



Meeting Date: 3/12/2012  
Agenda Item: #6a / 6b

**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:** 6a – Public Hearing regarding the vacation of Cardinal Lane.

6b – Review and take action on Resolution 2012-06, “Final 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

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

If the Village Board were in favor of the action, the following motion may be made:

***“I move to approve Final Resolution 2012-06, Regarding the Vacation of a Portion of North Cardinal Lane at the Intersection with Lineville Road in the Village of Howard.”***

### POLICY ALTERNATIVE(S)

The Village Board could take the following action:

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

### 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 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 noticed the public hearing on February 17, February 24, and March 2, 2012, and will hold a public hearing on March 12, 2012. A Final Resolution will need to be acted upon to complete the vacation.

**ATTACHED INFORMATION**

- I. Final Resolution 2012-06
- II. Map of Subject Property to be Vacated
- III. Copies of Admission of Service certificates signed by effected property owners

ATTACHMENT I

**Final Resolution 2012-06**

**FINAL 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; and

**WHEREAS**, the Village Clerk was directed to publish notices of public hearing, to be held on said proposed vacation, at the Village Hall Board Room, 2456 Glendale Avenue, Green Bay, Wisconsin, at a regular meeting of Village Board held on March 12, 2012 at 6:30 p.m., or as soon thereafter as the matter could be heard.

**WHEREAS**, the said notices were duly published in the Howard Suamico Press, the official newspaper, on February 17, 2012; February 24, 2012, and March 2, 2012 ; and

**WHEREAS**, Planning Commission recommended the vacation and discontinuance of said street; and

**WHEREAS**, a hearing on said resolution was held at a regular meeting of the Village Board of Trustees that the public on the 12<sup>th</sup> day of March, 2012, at which time all interested persons were given an opportunity to be heard.

**NOW, THEREFORE, BE IT RESOLVED** by the Village Board of Trustees that said public street is hereby vacated and abandoned, subject to utility easements, and the Village Clerk is hereby directed to have recorded in the register of deeds, Brown County, Wisconsin a certified copy of said resolution, together with a map showing the location thereof.

Approved by the Board of Trustees of the Village of Howard, Brown County, Wisconsin, this 12th day of March, 2012.

\_\_\_\_\_  
Burt R. McIntyre, Village President

ATTEST:

\_\_\_\_\_  
Christopher A. Haltom, Village Clerk

Attachments



*Cardinal Lane Vacation description*

A portion of the Cardinal Lane right-of-way being Part of the Northwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of Section 4, T24N-R20E, Village of Howard, Brown County, Wisconsin, more fully described as follows:

Commencing at the Northwest corner of Section 4, T24N-R20E; thence N89°04'39"E, 877.06 feet along the North line of the Northwest  $\frac{1}{4}$  of said Section 4; thence S31°28'51"W, 59.22 feet to the Northwest corner of Lot 1, Volume 31, Certified Survey Maps, page 169, map # 4855, Brown County Records, said point being on the Southerly right of way of County Trunk Highway "M", also known as Lineville Road and being the point of beginning; thence S31°28'51"W, 108.36 feet along the west line of said Lot 1; thence 522.80 feet along the northeasterly right-of-way of Cardinal Lane, being the arc of a 1261.23' radius curve to the right whose long chord bears S46°38'40"E, 519.06 feet; thence N55°13'50"E, 146.01' along the south line of Lot 1, Volume 33, Certified Survey Maps, page 236, map # 5134, Brown County Records, to the west right-of-way of Cardinal Lane; thence S00°47'00"W, 365.00' along said right-of-way; thence N89°13'00"W, 41.84 feet; thence 442.24 feet along the arc of a 191.23 foot radius curve to the left whose long chord bears N32°11'30"W, 439.71 feet; thence S47°11'51"W, 60.16' to the west right-of-way of Cardinal Lane and the east line of Lot 43, of the recorded plat of "Heartland Heights"; thence N26°44'34"W, 81.28 feet along said line; thence 623.82 feet along said line and along the northerly line of Lot 42 of the recorded plat of "Heartland Heights", being the arc of a 1156.23 foot radius curve to the left whose long chord bears N62°09'28"W, 616.28 feet; thence N00°55'21"W, 30.74' to the south right-of-way of County Trunk Highway "M", also known as Lineville Road; thence N89°04'39"E, 466.53' along said right-of-way to the point of beginning.

