

II  
R. O. No. 134 - 21 - 22. By CITY PLAN COMMISSION. March 21, 2022.

Your Commission to whom was referred Gen. Ord. No. 39-21-22 by Alderperson Perrella and R. O. No. 128-21-22 by City Clerk granting Harbor Cafe, LLC, its successors and assigns, the privilege of encroaching upon described portions of 340/342 South Pier Drive in the City of Sheboygan for the purpose of adding an outside seating deck; wishes to report this matter was discussed at the regular meeting of the City Plan Commission, March 15, 2022, and after due consideration, recommends filing the R. O. and adopting the General Ordinance.

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CITY PLAN COMMISSION



Gen. Ord. No. 39 - 21 - 22. By Alderperson Perrella. February 21, 2022.

AN ORDINANCE granting Harbor Café, LLC, its successors and assigns, the privilege of encroaching upon described portions of 340/342 South Pier Drive in the City of Sheboygan for the purpose of adding an outside seating deck.

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

Section 1. Subject to the terms and conditions contained herein, Harbor Café, 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 217.27 feet along the North line of said Lot 5 to the POINT OF BEGINNING of this description; thence N11°32'59"E 20.15 feet to the North line of said Lot 5; thence S78°37'27"W 40.30 feet along said North line to the point of beginning. This described portion contains 809 square feet or 0.019 acres.

for the purpose of adding an outdoor seating deck 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 Harbor Center, 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 Harbor Center, 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

*City Plan*



Harbor Café, LLC, its successors and assigns, or by the State of Wisconsin or by the City of Sheboygan.

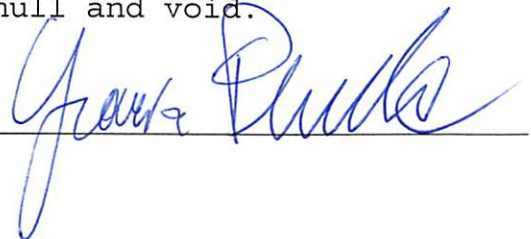
c. Shall pay such compensation to the City of Sheboygan for the grant of this privilege as may be determined by a board consisting of the Mayor, the Director of Public Works and the City Attorney; the compensation shall be paid into the General Fund.

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 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.



A handwritten signature in blue ink, appearing to read "Grant P. Puck", is written over a horizontal line.

