Meeting Date: 2/25/2013
Agenda Item: #5b

Mission Statement
Delivering quality services in a courteous, cost-effective and efficient manner

VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: President Burt McIntyre & Village Board of Trustees

REPORT FROM: Dave Wiese Director of Community Development

AGENDA ITEM: Review and Take Action on Resolution 2013-03 "Vacating a Portion of Military Avenue

ACTION REQUESTED: ___Ordinance ___√___Resolution ___Motion _____Receive/File

POLICY ISSUE

Does the Village Board desire to vacate a portion of Military Avenue?

RECOMMENDED ACTION BY VILLAGE BOARD

If the Village Board is in favor of this policy action, the following motion may be made.

"I move to approve Resolution 2013-03."

POLICY ALTERNATIVE(S)

The Village Board could take the following action:

- Approve the Resolution and proceed with the road vacation.
- Deny the resolution.

POLICY REFERENCE

Wisconsin Statutes: 66.1003

Howard Municipal Code: N/A

Policies & Procedure Manual: N/A

FINANCIAL INFORMATION

FISCAL IMPACT:

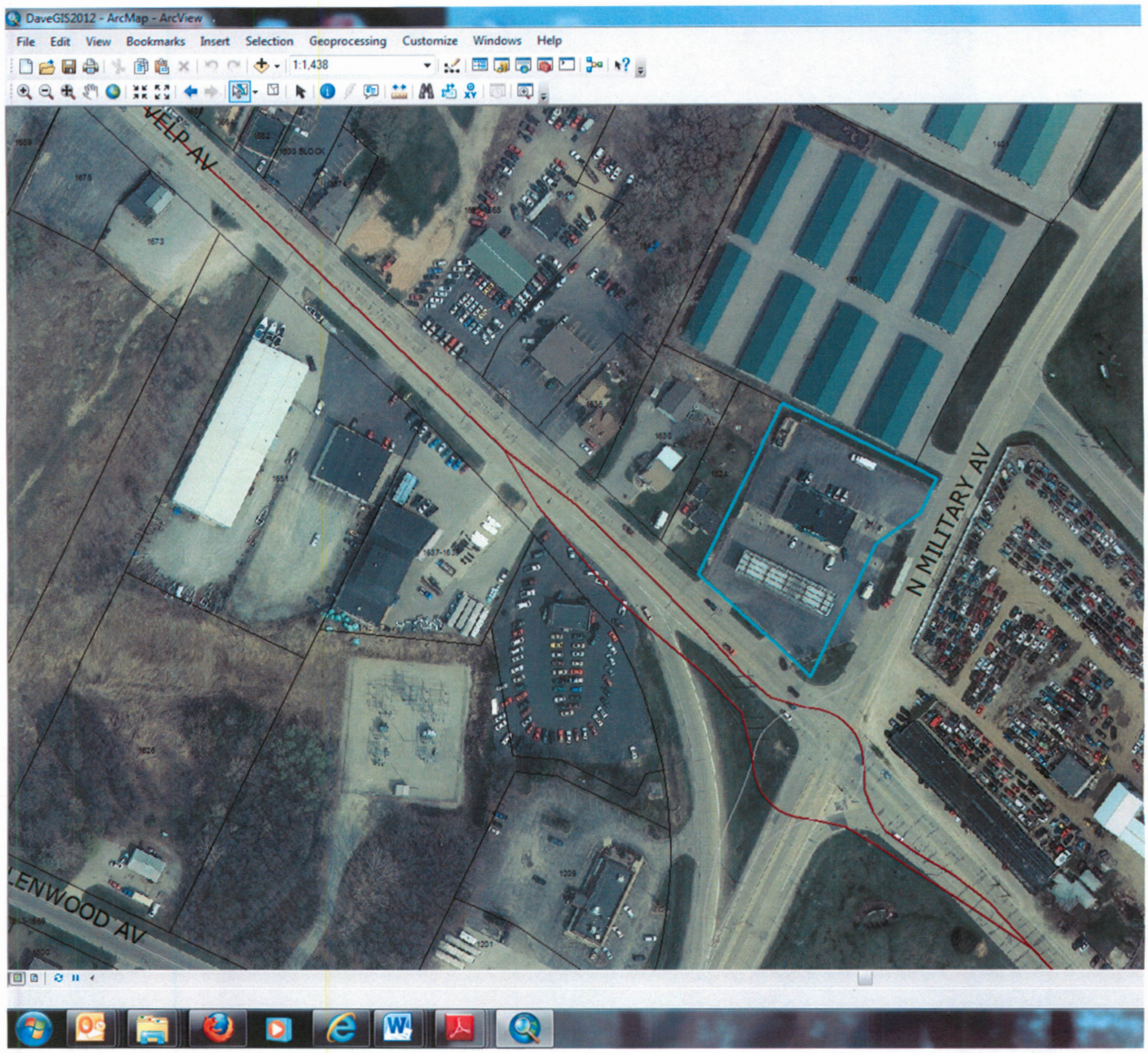
1. Is There A Fiscal Impact? Yes
2. Is it Currently Budgeted? Yes
3. If Budgeted, Which Line? Attorney Fees

