Meeting Date: 1/23/2012
Agenda Item: #6a

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 2012-02, "Preliminary Resolution Regarding the Vacation of a Portion of North Cardinal Lane at the Intersection with Lineville Road in the Village of Howard"

ACTION REQUESTED: ___Ordinance ___√___Resolution ___Motion _____Receive/File

POLICY ISSUE

1) Does the Village Board desire to vacate a portion of North Cardinal Lane that runs behind the Townline Shell gas station?

RECOMMENDED ACTION BY VILLAGE BOARD

"I move to approve Preliminary Resolution 2012-02, Regarding the Vacation of a Portion of North Cardinal Lane at the Intersection with Lineville Road."

POLICY ALTERNATIVE(S)

The Village Board could take the following action:

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

FISCAL IMPACT:

1. Is There A Fiscal Impact? No
2. Is it Currently Budgeted? N/A
3. If Budgeted, Which Line? N/A

FISCAL SYNOPSIS:
Vacating the right of way will allow future development to take place and make approximately 2.73 acres of land taxable.

POLICY REFERENCE

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

BACKGROUND INFORMATION

The property in question is located to the west of Cardinal Lane and behind two parcels of property on Lineville Road. This piece of property was previously the road bed for an older portion of C.T.H M that is no longer in use.

According to our records, the Village called for a public hearing to vacate Cardinal Lane via Resolution 2002-17 and held the public hearing on May 29, 2002. However, the Village never took any further action on the vacation of the road.

State Statute requires a hearing on the passage of a resolution by the common council or village or town board on a date which shall not be less than 40 days after the date on which the resolution is introduced. Notice of the hearing shall be a Class III notice. In addition, notice of the hearing shall be served on the owners of all of the frontage of the lots and lands abutting upon the public way or unpaved alley sought to be discontinued in a manner provided for the service of summons in circuit court at least 30 days before the hearing. When service cannot be made within the city, village or town, a copy of the notice shall be mailed to the owner's last-known address at least 30 days before the hearing. Staff will be noticing the public hearing on February 10, February 17, and February 24, 2012, and will a hold a public hearing on March 12, 2012. A Final Resolution will need to be acted upon to complete the vacation.

ATTACHED INFORMATION

I. Preliminary Resolution 2012-02
II. Maps of Subject Property to be Vacated

ATTACHMENT I

Preliminary Resolution 2012-02

PRELIMINARY RESOLUTION REGARDING THE VACATION OF A PORTION OF NORTH CARDINAL LANE AT THE INTERSECTION WITH LINEVILLE ROAD IN THE VILLAGE OF HOWARD, BROWN COUNTY, WISCONSIN

The Village Board of the Village of Howard, Brown County Wisconsin does hereby resolve as follows:

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

NOW, THEREFORE, BE IT RESOLVED that it appears to be in the public interest that a portion of North Cardinal Lane at the intersection with Lineville Road 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 12th day of March, 2012 at 6:35 p.m. at the Village Hall for the Village of Howard, 2456 Glendale Avenue, Green Bay, 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 by the Board of Trustees of the Village of Howard, Brown County, Wisconsin, this 23rd day of January, 2012.

_____

Burt R. McIntyre, Village President

ATTEST:

_____

Christopher A. Haltom, Village Clerk

Attachments

Parcel for Road Vacation

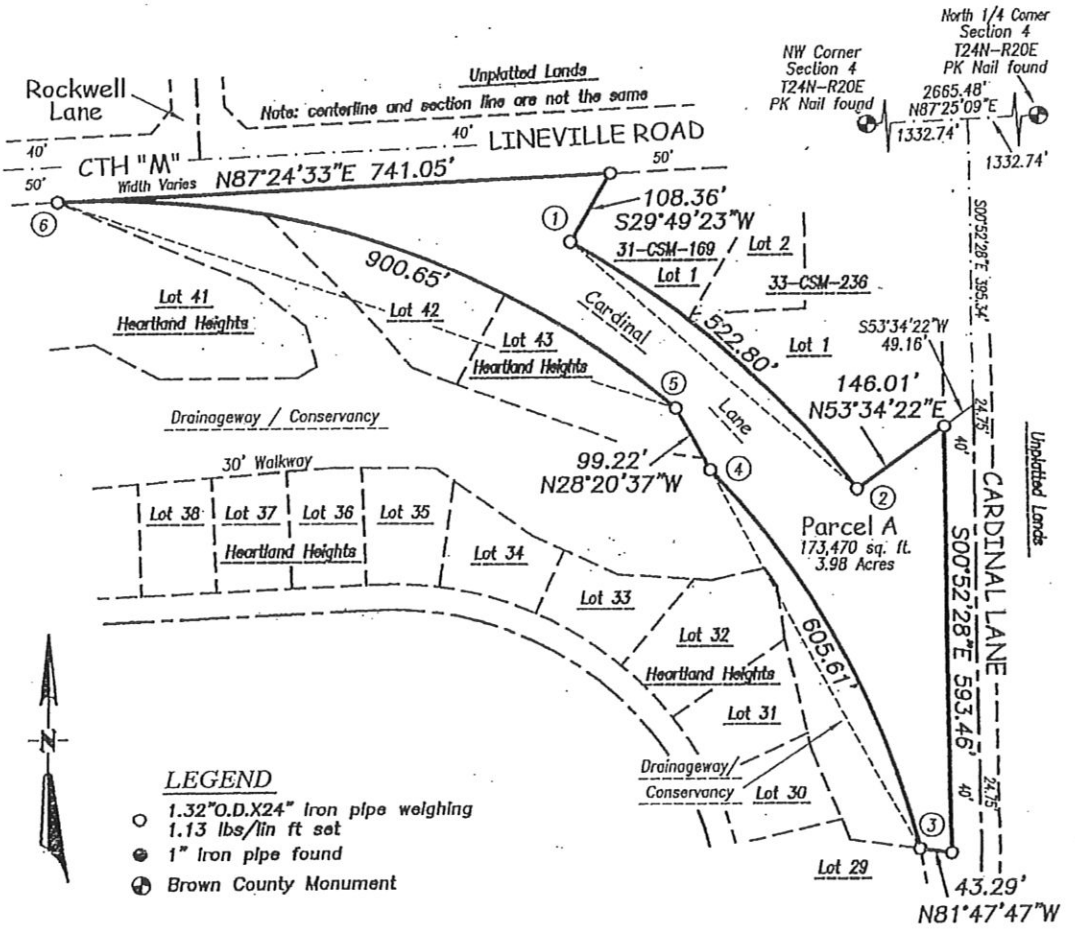
Graphic Scale

0 100 200 300 400

Part of the Northwest 1/4 of the Northwest 1/4 of Section 4, T24N–R20E, in the Village of Howard, Brown County, Wisconsin, more fully described on sheet 2:

Curve Data

Curve No.	Arc Length	Radius	Chord Length	Chord Bearing	Central Angle	Tangent Bearing
1–2	522.80	1261.23	519.06	S48°18'08"E	23°45'00"	N60°10'38"W & N36°25'38"W
3–4	605.61	1126.23	598.34	N28°08'50"W	30°48'36"	N43°33'08"W & S12°44'32"E
5–6	900.65	1156.23	878.05	N70°37'04"W	44°37'52"	N87°04'00"E & S48°18'08"E



Bearings referenced to the North line of the Northwest 1/4 of Section 4, T24N–R20E, assumed to be N87°25'09"E.

Client: Village of Howard *Date Drafted: April 16, 2002* *AutoCAD No.: O-8087.DWG* *Drafted By: BAR*	*Scale: 1"=200'* *Road Vacation* *Cardinal Lane*	*Mau & Associates* *LAND SURVEYING & PLANNING* *CIVIL & WATER RESOURCE ENGINEERING* *Phone: 920-434-9570 Fax: 920-434-9572*	*Sheet One of Two* *Project No.: O-8087* *Drawing No.: L-5656*

Part of the Northwest 1/4 of the Northwest 1/4 of Section 4, T24N–R20E, in the Village of Howard, Brown County, Wisconsin, more fully described as follows:

Commencing at the Northwest corner of Section 4, T24N–R20E; thence N87°25'09"E, 1332.74 feet along the North line of the Northwest 1/4 of said Section 4; thence S00°52'28"E, 395.34 feet along the East line of the Northwest 1/4 of the Northwest 1/4 of said Section 4, also being the centerline of Cardinal Lane; thence S53°34'22"W, 49.16 feet to the point of beginning; thence S00°52'28"E, 593.46 feet along the Southerly extension of the Westerly right of way of Cardinal Lane; thence N81°47'47"W, 43.29 feet along the extension of the North line of Lot 29 of the recorded plat of "Heartland Heights"; thence 605.61 feet along the arc of a 1126.23 foot radius curve to the left whose long chord bears N28°08'50"W, 598.34 feet; thence N28°20'37"W, 99.22 feet; thence 900.65 feet along the arc of a 1156.23 foot radius curve to the left whose long chord bears N70°37'04"W, 878.05 feet to the Southerly right of way of CTH "M", also known as Lineville Road; thence N87°24'33"E, 741.05 feet to the Northwest corner of Lot 1, Volume 31, Certified Survey Maps, page 169, Brown County Records; thence S29°49'23"W, 108.36 feet along the Northwest line of said Lot 1; thence 522.80 feet along the South line of said Lot 1 and Lot 1, Volume 33, Certified Survey Maps, page 236, Brown County Records being the arc of a 1261.23 foot radius curve to the right whose long chord bears S48°18'08"E, 519.06 feet; thence N53°34'22"E, 146.01 feet along the Southeast line of said Lot 1, 33–CSM–236, to the point of beginning.

