

## Report to the Manitowoc Plan Commission

**Meeting Date:** November 20, 2019

**Request:** PC 35-2019: Dennis & Lana Brunner; Brunner Court - Proposed Street Vacation under §66.1003(2) and Official Map Amendment under §62.23(6)

**Existing Land Use for Subject Property:** Single and Two Family Residential

**Existing Zoning for Subject Property:** R-2 Single Family Residential

### Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North, West	Undeveloped, Open Space	R-4 & P-1
South, East	Residential	R-2 & R-4

**Comprehensive Plan:** The proposed Street Vacation and Official Map Amendment is consistent with the Comprehensive Plan.

**Report:** Dennis and Lana Brunner are requesting the street vacation and amendment to the official map for Brunner Ct. in preparation to divide, by certified survey, their property into three 5+/- acre lots. They have had their property for sale for approximately 2 years and have no buyers, they feel the smaller 5 acre parcels are more saleable. The Brunner's currently reside at 3924 Menasha Avenue; they will sell the house as one lot and then two other lots will be created as buildable residential lots with access off of Menasha Avenue.

In the past, the Brunner's created four lots along Menasha Avenue by certified survey and as part of those surveys a portion of Brunner Court was dedicated to the City. After the vacation is approved the property will revert back to the lands that it came from, so in this case the Brunner's will receive the land after the vacation.

The street vacation process (§66.1003(2)) is being initiated by 100% of the abutting property owners along Brunner Court; Brunner Court is a dedicated but unimproved right-of-way. Under this vacation process a public hearing is not required by statute. The Plan Commission's public informational hearing is for the amendment to the official map, the street vacation does not require a public hearing because it was initiated by the abutting property owners.

A vacation petition initiated by the abutting property also requires that *"the owners of more than 1/3 of the frontage of the lots and lands abutting on that portion of the remainder of the public way which lies within 2,650 feet of the ends of the portion to be discontinued"* (66.1003(2)) must sign the petition. In this case Brunner Ct does continue south of the Menasha Avenue so the above referenced portion of the statute does not apply

The area of street to be vacated is approximately 180 feet in length and 60 feet wide. The area of official map street to be removed includes the 180 feet of dedicated street plus approximately

520 lineal feet of official map street. The entire length of the official map area only affects the Brunner property, so there are no other adjacent property owners that are affected by the change.

Public Comments: Notices for the official map amendment were mailed out to all the property owners affected by the proposal and as of this writing no comments were received.

Timeline

- Plan Commission November 20
- Notice of Lis Pendens recorded at Register of Deeds
- Class 3 notice for vacation petition, class 2 notice for official map amendment hearing
- Common Council Public Hearing December 16 for the official map amendment.
  - Council approves resolution for the Street Vacation
  - Council approves ordinance for the Official Map Amendment

**Recommendation:** The Plan Commission recommends: i) approval of the Street Vacation Petition and subsequent resolution and ii) approval of the request to Amend the Official Map and the subsequent ordinance.

**PETITION FOR STREET VACATION**

November 2, 2019

Mayor and Common Council  
City of Manitowoc  
900 Quay Street  
Manitowoc, WI 54220

Re: Right of Way Vacation - "Brunner Court"

The undersigned individuals hereby petition the Common Council of the City of Manitowoc, in accordance with the provisions of Section 66.1003(2) of Wisconsin Statutes, for immediate vacation and discontinuance of a portion of "Brunner Court" located on the north side of Menasha Avenue in between Platt Street and Pleasant Street located in the NE1/4 of the NW1/4, Section 13, Township 19 North, Range 23 East, City of Manitowoc, Manitowoc County, Wisconsin. In support of the Petition, the undersigned hereby certify as follows:

IN WITNESS WHEREOF, the undersigned have executed this Petition as of the month, day and year set forth opposite their respective signatures.

1. That the undersigned are the owners of all the frontage of the lots and lands abutting the portion of "Brunner Court" to be vacated:

Cary Pierskalla 11/2/2019  
Dated

Christine Pierskalla 11/2/2019  
Dated

Jerusa J. Shubesta 11/5/19  
Dated

Dennis Brunna 11/6/19  
Dated

Lana Brunner 11/6/19  
Dated

\_\_\_\_\_  
Dated

November 6, 2019

Mayor, Common Council, and to whomever this may concern  
City of Manitowoc  
900 Quay Street  
Manitowoc, WI 54220

Re: Right of Way Vacation - "Brunner Court"

