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9-19-16



16-0896

CITY OF MANITOWOC  
WISCONSIN, USA  
[www.manitowoc.org](http://www.manitowoc.org)



August 25, 2016

To: Mayor and Common Council

From: Manitowoc City Plan Commission

**Subject: PC 27-2016 Street Vacation and Official Map Amendment for a Portion of Dedicated but Unimproved Edgewood Road**

Dear Mayor and Common Council:

At the August 24, 2016 meeting of the Manitowoc City Plan Commission, the Commission considered all items on its agenda, including the item identified above, and wishes to report and recommend to the Common Council the following action: to instruct the Community Development Staff to draft the vacation resolution and official map ordinance and have the documents introduced at the next Council meeting, and ii) instruct staff to prepare all other necessary maps, documents as needed to complete the street vacation and official map amendment processes.

Respectfully Submitted,

Paul Braun  
Plan Commission Secretary

Attachment: Maps  
Granicus # 16-0801

Current Resident  
1130 Tanglewood Road  
Manitowoc, WI 54220

## Report to the Manitowoc Plan Commission

**Meeting Date:** August 24, 2016

**Report Print Date:** August 26, 2016; 11:35 AM

**Request:** PC 27 - 2016: Discussion regarding potential Street Vacation and Amendment to the Official Map for a portion of Unimproved Edgewood Road.

**Reason for Request:** The request is before the Plan Commission to introduce the street vacation and official map amendment to the Commission. If the Commission is in support of the proposals staff will begin the formal vacation and official map amendment processes.

**Existing Land Use for Subject Property:** The subject property is dedicated but unimproved right of way for west end of Edgewood Road. Adjacent property land uses are residential.

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

### Surrounding Property Land Uses and Zoning

Direction	Existing Land Use	Existing Zoning
North, South, West, East	Residential	R-2 Single Family

**Comprehensive Plan:** The street vacation and official map amendment are consistent with Comprehensive Plan and do not cause any negative impacts to traffic circulation.

**Report:** The proposed street vacation and official map amendment are on the Plan Commission Agenda for discussion purposes at this time; if the Commission supports the vacation and amendment, staff will begin the formal processes to eliminate the unimproved right of way.

The Bruce Turcotte residence at 1130 Tanglewood Road is for sale and the prospective buyer discovered that there is a portion of dedicated but unimproved Edgewood Road right of way that runs south of the residence. The Turcotte's existing driveway runs over the dedicated street area; in addition the buyer would like to build a detached garage in a portion of the area proposed to be vacated. The closing on the property is planned for August 30<sup>th</sup>.

The proposed area to be vacated is located at the west end of Edgewood Road and is approximately 4,400 square feet in area. The right of way runs the depth of the Turcotte property approximately 150 feet.

The subject area was dedicated in 1960 when Forest Estates Subdivision No. 1 was platted; all of the area to be vacated was dedicated by the owner of the Subdivision. The adjacent properties to the south and west of the subject property did not dedicate any lands towards the subject area and were subdivided at a later date as part of a different subdivision or certified survey. Staff is assuming that Edgewood Road was planned to go to the west and connect with

Westwood Lane but when Forest Estates Subdivision No. 2 was platted Westwood Lane was terminated with a cul de sac eliminating the need for the subject property.

*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."*

Based on the statute all of the area to be vacated will become part of the Turcotte's property at 1130 Tanglewood Road. The other two adjacent property owners Wayne Mertens, 3505 Edgewood Road and John Bruce, 1108 Westwood Lane do not have a right to any of the vacated area.

During the vacation and official map amendment the adjacent property owners will receive notices in the mail. The Turcotte's, Buyers, Mertens' and realtors have been discussing the project over the past month. Staff is not aware if the Bruce's were made aware of the proposal at this time. The City will send out notices to the neighbors prior to the plan commission's official map informational hearing.

