

  
Gen. Ord. No. 3 - 22 - 23. By Alderperson Perrella. June 20, 2022.

AN ORDINANCE repealing Gen. Ord. No. 39-21-22 granting Harbor Café, LLC, its successors and assigns, the privilege of encroaching upon certain portions of 340/342 South Pier Drive in the City of Sheboygan and granting Grateful Properties, LLC the privilege of encroaching upon expanded portions of 340/342 South Pier Drive, as described, for the purpose adding an outdoor seating deck.

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

Section 1. Gen. Ord. 39-21-22, approved March 21, 2022, is hereby repealed.

Section 2. Subject to the terms and conditions contained herein, Grateful Properties, LLC, its successors and assigns, is hereby granted the privilege of encroaching upon portions of 340/342 South Pier Drive, City of Sheboygan, Sheboygan County, Wisconsin, as follows:

340/342 S. Pier Drive Sheboygan, WI 53081

Part of Lot 1 (Dedicated Promenade) of South Pier Subdivision, located in the Southeast Fraction of the Southeast  $\frac{1}{4}$  of Section 23, T15N, R23E, City of Sheboygan, Sheboygan County, Wisconsin described as follows:

Commencing at the Northwest Corner of Lot 5 of said Subdivision; thence N78°37'27"E 213.88 feet along the north line of said Lot 5 to the POINT OF BEGINNING of this description; thence N42°27'57"W 9.44 feet; these N11°46'25"W 11.95 feet; these N78°30'18"E 56.48 feet; these S11°12'32"E 12.06 feet; these S18°10'32"W 9.29 feet to the North line of Said Lot 5; thence S78°37'27"W 46.91 feet along said North line to the Point of Beginning of this description. This described portion contains 1,095 square feet or 0.025 acres.

for the purpose of adding an outdoor seating deck in accordance with the sketch attached hereto and made a part hereof.

Section 3. The privilege as granted above is granted only on the condition that by the acceptance of the privilege, the said Grateful Properties, 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 Grateful Properties, 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 Grateful Properties, 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.

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 4. 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 5. 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 6. 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\_\_\_\_.

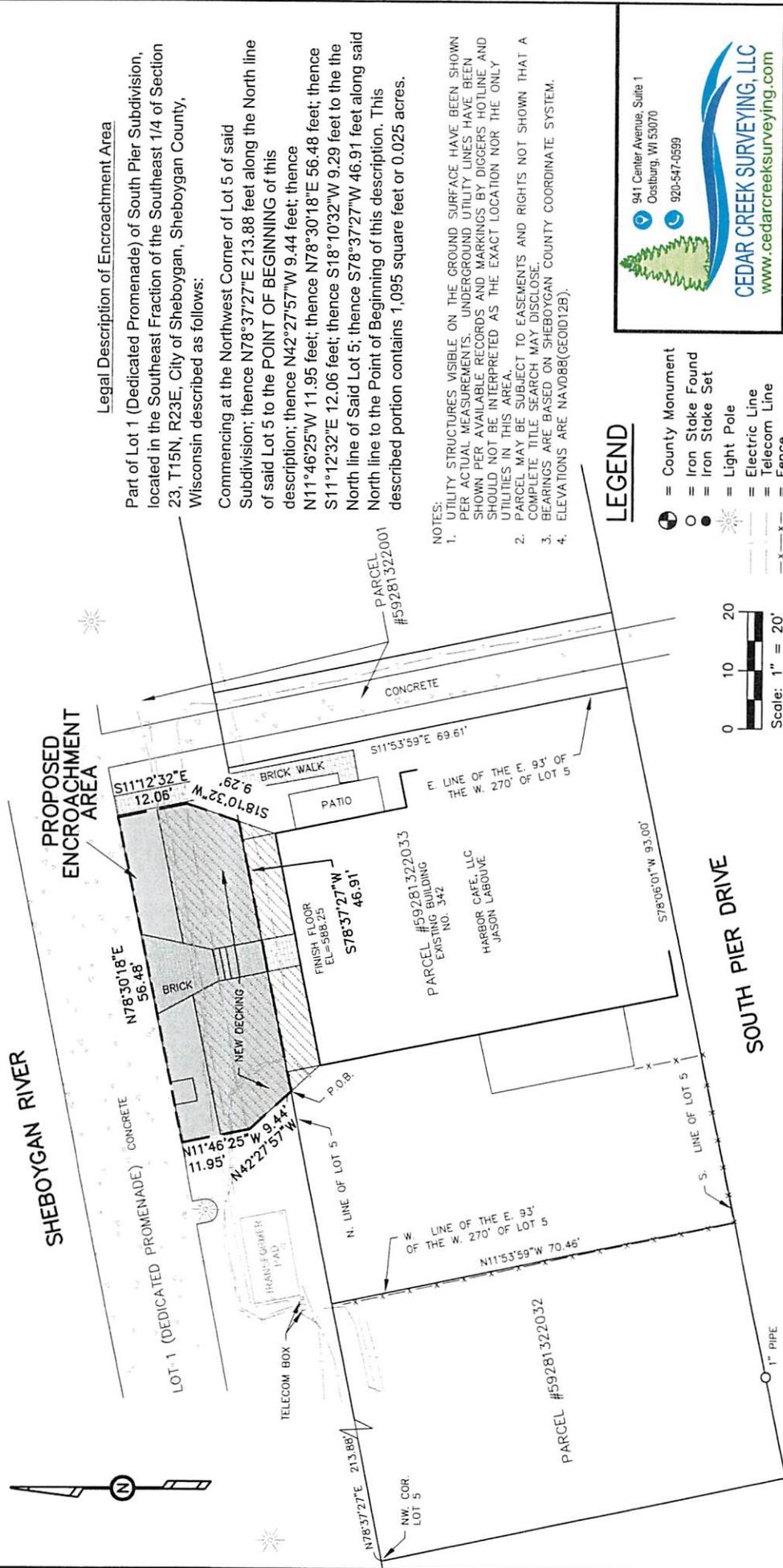
Dated \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, City Clerk

