



**TWO  
RIVERS**  
WISCONSIN

# CITY COUNCIL SPECIAL MEETING

Wednesday, April 12, 2023 at 6:00 PM

Council Chambers - City Hall, 3rd Floor  
1717 E. Park Street, Two Rivers, WI 54241

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## MINUTES

### 1. Call To Order

The meeting was called to order by Council President Wachowski at 6:00 p.m.

### 2. Roll Call

Councilmembers: Jeff Dahlke, Bill LeClair, Darla LeClair, Tracey Koach, Scott Stechmesser, Adam Wachowski

Absent: Bonnie Shimulunas, Tim Petri

### 3. Pledge of Allegiance

### 4. Consider Action Relative to Allowing Continued Encroachment by Building Owned by Formrite Real Estate Holdings, LLC Onto a City Utility Easement Located Along the West Side of the Columbus Street Right-of-Way, on the Property Located at 400-408 Columbus Street owned by Formrite Real Estate Holdings, LLC

The City Manager described the history behind this location and the building at 400 to 408 Columbus Street. In 1970 a warranty deed was issued by the City to Hamilton Industries, conveying a 40-foot-wide strip of land running along the west side of the Columbus Street right-of-way, with the City retaining an easement over the property for storm sewer and other utilities. It appears this deed was not recorded. In 1971, a quit claim deed was issued to American Hospital Supply and conveyed the same land., again with a storm sewer and utility easement.

A 1980 expansion by Hamilton resulted in a building being constructed over the easement and a corner of the building possibly encroaching onto the Columbus Street right-of-way. Mr. Buckley provided the Council with copies of a survey showing these encroachments.

The current owner of 400-408 Columbus Street, Formrite Real Estate Holdings, LLC, is considering a transaction involving the property in question, and has requested that the City formally acknowledge and allow continuation of the encroachments.

Based on discussions between the City and the property owner over the past several weeks, staff is presenting for Council consideration an Encroachment Easement Agreement. If approved by the City and the property owner, this agreement will be recorded and will become a covenant running with the land.

Mr. Buckley noted that this proposed agreement not only addresses the private property owner's request, but also contains provisions requested by the City as conditions of the easement. First, the agreement provides that the property owner and its successors and assigns acknowledge that special measures may be needed to protect the private property at 400-408 Columbus if the City undertakes repairs or reconstruction of the nearby storm sewer pipe in the future. The agreement makes such special measures and the costs associated with them the responsibility of the private property owner. Second, the agreement provides that the property owner and its successors and

assigns indemnify and defend the City for all claims the property owner may incur related to the City's operation, maintenance, repair or reconstruction of the City storm water pipe.

City Engineer Matt Heckenlaible offered further comments regarding the existing City infrastructure and easement on Columbus Street.

Discussion by City Council members followed.

Motion carried with a roll call vote.

Motion made by Stechmesser, seconded by Dahlke, to approve and authorize the City Manager and City Clerk to sign the prepared agreement between the City and owner of the building at 400-408 Columbus allowing the continued encroachment.

Voting Yea: Dahlke, Koach, B. LeClair, D. LeClair, Stechmesser, Wachowski

## **5. Adjournment**

Motion to dispense with the reading of the minutes of this meeting and adjourn at 6:25 PM..

Motion carried with a voice vote.

Motion made by Koach, seconded by D. LeClair.

Voting Yea: Dahlke, Koach, B. LeClair, D. LeClair, Stechmesser, Wachowski