Typically when areas are vacated the City would retain utility rights pursuant to § 66.1005(2) unless written consent releasing the easement is provided by the holder (City, utilities etc) of the easement. As of now the intent is to release all of the utility easement rights with the exception of the west 10' of the area to be vacated. A 10' utility easement was created when Forest Estates Subdivision No. 1 was platted, the easement runs along the west lines of Lots 1 – 6, Block 3, the intent is to retain that easement but release all of the rest of the utility rights in the area to be vacated. Prior to releasing the utility easement rights in the street vacation area the City will require letters from the utilities consenting to the release.

**Public Comments** At this time no notices were mailed to the neighbors but notices will be mailed in the future for the Official Map process.

### **Proposed Timeline**

- August 24: Plan Commission recommends to Council to instruct staff to begin the City-initiated vacation and official map amendment.
- August 26: City files & records Notice of Lis Pendens for vacation.
- Sept 19: Vacation resolution and official map ordinance are introduced to the Council; per statute no action can be taken on the items. Note: Council cannot act on the vacation resolution until 40 days have past after the resolution was introduced.
- Sept 28: Public Informational hearing before the Plan Commission for the official map and vacation. Plan Commission makes final recommendation to Council.
- Week of October 17 – 21 or earlier: Street vacation resolution shall be served on abutting residents of the subject area at least 30 days prior to date that Council acts on the vacation resolution.

Oct 31: Street Vacation notice. First of 3 required notices placed in newspaper. A Class 3 notice is required for vacations and a Class 2 notice is required for official map proceedings.

Nov 7: Second vacation notice placed in newspaper, first official map notice placed in newspaper; notices are combined into one.

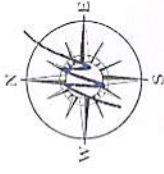
Nov 14: Third vacation notice placed in newspaper, second official map notice placed in newspaper; notices are combined into one.

November 21: Official Map Hearing before the Council, Council adopts the vacation resolution and official map ordinance.

**Recommendation:** The Plan Commission recommends the following: i) instruct staff to draft the vacation resolution and official map ordinance and have them introduced at the next Council meeting, and ii) instruct staff to prepare all other necessary maps and documents as needed.