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

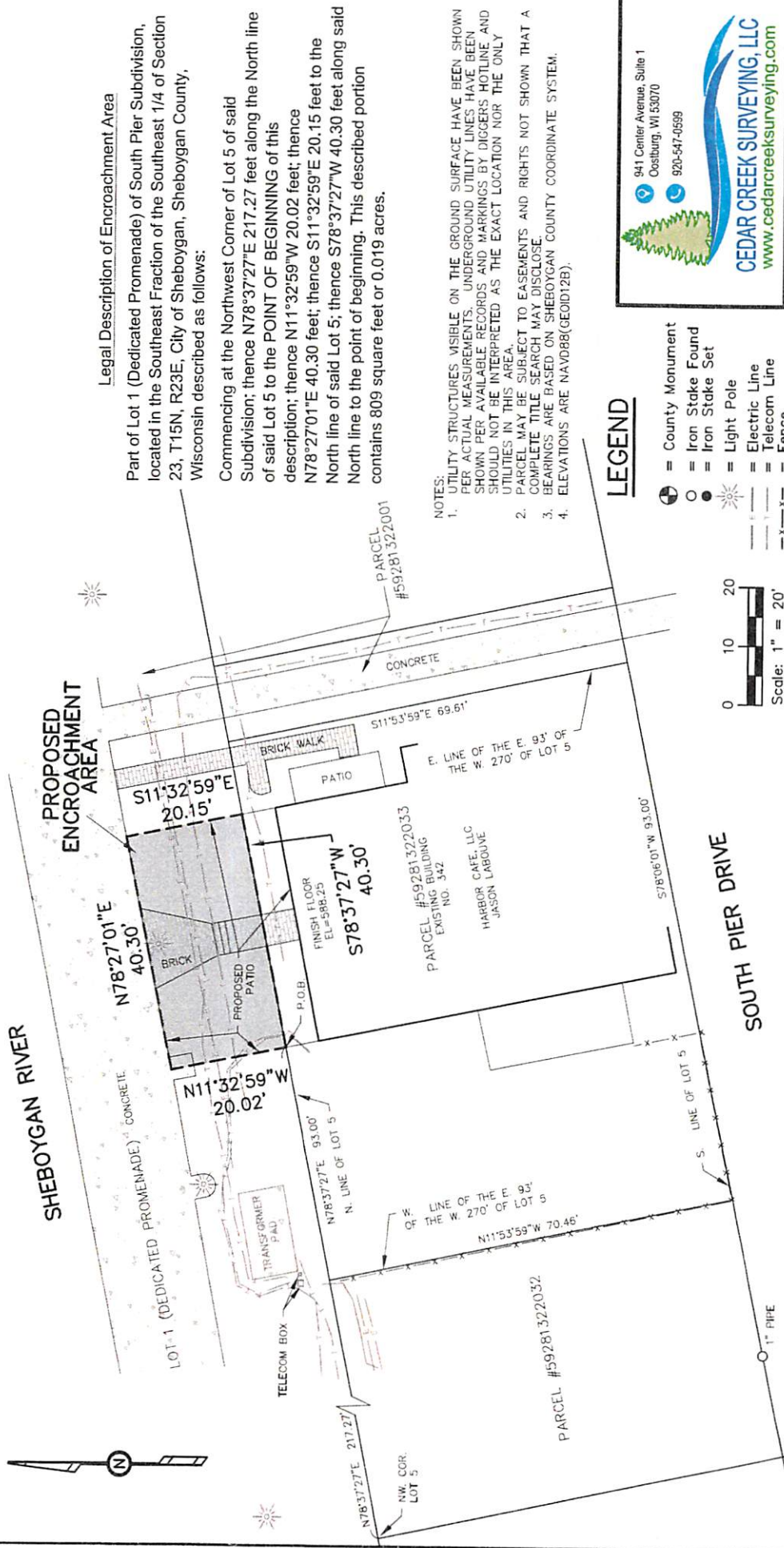
Approved \_\_\_\_\_ 20\_\_\_\_. \_\_\_\_\_, Mayor



# ENCROACHMENT EXHIBIT

FOR: Harbor Cafe, 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 217.27 feet along the North line of said Lot 5 to the POINT OF BEGINNING of this description; thence N11°32'59\"W 20.02 feet; thence N78°27'01\"E 40.30 feet; thence S11°32'59\"E 20.15 feet to the North line of said Lot 5; thence S78°37'27\"W 40.30 feet along said North line to the point of beginning. This described portion contains 809 square feet or 0.019 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





II

27

R. O. No. 128 - 21 - 22. By CITY CLERK. February 21, 2022.

Submitting a communication from Harbor Café, LLC requesting an encroachment on a portion of 340/342 South Pier Drive to build an outdoor seating deck.

CityPlan

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CITY CLERK



Harbor Café, LLC  
342 South Pier Drive  
Sheboygan, WI 53081

November 23, 2021

Mayor Ryan Sorenson  
City of Sheboygan Common Council  
City Hall  
828 Center Avenue, Suite 300  
Sheboygan, WI 53081

Dear Mayor Sorenson and the City of Sheboygan Common Council,

Thank you for approving the conditional use of my property located at 342 South Pier Drive for the establishment and operation of Harbor Café, LLC, an independent coffeehouse café.

I am writing to request your consideration for an encroachment to build an outdoor seating deck. I believe one reason Sheboygan is such a special place is the beautiful atmosphere along Lake Michigan and the Sheboygan River surrounding the South Pier District. I'm grateful to have the opportunity to open an establishment in the heart of this environment and would love to share it with all patrons and passersby. In order to fully appreciate the location, I would like to ask the Mayor's Office and the Common Council for permission and approval to build an outdoor seating deck on the north side of the 342 South Pier Drive property along the Sheboygan River.

This deck would give guests of Harbor Café scenic views and full appreciation of many significant landmarks in Sheboygan, including the Sheboygan River, the North Pier Lighthouse, the Harbor Centre Marina, the US Coast Guard Station, the Courthouse, and a unique panoramic view of the entire Downtown Sheboygan skyline, to name a few.