BACKGROUND INFORMATION

The property in question is located adjacent to the Express Convenience Gas Station on Military Avenue. Currently, the Express gas station has some improvements in the existing Right of Way. They also would like to make additional improvements on the property to allow them to install a Compressed Natural Gas Pump and Canopy. The Vacation of the portion of Military Avenue as proposed in the attachments will allow them to accomplish their goals. The portion to be vacated is approximately 4,931 square feet in size (.11 acres.)

ATTACHED INFORMATION

I. Location Map
II. Resolution 2013-03
III. Map of Subject Property to be Vacated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ATTACHMENT II

RESOLUTION NO. 2013-03

RESOLUTION REGARDING THE VACATION OF A PORTION OF MILITARY AVENUE IN THE VILLAGE OF HOWARD BROWN COUNTY, WISCONSIN

BY THE VILLAGE BOARD OF THE VILLAGE OF HOWARD:

WHEREAS, the Village of Howard has determined pursuant to Section 66.1003 Wis. Stats. that the public interest requires that a portion of Military Avenue, Village of Howard, be abandoned, vacated and discontinued as a public street and the same is set forth and shown on the map attached hereto and incorporated by reference herein along with the legal description for that portion of the proposed discontinued street.

NOW, THEREFORE, BE IT RESOLVED that it appears to be in the public interest that a portion of Military Avenue be abandoned, vacated and discontinued by the Village of Howard as a public street and that a hearing be held on the abandonment, vacation and discontinuance of the same on the 8th day of April, 2013 at 6:30 p.m. in the Village Board Chambers in the Howard Village Hall located at 2456 Glendale Avenue, in the Village of Howard, Brown County, Wisconsin.

BE IT FURTHER RESOLVED that a notice of such hearing be served on the owners of the frontage of the lots and lands abutting on the portions of the street sought to be abandoned, vacated and discontinued at least thirty (30) days before such hearing, and that notice of such hearing be published in the official newspaper of the Village of Howard once a week for three (3) successive weeks before the date of hearing; and

BE IT FURTHER RESOLVED that the Village Attorney, upon adoption of this resolution, cause a Lis Pendens to be prepared and filed with the Register of Deeds, Brown County, Wisconsin, pursuant to Section 840.11 Wisconsin Statutes.

Approved this 25th day of February, 2013.