# STREET VACATION AND OFFICIAL MAP

CITY OF MANITOWOC, WI



P. C. 27-2016

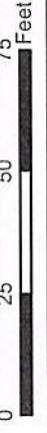
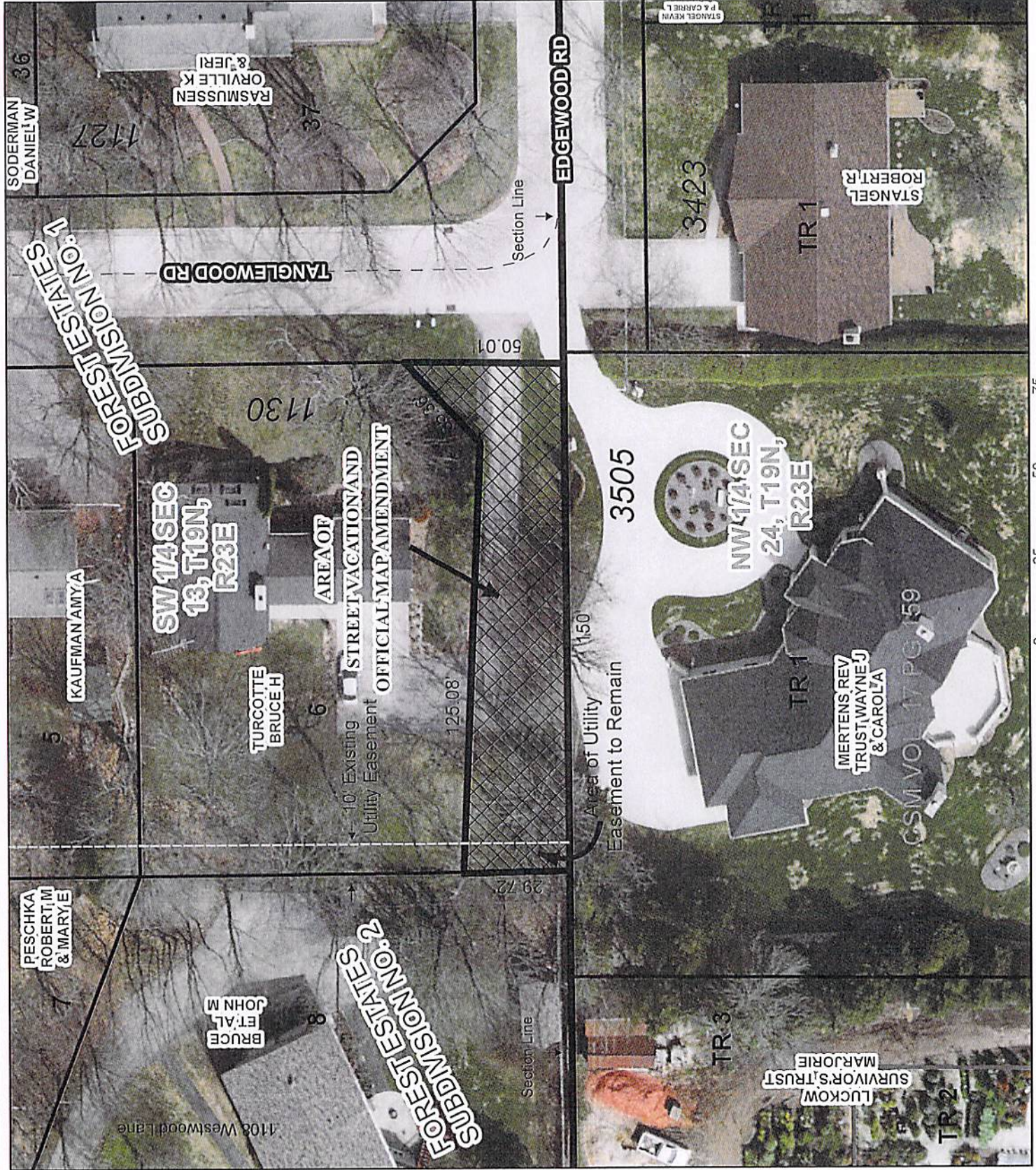
## Legend



Vacated Street and  
Amended Official Map

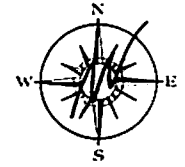
Manitowoc City Plan Commission  
August, 2016

Prepared by City of Manitowoc  
Planning Department  
www.manitowoc.org  
Map Plotted: 8/18/2016  
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.