The deck is being designed and would be constructed by Quasius Construction. Attached you will find supporting documents of a rendering and vision of our plans.

Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jason LaBouve', with a stylized, flowing script.

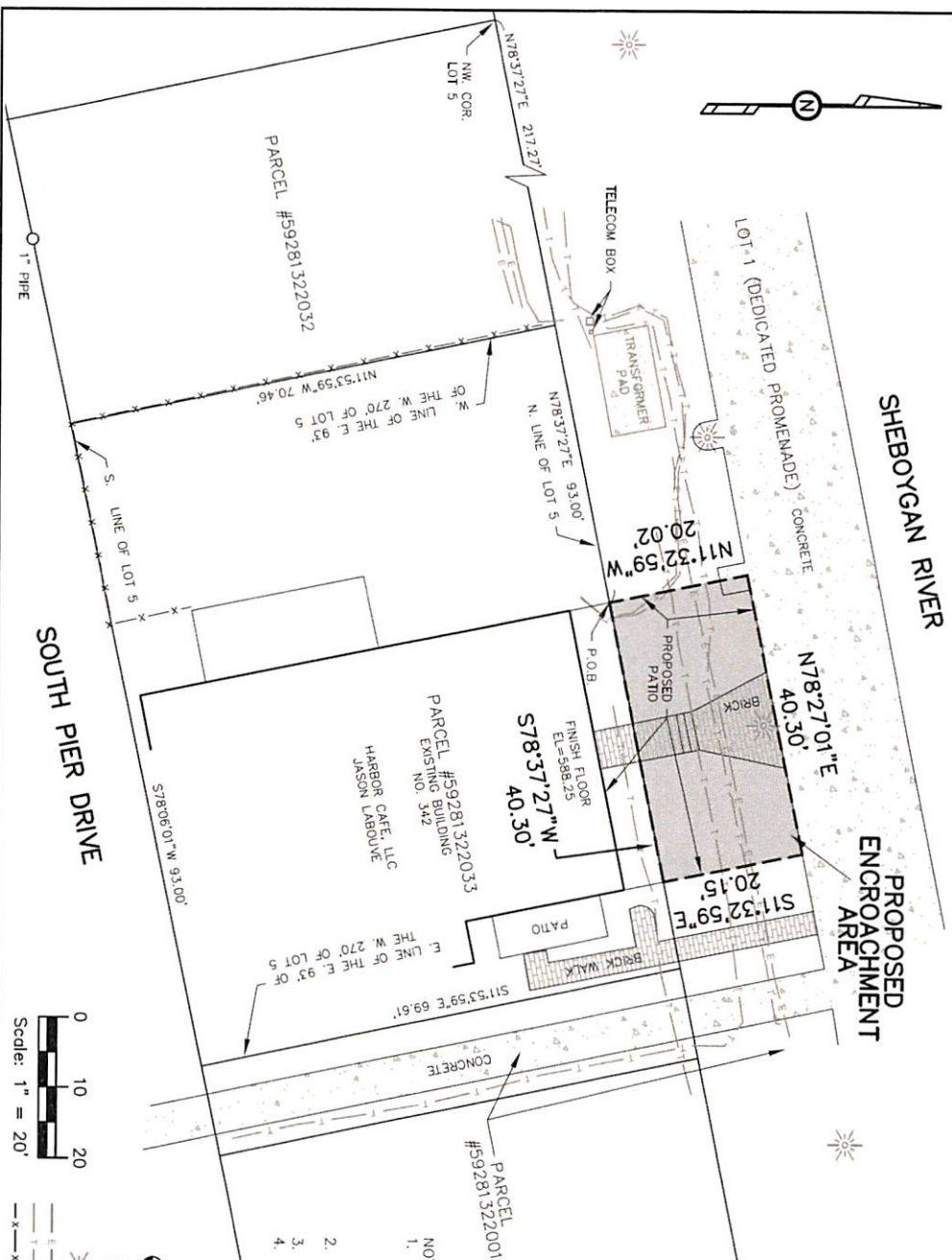
Jason LaBouve  
Harbor Café, LLC  
920-912-8787  
jason@labouve.net



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