

**CITY OF SHEBOYGAN
RESOLUTION 114-23-24**

BY ALDERPERSONS MITCHELL AND DEKKER.

DECEMBER 4, 2023.

A FINAL RESOLUTION AND ORDER discontinuing a portion of South 19th Street between Union Avenue and Oakland Avenue and Oakland Avenue between South 19th Street and Union Pacific Railroad right of way.

WHEREAS, there exists within the municipal boundaries and jurisdiction of the City of Sheboygan a city street known as South 19th Street between Union Avenue and Oakland Avenue and a city street known as Oakland Avenue between South 19th Street and Union Pacific Railroad right of way; and

WHEREAS, the following portion of South 19th Street between Union Avenue and Oakland Avenue is no longer needed for public street purposes (hereafter referred to as "Subject Parcel 1"):

Part of South 19th Street located in South Sheboygan Plat, part of the NE 1/4 of the NW 1/4 of Section 34, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin.

Beginning at the northwest corner of Block 4, said South Sheboygan Plat; thence S00°04'03"E, 354.71 feet to its intersection of the north line of Oakland Avenue right of way; thence N89°14'39"W, 80.01 feet to the monumented north line of Oakland Avenue right of way and its intersection of the west line of South 19th Street right of way; thence N00°04'03"W, 354.93 feet to the monumented south line of Union Avenue right of way and its intersection of the west line of South 19th Street right of way; thence S89°05'15"E, 80.01 feet to the point of beginning for a vacation area of 28,385.9 square feet more or less.

Tax Key Number: A Portion of Parcel 92533418

The land affected is shown on the map attached hereto as Exhibit A.

WHEREAS, the following portion of Oakland Avenue from South 19th Street to its termination with Union Pacific Railroad right of way is no longer needed for public street purposes (hereafter referred to as "Subject Parcel 2"):

Part of Oakland Avenue located in South Sheboygan Plat, part of the NE 1/4 of the NW 1/4 of Section 34, Township 15 North, Range 23 East, City of Sheboygan, Sheboygan County, Wisconsin.

Beginning at the southwest corner of Block 4, said South Sheboygan Plat; thence S89°14'39"E, 296.65 feet to its intersection of the west line of Union Pacific Railroad

right of way; thence S43°07'04"W, 81.20 feet to the monumented south line of Oakland Avenue right of way and its intersection of the west line of the Union Pacific Railroad right of way; thence N89°14'39"W, 241.07 feet to the monumented south line of Oakland Avenue right of way and its intersection of the east line of South 19th Street right of way; thence N00°04'03"W, 60.01 feet to the point of beginning for a vacation area of 16,132 square feet more or less.

Tax Key Number: A portion of Parcel 92533429

The land affected is shown on the map attached hereto as Exhibit B.

WHEREAS, the Subject Parcels were previously dedicated, conveyed and/or used for public street right-of-way purposes; and

WHEREAS, the City has no present need, nor does it foresee any future need, to use the Subject Parcels for public street right-of-way purposes; and

WHEREAS, there are no City utilities located within Subject Parcel 1; and

WHEREAS, certain City utilities are located within Subject Parcel 2, which will remain in place subject to the terms and conditions of the attached Utility Easement Agreement; and

WHEREAS, on November 6, 2023, the Common Council adopted an Initial Resolution (Res. No. 89-23-24) indicating its intent to discontinue the Subject Parcels as a public way for street purposes; and

WHEREAS, pursuant to § 840.11, Wis. Stats., a Lis Pendens containing a description and map of the Subject Parcels was previously filed in the Sheboygan County Register of Deeds Office; and

WHEREAS, a Notice of Public Hearing concerning the Common Council's consideration of this matter was published as a Class 3 notice, and proper notice has been served on the owners of abutting lands, as required by § 66.1003, Wis. Stats.; and

WHEREAS, the City of Sheboygan Plan Commission has reviewed the proposed street discontinuance and provided its recommendation to the Common Council; and

WHEREAS, no written objection sufficient to prevent the proposed vacation and discontinuance has been filed with the City; and

WHEREAS, it is in the public interest to discontinue the Subject Parcels as public streets.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Common Council of the City of Sheboygan as follows:

1. Pursuant to Wis. Stat. § 66.1003, Subject Parcel 1 is hereby discontinued and vacated as a public way as described herein and shown on the map attached hereto as Exhibit A which is incorporated herein by reference.
2. The Common Council has determined that it is in the public interest to discontinue Subject Parcel 1 as a public way.
3. Pursuant to § 66.1005(1), Wis. Stats., Subject Parcel 1 shall be merged with the adjacent parcel to the east (PIN: 59281-425440) and two (2) adjacent parcels to the west (PINs: 59281-425510 and 59281-425550) owned by Landmark HTT Sheboygan, LLC.
4. Pursuant to Wis. Stat. § 66.1003, Subject Parcel 2 is hereby discontinued and vacated as a public way as described herein and shown on the map attached hereto as Exhibit B which is incorporated herein by reference.
5. The Common Council has determined that it is in the public interest to discontinue the Subject Parcel 2 as a public way.
6. Pursuant to § 66.1005(1), Wis. Stats., Subject Parcel 2 shall be merged with the adjacent parcel to the north (PIN: 59281-425440) and the adjacent parcel to the south (PIN: 59281-425650) owned by Landmark HTT Sheboygan, LLC.
7. The Subject Parcel 2 discontinuance is conditioned upon the property owner, Landmark HTT Sheboygan, LLC, within thirty (30) days of the Common Council approval of this Final Resolution and Order, entering into a utility easement agreement with the City in substantially the form attached hereto as Exhibit C, which is incorporated herein by reference.
8. The Mayor and City Clerk are authorized and directed to execute this Final Resolution and Order and the Utility Easement Agreement.

9. The City Clerk is authorized and directed to record a certified copy of this Final Resolution and Order and the Utility Easement Agreement in the Office of the Sheboygan County Register of Deeds.
10. Upon recording this Resolution, the Notice of Lis Pendens previously recorded in this matter as referenced above shall be released.

PASSED AND ADOPTED BY THE CITY OF SHEBOYGAN COMMON COUNCIL

Presiding Officer

Attest

Ryan Sorenson, Mayor, City of
Sheboygan

Meredith DeBruin, City Clerk, City of
Sheboygan