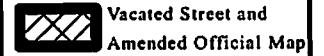
**STREET VACATION  
AND OFFICIAL MAP**

CITY OF MANITOWOC, WI



P. C. 27-2016

**Legend**

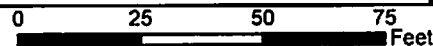
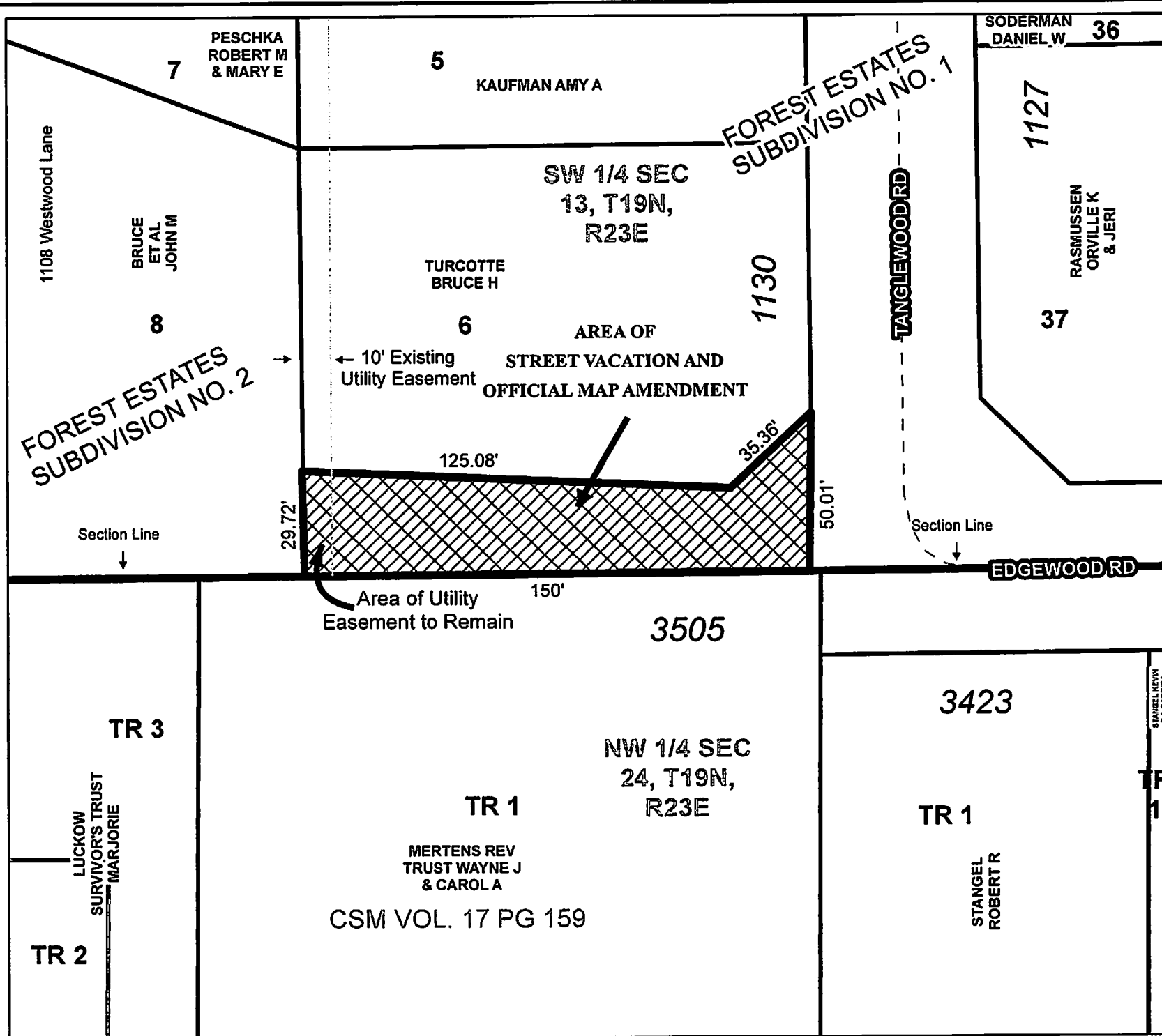


Vacated Street and  
Amended Official Map

Manitowoc City Plan Commission  
August 2016

Prepared by City of Manitowoc  
Planning Department  
www.manitowoc.org  
Map Plotted: 8/18/2016

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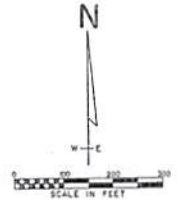
Survey File  
Numbered by 100, 101, 102  
150 000 25 72 3 47  
Date of Survey  
1972  
Surveyor  
James J. [Signature]

# FOREST ESTATES SUBDIVISION NO. 1 IN THE CITY OF MANITOWOC, MANITOWOC COUNTY, WISCONSIN BEING

SUBDIVISION IN THE W1/2 OF THE SE1/4 & E1/2 OF THE SW1/4 OF SECTION 13,  
T.19 N., R.23 E.