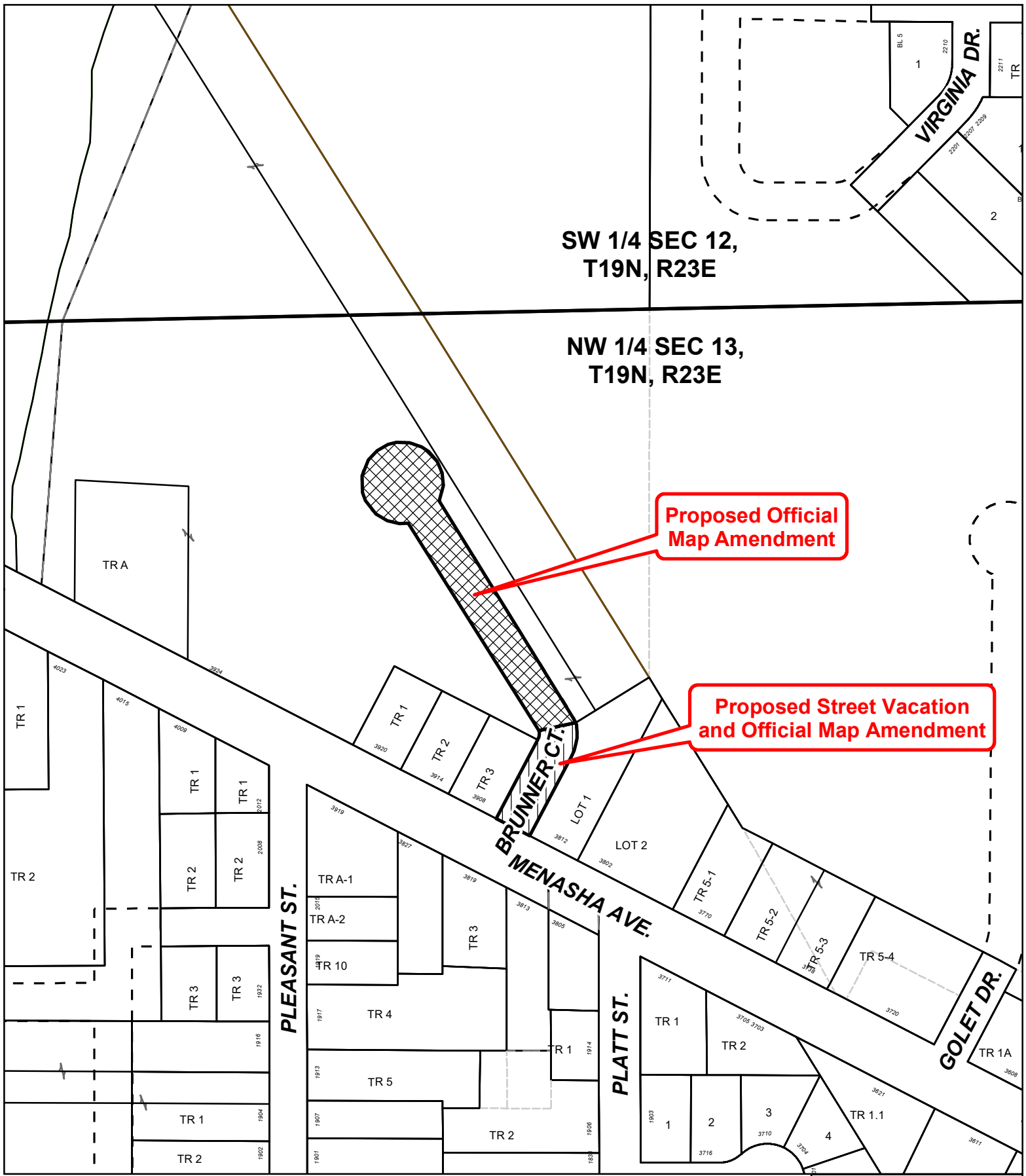
Lana and Dennis Brunner are hereby requesting the removal of the official map street for Brunner Court (petition attached)

The reason is because it is not going to be developed into a subdivision therefore there is no need for it. In addition, to be able to sell the parcel on which Brunner Court is located the Brunners need to have this portion back in their names as the owners.

Sincerely,

Handwritten signatures of Dennis Brunner and Lana Brunner in cursive script.