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

# ENCROACHMENT EXHIBIT

FOR: Grateful Properties, LLC

East 93' of the West 270' of Lot 5, South Pier Subdivision, Part of the Southeast Fraction of the Southeast 1/4 of Section 23, T15N, R23E, City of Sheboygan, Sheboygan County, Wisconsin.



### Legal Description of Encroachment Area

Part of Lot 1 (Dedicated Promenade) of South Pier Subdivision, located in the Southeast Fraction of the Southeast 1/4 of Section 23, T15N, R23E, City of Sheboygan, Sheboygan County, Wisconsin described as follows:

Commencing at the Northwest Corner of Lot 5 of said Subdivision; thence N78°37'27"E 213.88 feet along the North line of said Lot 5 to the POINT OF BEGINNING of this description; thence N42°27'57"W 9.44 feet; thence N11°46'25"W 11.95 feet; thence N78°30'18"E 56.48 feet; thence S11°12'32"E 12.06 feet; thence S18°10'32"W 9.29 feet to the North line of Said Lot 5; thence S78°37'27"W 46.91 feet along said North line to the Point of Beginning of this description. This described portion contains 1,095 square feet or 0.025 acres.

NOTES:  
 1. UTILITY STRUCTURES VISIBLE ON THE GROUND SURFACE HAVE BEEN SHOWN PER ACTUAL MEASUREMENTS. UNDERGROUND UTILITY LINES HAVE BEEN SHOWN PER AVAILABLE RECORDS AND MARKINGS BY DIGGERS HOTLINE AND SHOULD NOT BE INTERPRETED AS THE EXACT LOCATION NOR THE ONLY UTILITIES IN THIS AREA.  
 2. PARCEL MAY BE SUBJECT TO EASEMENTS AND RIGHTS NOT SHOWN THAT A COMPLETE TITLE SEARCH MAY DISCLOSE.  
 3. BEARINGS ARE BASED ON SHEBOYGAN COUNTY COORDINATE SYSTEM.  
 4. ELEVATIONS ARE NAVD88(GEOD12B).

### LEGEND

- ⊕ = County Monument
- = Iron Stake Found
- = Iron Stake Set
- ⊙ = Light Pole
- = Electric Line
- = Telecom Line
- x-x- = Fence



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**CEDAR CREEK SURVEYING, LLC**  
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FILE No.: 2022014 DATE: 5/6/2022 PAGE: 1 OF 1