

IX

Gen. Ord. No. 4 - 22 - 23. By Alderperson Felde. June 20, 2022.

AN ORDINANCE granting M Squared Properties, its successors and assigns, the privilege of encroaching upon described portions of 1444 Pershing Avenue in the City of Sheboygan for the purpose of creating an asphalt driveway and parking lot.

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

Section 1. Subject to the terms and conditions contained herein, M Squared Properties, its successors and assigns, is hereby granted the privilege of encroaching upon portions of 1444 Pershing Avenue, City of Sheboygan, Sheboygan County, Wisconsin, as follows:

PART OF N 15TH STREET RIGHT-OF-WAY BEING IN THE SE 1/4 OF SECTION 10, T15N, R23E, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN; AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SW CORNER OF LOT 20, BLOCK 9 OF LAKE SHORE DIVISION; THENCE THE FOLLOWING BEARINGS AND DISTANCES: N89°51'55"W 21.55 FEET; N21°48'06"W 164.25 FEET; N68°11'54"E 20.00 FEET TO A POINT ON THE EAST ROAD RIGHT-OF-WAY LINE OF N 15TH STREET; THENCE S21°48'06"E ALONG SAID EAST RIGHT-OF-WAY LINE 172.30' FEET TO THE POINT OF BEGINNING AND CONTAINING 3,366 SF OF LAND.

for the purpose of creating an asphalt driveway and parking lot 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 M Squared Properties, 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 M Squared Properties, 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 M Squared Properties, 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.

\_\_\_\_\_

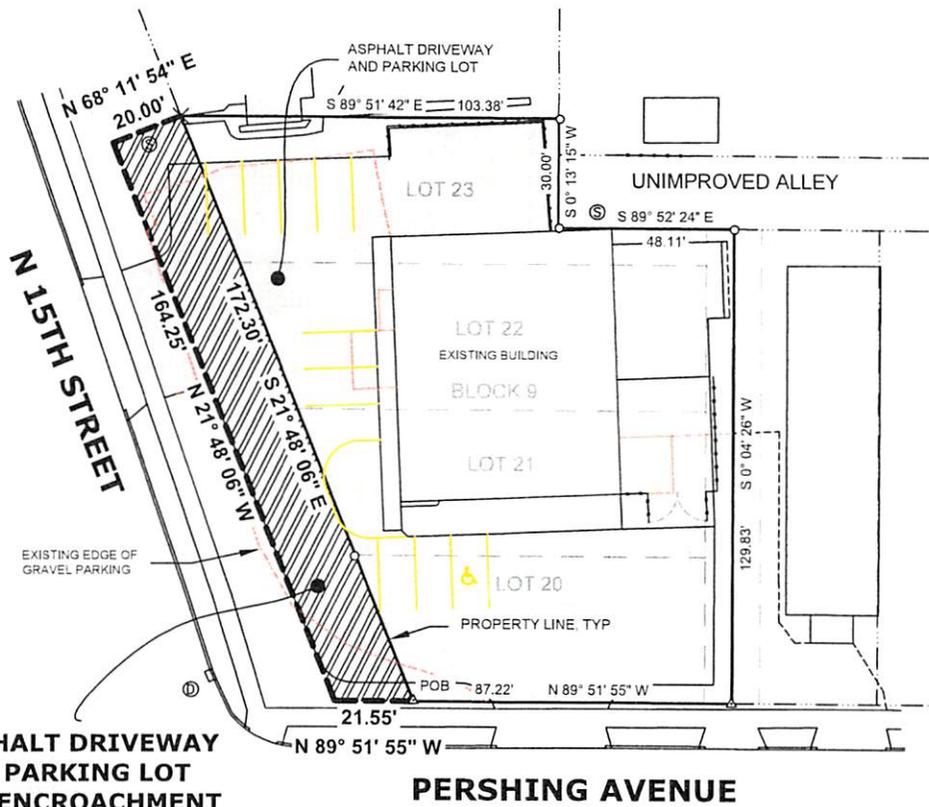
I HEREBY CERTIFY that the foregoing Ordinance was duly passed by the Common Council of the City of Sheboygan, Wisconsin, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Dated \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, City Clerk

Approved \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, Mayor

# ASPHALT DRIVEWAY AND PARKING LOT USE ENCROACHMENT EXHIBIT

LOTS 20, 21, 22, AND 23 OF BLOCK 9 AND THE WEST HALF OF THE VACATED NORTH-SOUTH ALLEY ADJACENT TO SAID LOTS 20, 21, 22, AND PART OF 23, OF LAKE SHORE DIVISION, CITY OF SHEBOYGAN SHEBOYGAN COUNTY, WISCONSIN



## ASPHALT DRIVEWAY AND PARKING LOT USE ENCROACHMENT

## PERSHING AVENUE

LEGAL DESCRIPTION FOR "ASPHALT DRIVEWAY AND PARKING LOT USE ENCROACHMENT":

PART OF N 15TH STREET RIGHT-OF-WAY BEING IN THE SE 1/4 OF SECTION 10, T15N, R23E, CITY OF SHEBOYGAN, SHEBOYGAN COUNTY, WISCONSIN, AND FURTHER DESCRIBED AS FOLLOWS:

BEGINNING AT THE SE CORNER OF LOT 20, BLOCK 1 OF LAKE SHORE DIVISION, THENCE THE FOLLOWING BEARINGS AND DISTANCES: N89° 51'55"W 21.55 FEET, N21° 48'06"W 164.25 FEET, N68° 11'54"E 20.00 FEET TO A POINT ON THE EAST ROAD RIGHT-OF-WAY LINE OF N 15TH STREET, THENCE S21° 48'06"E ALONG SAID EAST RIGHT-OF-WAY LINE 172.30 FEET TO THE POINT OF BEGINNING AND CONTAINING 3.366 SF OF LAND.

PARCEL NUMBER: 59281712700  
 PARCEL OWNER: MSQUARED PROPERTIES LLC  
 PARCEL ADDRESS: 3313 N 15TH STREET  
 PARCEL AREA: 17,627 SF  
 DRIVEWAY AND PARKING LOT USE ENCROACHMENT AREA: 3,366 SF

BEARINGS AND DISTANCES SHOWN ARE REFERENCED TO THE SOUTH LINE OF LOT 20, BLOCK 9, WHICH BEARS N89° 51'55"W AND BASED ON THE SHEBOYGAN COUNTY COORDINATE SYSTEM



I, CRAIG A. RUSCH, WISCONSIN REGISTERED LAND SURVEYOR NO. S-2274, DO HEREBY CERTIFY THAT THIS SURVEY IS CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

DRAWING DATE: JUNE 2, 2022



GRAPHIC SCALE  
 0 40  
 1 inch = 40 ft.



**FOUR SEASONS COMFORT**  
 1444 Pershing Avenue  
 City of Sheboygan