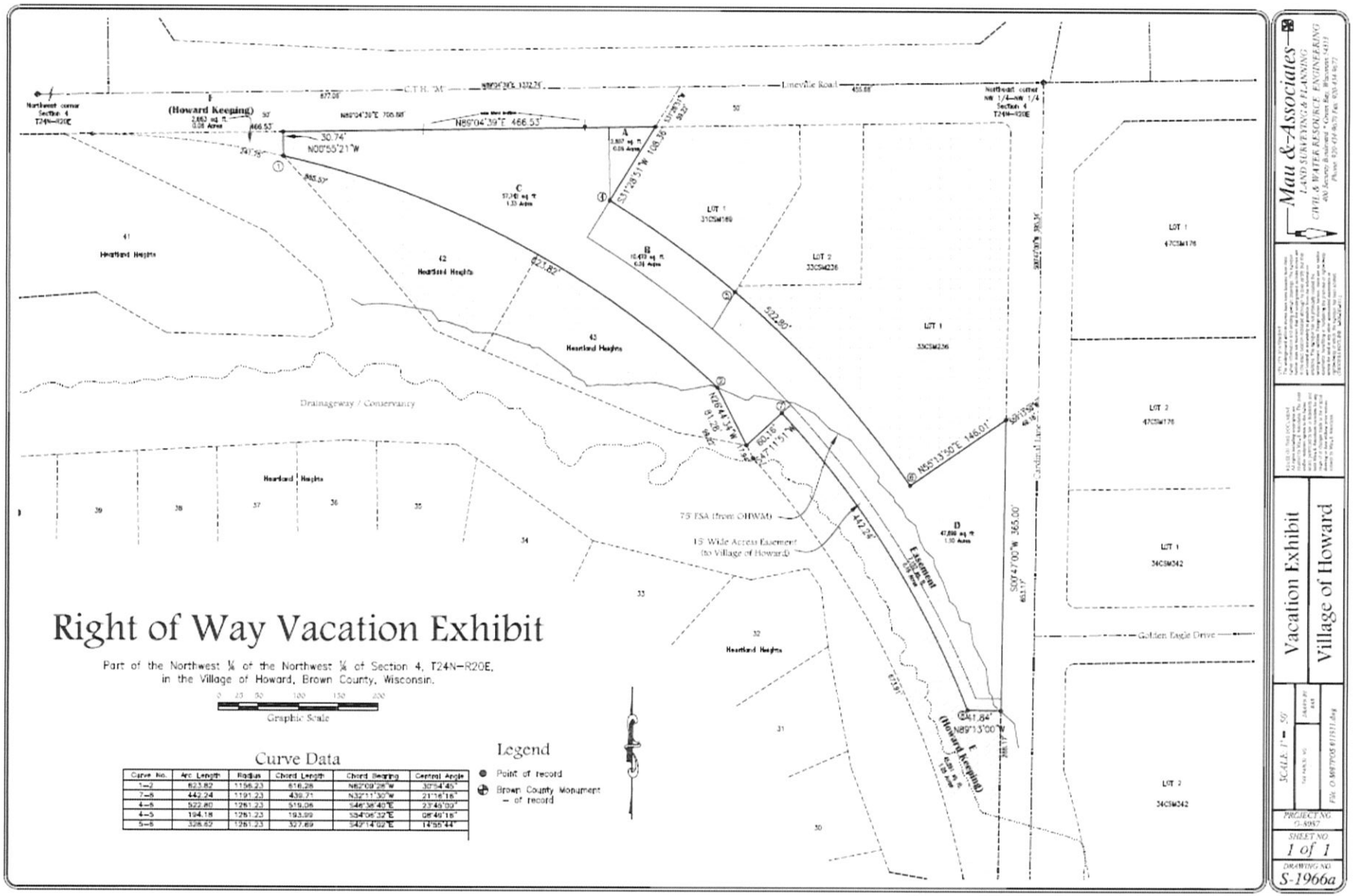
Parcel contains 173,470 square feet / 3.98 acres, more or less.
Parcel subject to easements and restrictions of record.

