel, and project stakeholders from construction-related hazards, including equipment movement, material handling, site logistics, staging, and other active building construction operations.

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

Section 1: Subject to the terms and conditions contained herein, CD Smith, on behalf of the Sheboygan Area School District, its successors and assigns, is hereby granted the privilege of encroaching upon portions of South 10th Street, Ashland Avenue, and South 11th Street right-of-way as follows:

Part of the northwest 1/4 of the northwest 1/4(NW 1/4 - NW 1/4) of Section 35, Township 15 North, Range 23 East, in the city of Sheboygan, county of Sheboygan, state of Wisconsin, described as follows:

Commencing at the Northwest corner of said Section 35, thence S 00°24'29" W, along the West line of the Northwest Quarter, 41.05 feet; thence S 87°59'56" E, 497.07 feet to the Point of Beginning (POB) of a Sidewalk Encroachment Area, more fully described as:

Thence continuing S 87°59'56" E, 19.55 feet to the Southeast corner of Union Ave. and S. 11th St; thence S 00°12'02" W along the East line of S. 11th St, 262.44 feet; thence N 88°50'12" E, 19.57 feet; thence N 00°12'24" E, 262.73 feet to the Point of Beginning (POB).

ALSO:

Commencing at the Northwest corner of said Section 35, thence S 00°24'29" W, along the West line of the Northwest Quarter, 41.05 feet; thence S 87°59'56" E, 876.83 feet to the Southwest corner of Union Ave. and S. 10th St. and the Point of Beginning (POB) of a Sidewalk Encroachment Area, more fully described as:

Thence S 00°12'21" W along said west line, 675.97 feet to the North line of Ashland Avenue; thence S 89°57'24" W along said North line, 360.04 feet to the East line of South 11th Street; thence N 00°12'02" E along said East line, 278.31 feet; thence N 89°54'56" W, 19.59 feet; thence S 00°12'24" W, 279.58 feet to the beginning of a curve to the left; thence

Southeasterly, 20.83 feet along the arc of a curve whose radius is 13.24 feet and whose chord bears S 44°51'51" E, 18.74 feet; thence S 89°56'05" E, 54.16 feet; thence N 89°54'49" E, 316.47 feet to the beginning of a curve to the left; thence Northeasterly, 23.89 feet along the arc of a curve whose radius is 15.26 feet and whose chord bears N 45°03'29" E, 21.52 feet; thence N 00°12'09" E, 674.48 feet; thence N 87°59'56" W, 19.39 feet to the Point of Beginning (POB).

Said Sidewalk Encroachment Area contains 29,408 sq. ft. or 0.6751 acres for the purpose of protecting the public, construction personnel, and project stakeholders from construction-related hazards, including equipment movement, material handling, site logistics, staging, and other active building construction operations.

Section 2: The privilege as granted above is granted only on the condition that by the acceptance of the privilege, the said CD Smith, on behalf of the Sheboygan Area School District, 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 CD Smith, on behalf of the Sheboygan Area School District, 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 Quasius Construction Co., 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.

(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.

Section 6: This ordinance shall expire on August 31, 2028.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

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Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan