

Report to the Manitowoc Plan Commission

Meeting Date: January 26, 2022

Request: PC 44-2021: City Initiated Street Vacation under §66.1003(2) and Official Map Amendment under §62.23(6) for an Unnamed Street near the intersection of S. Frontage Road and S. 42nd Street.

Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North, West	Retail, Commercial	B-3 General Business
South	Residential	R-6 Multi-Family
East	Park / Open Space	P-1 Conservancy

Comprehensive Plan: The proposed Street Vacation and Amendment to the Official Map are consistent with the Comprehensive Plan.

Report: The Street Vacation and Amendment to the Official Map are being initiated by the City of Manitowoc. City initiated street vacations are initiated with the introduction of a resolution at the Council, the resolution was introduced at the December 20th Council meeting.

The un-named and un-improved right-of-way was dedicated on June 7, 2001 as part of a certified survey map approval process. At that time the intent of the right-of-way was to provide an additional point of access to an interior lot owned by EastPoint Rentals LLC. The EastPoint parcel currently has two accesses, one off of S. Frontage Road and a second off of S. 44th Street so a third access point is not needed. EastPoint has indicated that they have no issues or concerns with the area being vacated. There is also a DNR mapped wetland that would be in conflict with the un-named right-of-way if it were to be constructed.

Pursuant to §66.1005 "Reversion of Title (1) When any highway or public ground acquired or held for highway purposes is discontinued, the land where the highway or public ground is located shall belong to the owner or owners of the adjoining lands. If the highway or public ground is located between the lands of different owners, it shall be annexed to the lots to which it originally belonged if that can be ascertained. If the lots to which the land originally belonged cannot be ascertained, the land shall be equally divided between the owners of the lands on each side of the highway or public ground."

The area to be vacated would revert back to parcel # 835-401-044 which is Tract 9 of the certified survey; the lot that the dedicated area came from.

Public Comments EastPoint Rentals LLC indicated that they have no concerns with the vacation.

Timeline

- Application Received: "[Click here and enter date application received]"

- Notifications:
 - A Notice of Lis Pendens was recorded at the Register of Deeds Office on December 22, 2021.
 - Notices related to the Vacation and Official Map were served by the Police Department to the adjacent property owners on January 14th, 2022. In addition, notices were also mailed to the adjacent property owners.

Recommendation: Approve the Street Vacation and Amendment to the Official Map.

CALUMET AVE.

CITY OF
MANITOWOC

SE 1/4 SEC 35,
T19N, R23E

S. FRONTAGE RD.

TR 3

TR 5

**Proposed Street Vacation
and Area To Be Removed
From The Official Map**

TR 7

S. 42ND ST.

TR 9

TR 8

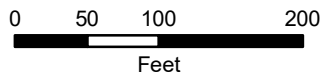


Street Vacation and Change to the Official Map City of Manitowoc


DISCLAIMER: Maps and associated data are believed to be accurate, but are not warranted. This information is not intended for legal, survey, or other related uses. Please obtain the original recorded documents for legal or survey information.

Prepared by City of Manitowoc
Community Development Department
www.manitowoc.org

Map Plotted: 12/08/2021
O:\Planning\PC Plan Commission\PC_Street Vacation\2021\PC 44-2021 S Frontage Rd & S 42nd St\Maps\PC 44-2021.mxd



Legend

-  Street Vacation & Area To Be Removed From The Official Map

PC 44-2021

CALUMET AVE.

CITY OF
MANITOWOC

SE 1/4 SEC 35,
T19N, R23E

S. FRONTAGE RD.

TR 3

TR 5

Proposed Street Vacation
and Area To Be Removed
From The Official Map

TR 7

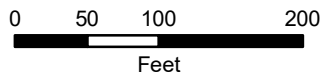
TR 9

TR 8


S. 42ND ST.



Street Vacation and
Change to the Official Map
City of Manitowoc



Legend

-  Street Vacation & Area To Be Removed From The Official Map

DISCLAIMER: Maps and associated data are believed to be accurate, but are not warranted. This information is not intended for legal, survey, or other related uses. Please obtain the original recorded documents for legal or survey information.

Prepared by City of Manitowoc
Community Development Department
www.manitowoc.org
Map Plotted: 12/08/2021

O:\Planning\PC Plan Commission\PC_Street Vacation\2021\PC 44-2021 S Frontage Rd & S 42nd St\Maps\PC 44-2021 B&W.mxd

PC 44-2021

RESOLUTION

A RESOLUTION APPROVING THE DISCONTINUANCE OF AN UN-NAMED STREET, IN THE INTEREST OF THE PUBLIC, PURSUANT TO WIS. STAT. 66.1003(4).

WHEREAS, it is in the public interest to vacate an Un-Named Street particularly described as follows:

A tract of land located in the NE ¼ of the SE ¼ of Section 35, T.19N., R23E., City of Manitowoc, Manitowoc County, Wisconsin described as follows:

Commencing at the East ¼ of Section 35; thence S. 62° 00' 19" W. (recorded as S. 60° 16' 06" W.) 749.45 feet to a point on the southerly right of way of South Frontage Road; thence S. 46° 03' 06" E. (recorded as S. 47° 47' 19" E.) along said right of way 385.82 feet to the point of real beginning; thence S. 43° 56' 54" W. (recorded as S. 42° 12' 41" W.) 145.69 feet; thence N. 88° 22' 14" W. (recorded as S. 89° 53' 33" W.) 44.80 feet; thence S. 00° 59' 40" W. 60.0 feet; thence S. 88° 22' 14" E. 70.65 feet; thence N. 43° 56' 54" E. 172.20 feet to the South Frontage Road right of way; thence N. 46° 03' 06" W. (recorded as N. 47° 47' 19" W.) along said right of way 60.00 feet to the point of beginning.

Said tract contains 0.39 acres (13,068 square feet)

NOW, THEREFORE BE IT RESOLVED by the Mayor and Common Council of the City of Manitowoc, that the above-described Un-Named Street is hereby discontinued in conformance with Wis. Stat. 66.1003(4) and the City Clerk is directed to give notice of public hearing thereon by Class 3 notice under Chapter 985 Wis. Stats., for which the hearing must be at least 40 days after the date of introduction of this Resolution.

INTRODUCED DEC 20 2021

ADOPTED _____

Justin M. Nickels, Mayor

APPROVED _____

Fiscal Impact: Minimal \$250 +/- for legal notices and publications
Funding Source: 1100-61100-532100
Finance Director Approval: /SMA
Approved as to form: /KMM