Lana and Dennis Brunner



SW 1/4 SEC 12,  
T19N, R23E

NW 1/4 SEC 13,  
T19N, R23E

Proposed Official  
Map Amendment

Proposed Street Vacation  
and Official Map Amendment

PC 35-2019

Street Vacation of Brunner Ct.  
and Change to the Official Map  
City of Manitowoc

0 100 200 400

Feet

Legend

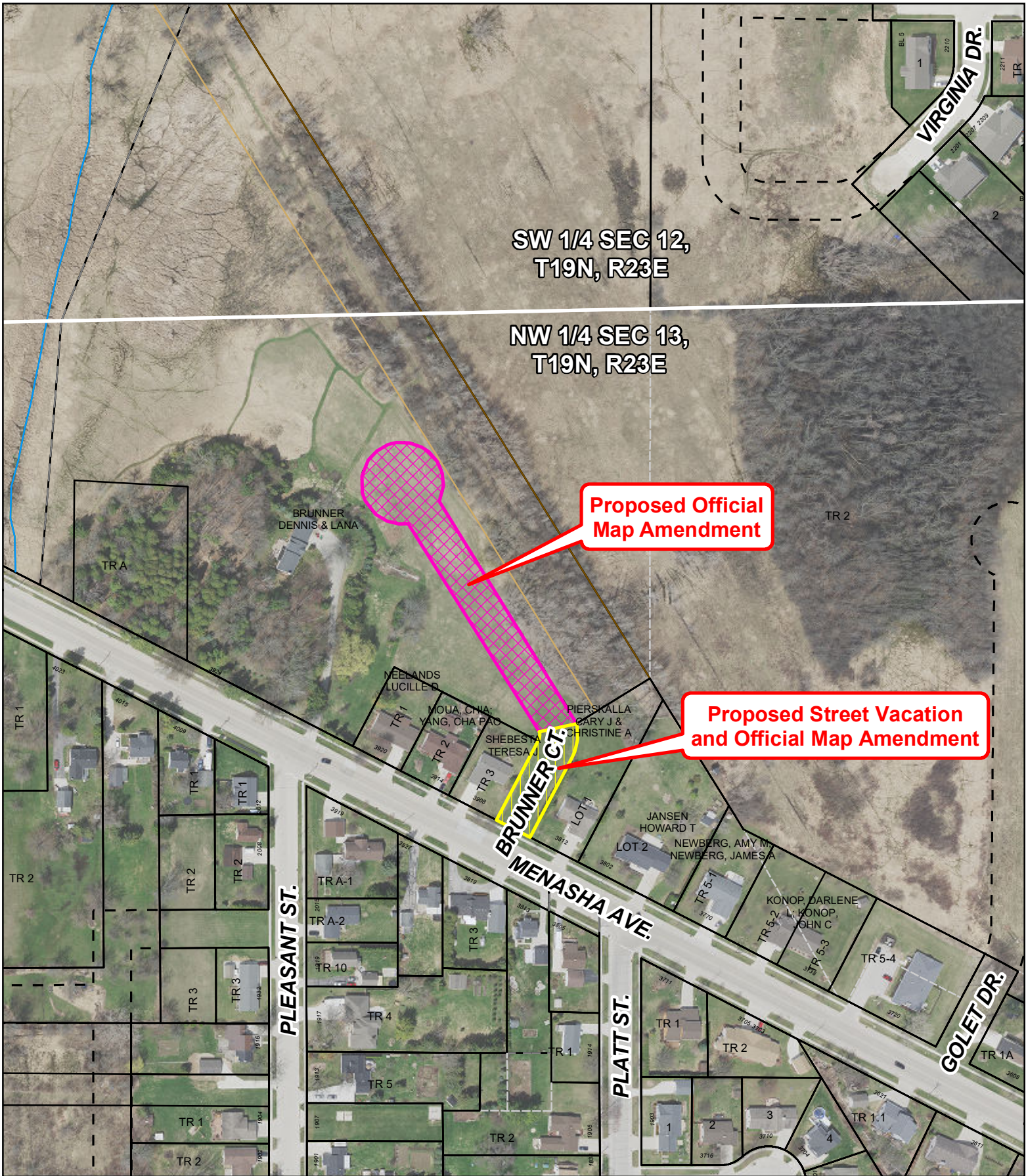
-  Official Street Amendment
-  Street Vacation & Official Street Amendment



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: 01/16/2019

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SW 1/4 SEC 12,  
T19N, R23E

NW 1/4 SEC 13,  
T19N, R23E

**Proposed Official  
Map Amendment**

**Proposed Street Vacation  
and Official Map Amendment**

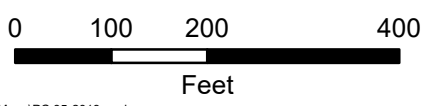


PC 35-2019



**Street Vacation of Brunner Ct.  
and Change to the Official Map  
City of Manitowoc**

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**Legend**

-  Official Map Amendment
-  Street Vacation & Official Map Amendment