

--MEMORANDUM--

**TO:** City Council

**FROM:** Gregory E. Buckley  
City Manager



**DATE:** February 17, 2023

**SUBJECT:** Release of a Portion of a City Utility Easement

The property owner at 2422 West River Street, Jason Allington, has requested that the City release a portion of a utility easement that runs across his property, to allow the construction of a new garage.

Back in September 1969, the City vacated the undeveloped 25<sup>th</sup> Street right of way from West River Street to the West Twin River. By virtue of the street being vacated, it was divided between the adjoining property owners—each gained 30 feet of the former 60 foot wide ROW as part of their property. However, the City retained a utility easement for the entire width of the vacated street segment, effectively making that area unbuildable.

In follow-up to the Allingtons' request, the Engineering Department has reviewed City records and contacted area private utilities, to see if the requested partial release would impact any existing or planned utilities. As indicated in the attached email from City Engineer Matt Heckenliable, the requested vacation of a portion of the easement does not appear to present any problems.

Accordingly, staff recommends City Council approval of the attached release as prepared by the City Attorney, releasing that portion of the utility easement that the property owner has requested.



Greg Buckley <grebuc@two-rivers.org>

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## Partial Vacation of vacated 25th Street Utility Easement - Up-date

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Matthew Heckenlaible <mathec@two-rivers.org>

Thu, Feb 16, 2023 at 2:01 PM

To: Greg Buckley <grebuc@two-rivers.org>

Greg

I've heard back from:

- Two Rivers - Electric - No impacts unless a curblin (driveway) modification is made then could impact a power pole.
- Frontier Communication - on a pole within West River Street R.O.W. - No impact
- Charter - Nothing within the easement
- WPS - Gas - No gas facilities within the easement

Per City GIS information, there is no public sanitary sewer or water main within the easement. There is an existing storm sewer draining the intersection that runs along the former centerline of the roadway which should then be about 10 from the proposed garage.

With that information, I believe that from a utility perspective, we can allow the requested partial vacation of the easement with City Council approval.

**Matthew R Heckenlaible, PE**

Director of Public Works

[1717 East Park Street](#)

PO Box 87

Two Rivers, WI 54241-0087

[mathec@two-rivers.org](mailto:mathec@two-rivers.org)

Phone: 920-793-5540



**RELEASE OF EASEMENT**

THE CITY OF TWO RIVERS ("City") hereby releases all right, title and interest it may have in a portion of the 60 feet wide easement for utility purposes retained on vacation of a portion of 25th Street lying between West River Street and the West Twin River in the City pursuant to a Resolution adopted September 2, 1969 and recorded in Volume 717, Page 318 in the Office of the Register of Deeds for Manitowoc County, Wisconsin, a copy of which is attached hereto and incorporated by reference herein. The portion of the easement released is described as follows:

Commencing at the southeast corner of Lot 6, Block 3 of Baetz's 2 nd Addition;  
Thence along the westerly line of West River Street North 1°04'40" West 52.94 feet to the southerly line of vacated 25 th Street;  
Thence along said line South 89°43'00" West 33.40 feet to the point of beginning;

Thence continuing along said line South 89°43'00" West 40.00 feet;  
Thence North 1°04'40" West 20.5 feet;  
Thence North 89°43'00' East 40.00 feet;  
Thence South 1°04'40" East 20.50 feet to the point of beginning.

The City reserves all right, title and interest it may have in the balance of the easement.

DATED THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2023

CITY OF TWO RIVERS, WISCONSIN

BY: \_\_\_\_\_  
Gregory E Buckley  
City Manager

STATE OF WISCONSIN        )  
COUNTY OF MANITOWOC)

Personally came before me on \_\_\_\_\_, 2023, the above-named Gregory E. Buckley to me known to be the person who executed the foregoing and acknowledged the same.