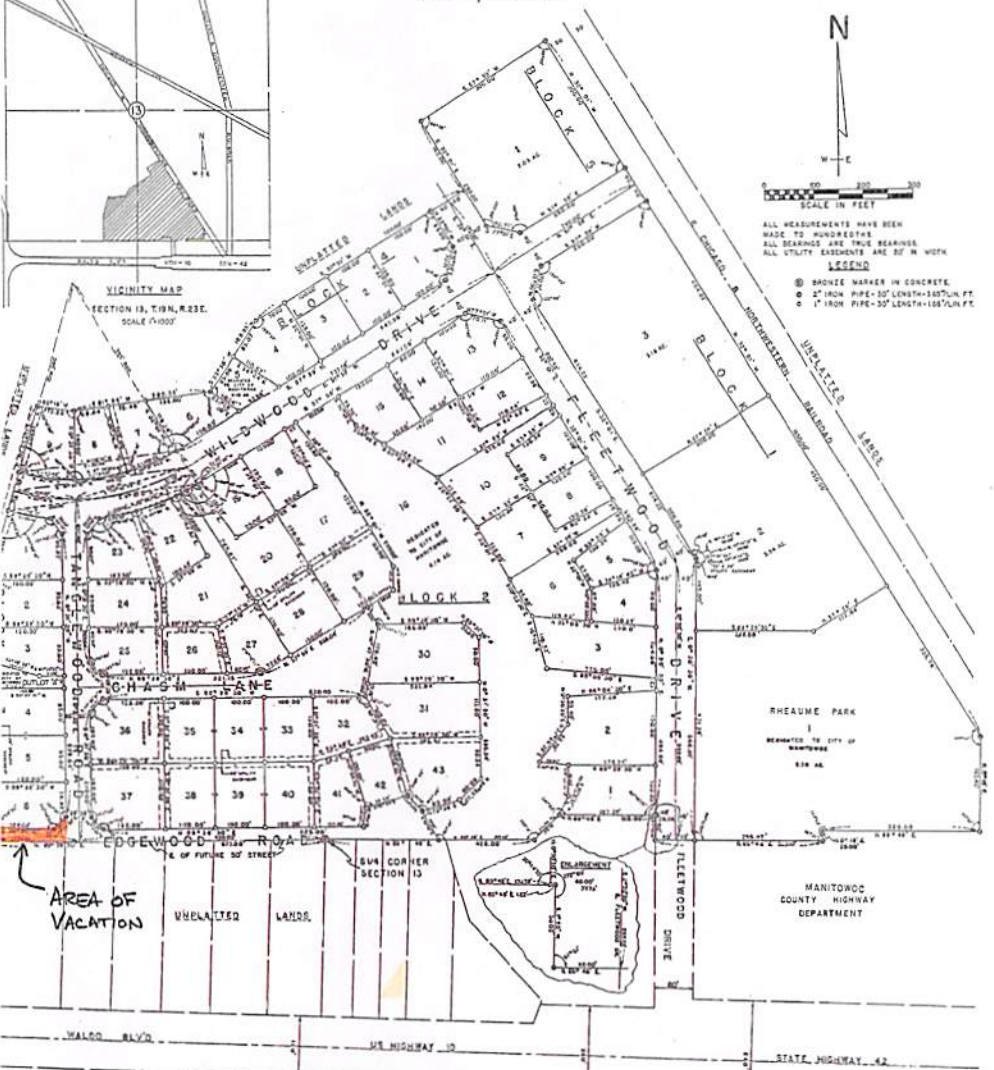
VICINITY MAP  
SECTION 13, T.19N., R.23E.  
SCALE 1"=100'



ALL MEASUREMENTS HAVE BEEN  
MADE TO POINTS OF  
ALL BEARINGS ARE TRUE BEARINGS  
ALL UTILITY EASEMENTS ARE 20' W. WIDE

**LEGEND**

- BRONZE MARKER IN CONCRETE
- 2" IRON PIPE - 50' LENGTH - 1/2" DIA.
- 1" IRON PIPE - 50' LENGTH - 1/2" DIA.



AREA OF VACATION

There are no other notices on this plan which require to be filed with this plan.  
The Commission on Land Use, Planning and Development, State of Wisconsin,  
certifies that this plan complies with the provisions of Chapter S.C. 23.01.  
James J. [Signature]  
Surveyor  
July 15, 1972  
Joseph [Signature], Planning Director,  
Department of Resources Development

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SHEET 1 OF 2