



Meeting Date: 4/22/2013
Agenda Item: #9 g

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

VILLAGE BOARD MEETING STAFF REPORT

REPORT TO: President Burt McIntyre and Village Board of Trustees
REPORT FROM: Dave Wiese Director of Community Development
AGENDA ITEM: Review and take action on Resolution 2013-15, vacating 4,931 square feet of Military Avenue adjacent to 1618 Velp Avenue

ACTION REQUESTED: Ordinance x Resolution x Motion Receive/File

POLICY ISSUE

Should the Village Board approve Resolution 2013-15, vacating a portion of Military Avenue for Express Convenience Store located at 1618 Velp Avenue.

RECOMMENDED ACTION BY VILLAGE BOARD

Staff would recommend approval of vacating 4,931 square feet adjacent to VH-557-2, located at 1618 Velp Avenue, contingent upon the owner paying Village Attorney costs for completing the vacation procedure.

POLICY REFERENCE

Wisconsin Statutes: 66.1003
Howard Municipal Code: N/A
Policies & Procedure Manual: N/A

FISCAL IMPACT:

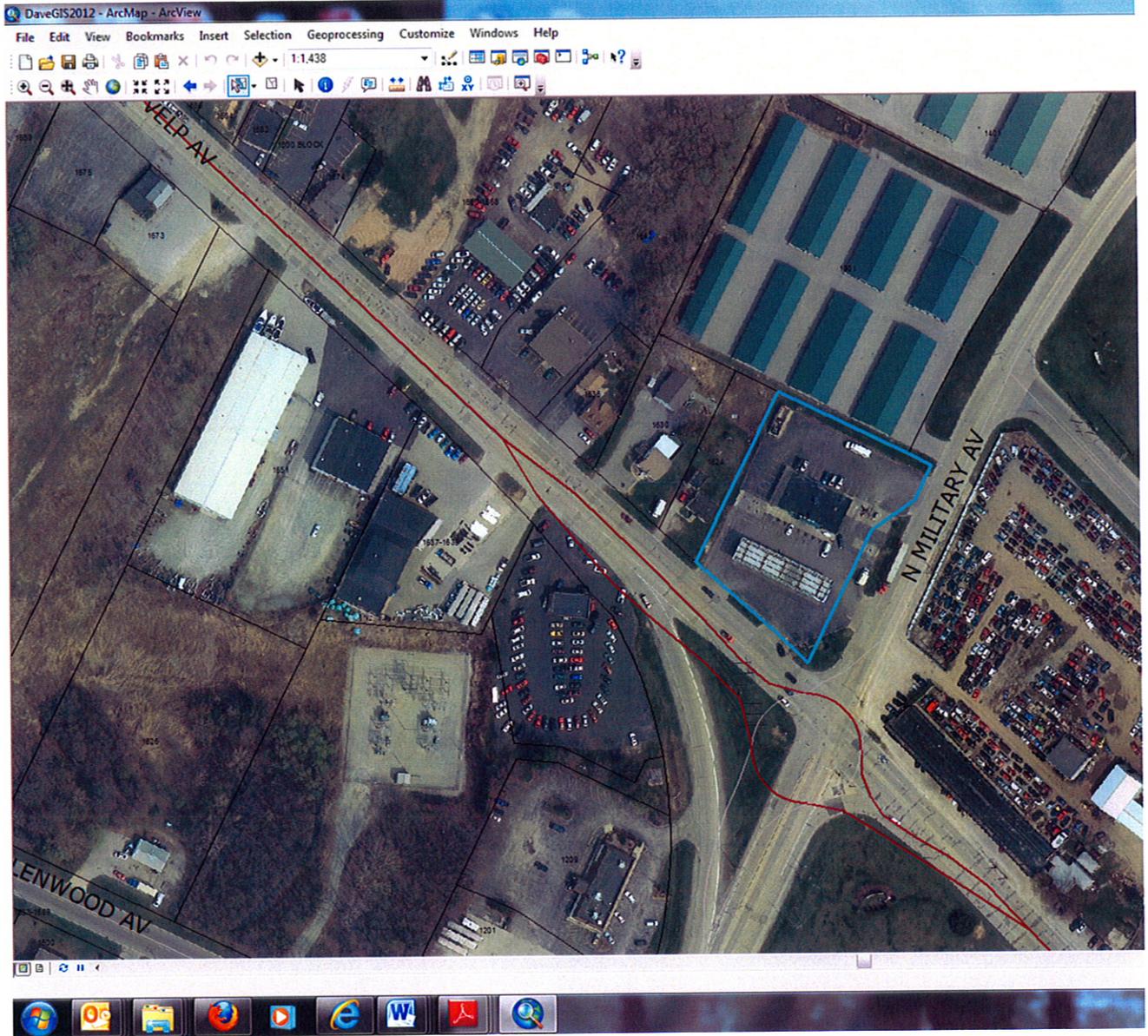
1. Is There A Fiscal Impact?	<u>Yes-Attorney Fees</u>
2. Is it Currently Budgeted?	<u>No</u>
3. If Budgeted, Which Line?	
4. Amount?	\$

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 adjacent to the subject right of way to allow for the installation of 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.) The background on the title work shows the City of Green Bay may have ownership of the right of way in question. The City of Green Bay has deeded any interest they may have in the property over to the Village of Howard.