\_\_\_\_\_  
Notary Public

(SEAL)

SV-23

## RESOLUTION

RESOLVED, that it is in the public interest and that the public interest requires that the following described real estate be vacated:

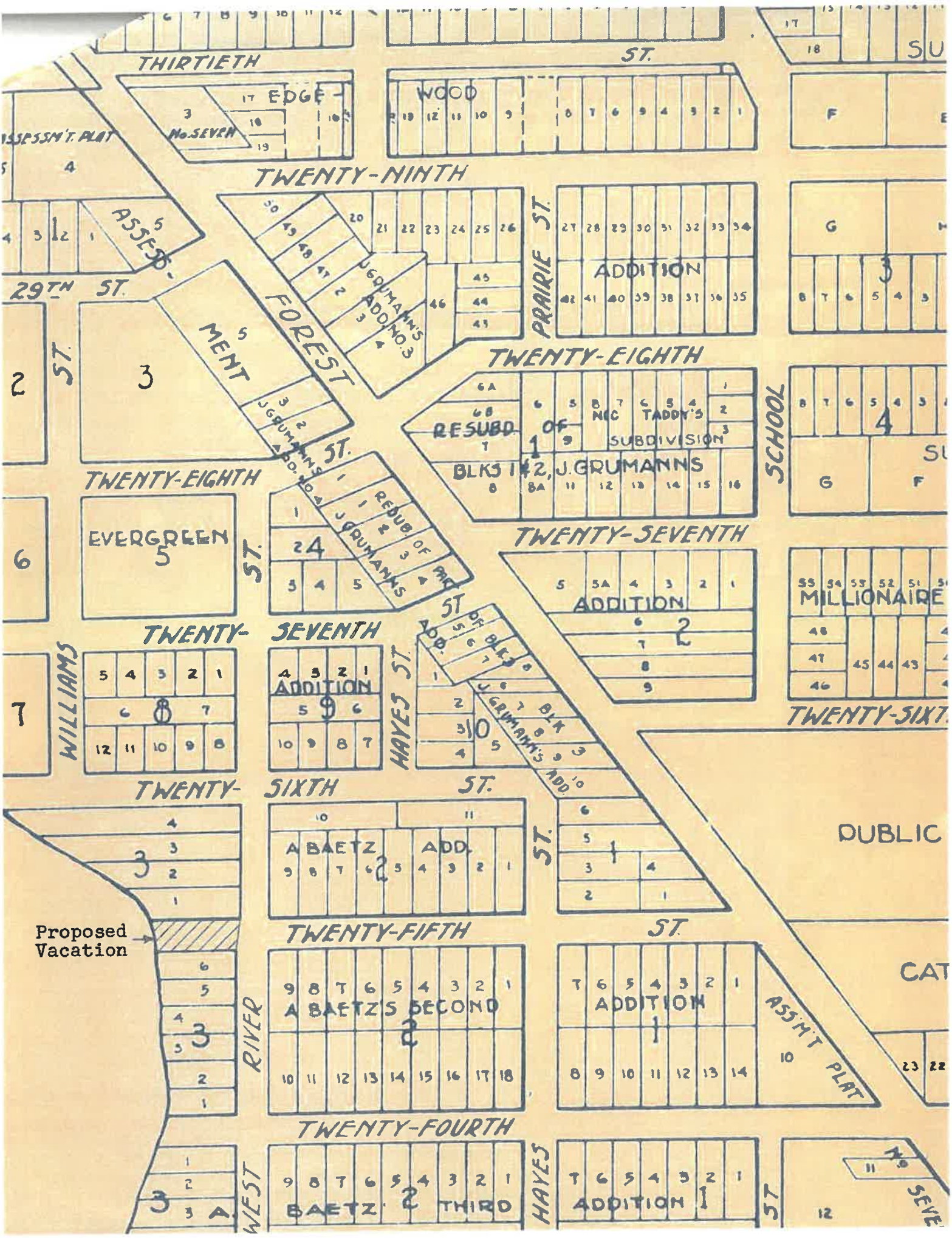
That portion of 25th Street lying between West River Street and the West Twin River in the City of Two Rivers, Wisconsin, subject to the following conditions:

- (1) A 60-foot wide easement is retained for utilities.
- (2) That the sewer outfall presently existing is in no way plugged by a boat launching, filling, etc.
- (3) That the matter be turned over to our attorney for legal consideration and all the legal conditions are met.

Adopted September 2, 1969

  
Melvin A. De Swarte





Proposed Vacation

PUBLIC

CAT

ASS'NT PLAT

No SEVE