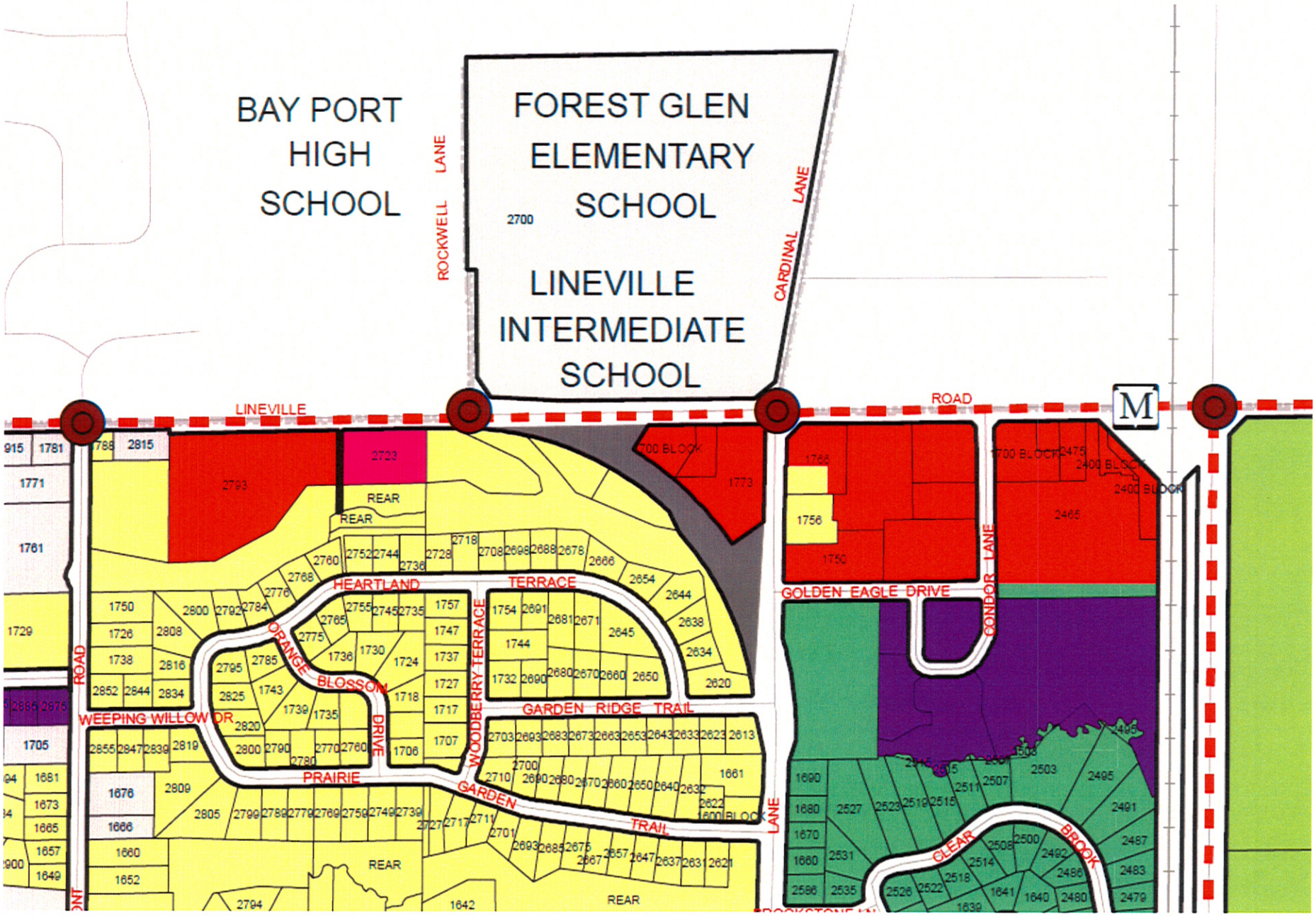
I, David J. Chrouser, Registered Land Surveyor, do hereby certify that the above described property was surveyed and mapped in accordance with AE–7 of the Wisconsin Administrative Code and is correct to the best of my knowledge and belief.

_____

David J. Chrouser S–1579
April 17, 2002

ATTACHMENT II




BAY PORT HIGH SCHOOL
FOREST GLEN ELEMENTARY SCHOOL
2700
LINEVILLE INTERMEDIATE SCHOOL
ROCKWELL LANE
CARDINAL LANE
LINEVILLE ROAD
M
HEARTLAND TERRACE
ORANGE BLOSSOM DRIVE
WEEPING WILLOW DR
PRAIRIE
WOODBERRY TERRACE
GARDEN RIDGE TRAIL
GARDEN TRAIL
GOLDEN EAGLE DRIVE
CONDOR LANE
CLEAR BROOK
REAR
700 BLOCK
2400 BLOCK
1600 BLOCK