ATTACHED INFORMATION

- I. Location Map
- II. Resolution 2013-15



ATTACHMENT II

RESOLUTION NO. 2013-15

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

BY THE VILLAGE BOARD OF THE VILLAGE OF HOWARD:

WHEREAS, the Village Board of the Village of Howard has initiated the vacation, discontinuance, and abandonment of a portion of Military Avenue, located in the Village of Howard, Brown County, Wisconsin, in accordance with the requirements of Section 66.1003 Wis. Stats. and insomuch as the Village Board has found such vacation, discontinuance and abandonment in the public interest of the Village of Howard and the Village Plan Commission having previously reviewed and recommended such vacation, discontinuance, and abandonment and the consequential amendment to the Official Village Street Map, and due notice of hearing having been given and a public hearing having been held on April 8, 2013 at 6:30 p.m., and due notice and all other applicable requirements of Section 66.1003 Wis. Stats. having been accomplished;

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Howard, Wisconsin, as follows:

SECTION 1. The following described property as set forth and shown on the scale map attached hereto and incorporated by reference herein along with the legal description, be and the same is hereby wholly abandoned, vacated and discontinued as a public thoroughfare.

SECTION 2. That all easements and rights incidental thereto belonging to the Village are intended to be likewise to be vacated except for an easement for fire protection (Fire Hydrant).

SECTION 3. That ownership of such portion of Military Avenue vacated herein shall hereby revert as provided by law.

SECTION 4. That the Village Clerk is hereby authorized and directed to file and record a certified copy of this Resolution with the map attached in the Office of the Register of Deeds for Brown County and to amend the Official Map of the Village in conformity with this resolution.

Adopted by the Village Board of the Village of Howard, Wisconsin, this 22nd day of April, 2013.

Burt R. McIntyre, Village President

ATTEST:

Christopher A. Haltom, Village Clerk

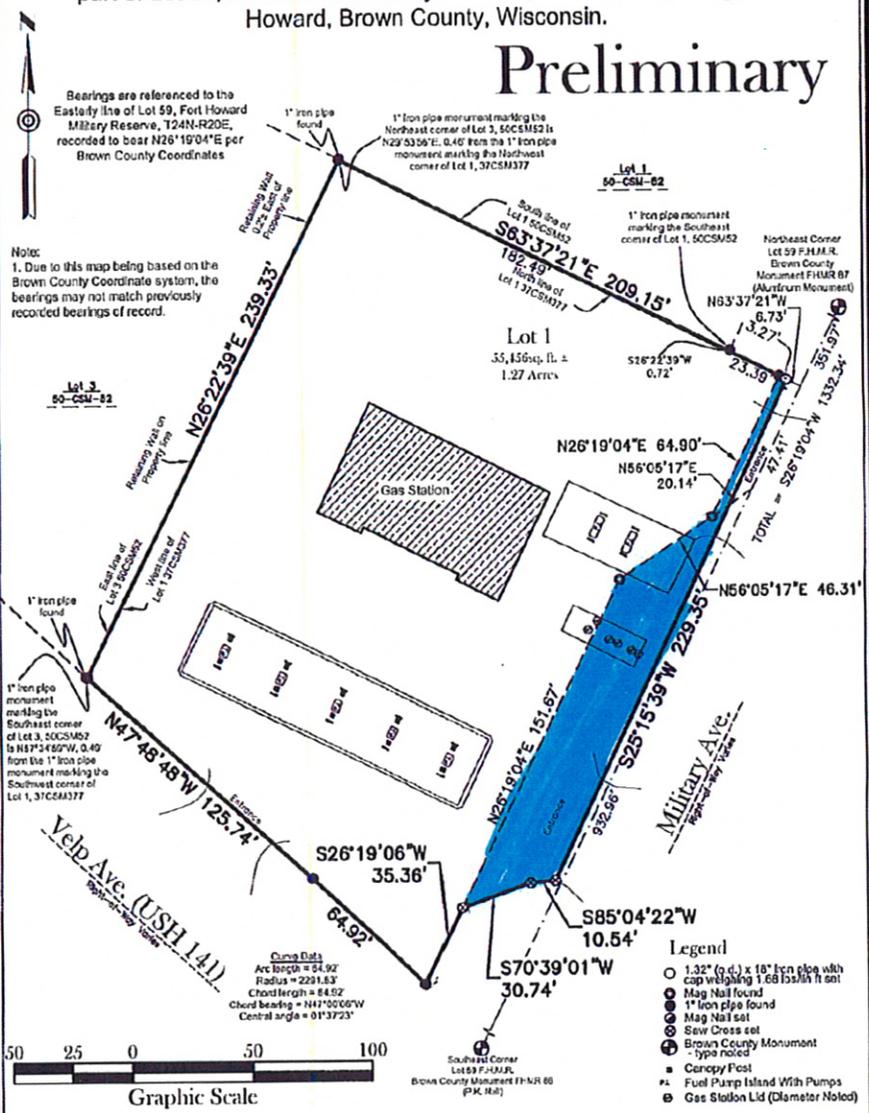
Attachments

Attachment to Resolution Vacating a Portion of Military Avenue

Certified Survey Map

A Combination for land records recorded in Part of Lot 1 of Volume 37, Certified Survey Map, Page 377, Document Number 1636644 (VH-557-2) and Document Number _____ of Brown County Records being located in part of Lot 59, Fort Howard Military Reserve, T24N-R20E, Village of Howard, Brown County, Wisconsin.

Preliminary



Mach IV Engineering & Surveying LLC 111 N. Broadway, Suite 114, Green Bay, WI 54303 PH: 920.545.3763 Fax: 920.545.3762	Client: U.S. Venture, Inc.	Scale: 1" = 50'	Sheet One of Three
	Drafted By: RPH Tax Parcel No.: VH-557-2		Project No. 0529-02-12 Drawing No. 770

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