Burt R. McIntyre, Village President

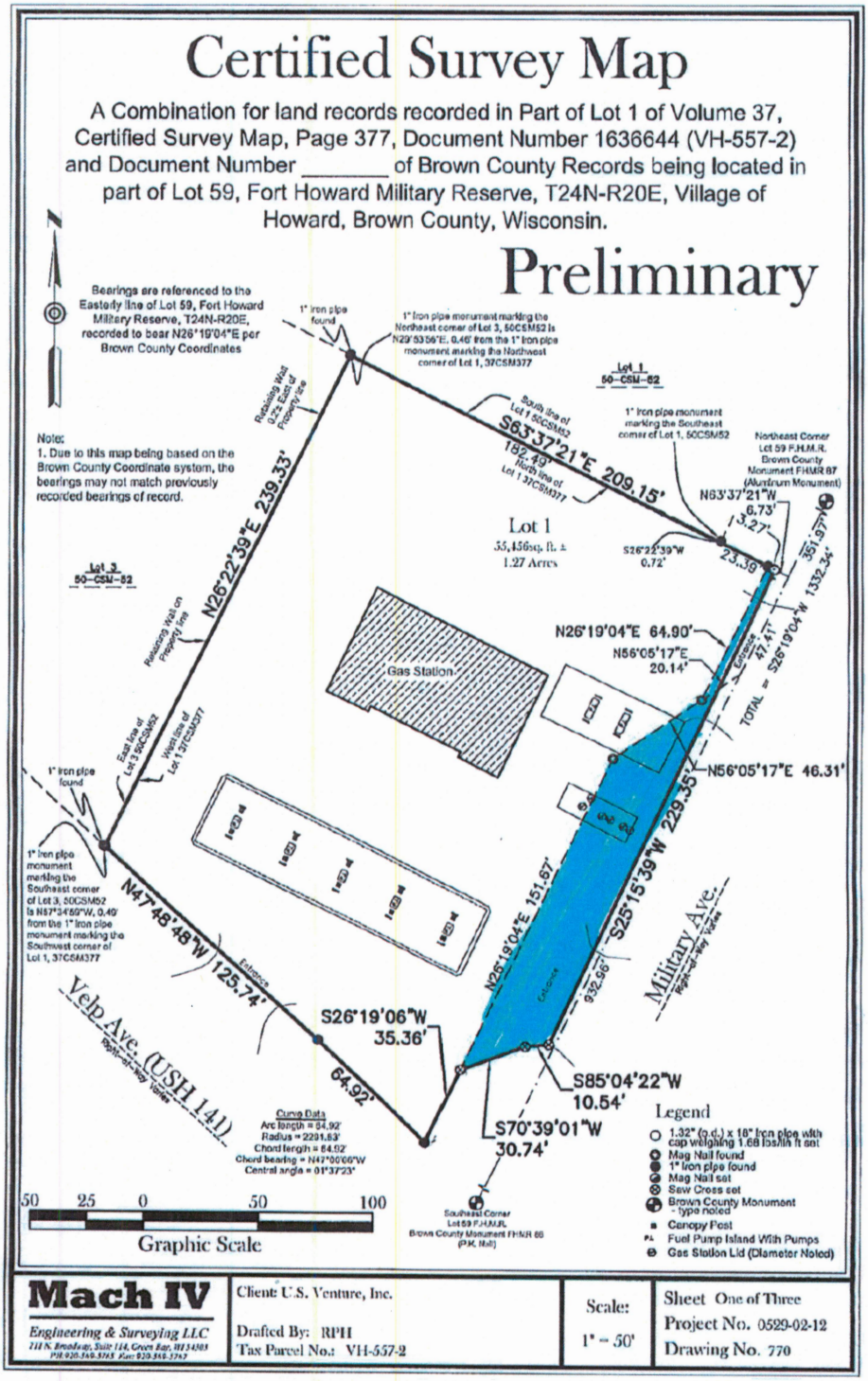
ATTEST:

Christopher A. Haltom, Village Clerk

Attachments

ATTACHMENT III

Attachment to Resolution Vacating a Portion of Military Avenue



Attachment to Resolution Vacating a Portion of Military Avenue

Description of Portion of Military Ave. to be Vacated

Located in part of Lot 59, Fort Howard Military Reserve, T24N-R20E, Village of Howard, Brown County, Wisconsin, more fully described as follows:

Commencing at the Northeast corner of Lot 59, Fort Howard Military Reserve (also known as Brown County Monument FHMR87); thence S26°19'04"W, 351.97 feet along the East line of Lot 59 to the Northeast corner of Lot 1 Volume 37, Certified Survey Map, Page 377, Document Number 1636644 of Brown County Records; thence N63°37'21"W, 6.73 feet along the North line of said Certified Survey Map to the point of beginning; thence S25°15'39"W, 229.35 feet; thence S85°04'22"W, 10.54 feet; thence S70°39'01"W,30.74 feet to an Easterly line of said Lot 1; thence N26°19'04"E, 151.67 feet along said East line; thence N56°05'17"E, 46.31 feet to the West right of way line of Military Avenue; thence N26°19'04"E, 64.90 feet along said West line to the North line of said Lot 1; thence S63°37'21"E, 3.27 feet to the point of beginning.

Said parcel contains 4,931 sq. ft./0.11 acres of land more or less

Subject to all easements and restrictions of record