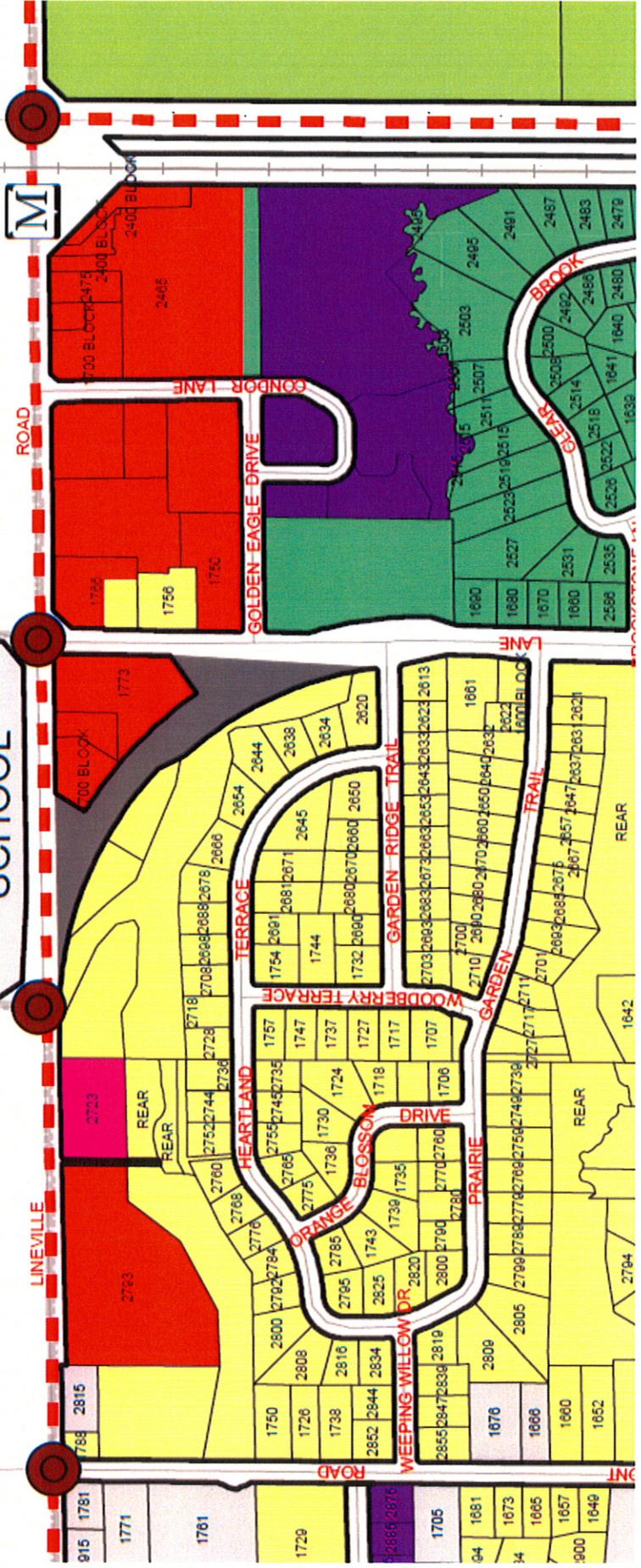
Parcel contains 125,920 square feet, 2.89 Acres more or less.

ATTACHMENT II

BAY PORT  
HIGH  
SCHOOL

FOREST GLEN  
ELEMENTARY  
SCHOOL

LINEVILLE  
INTERMEDIATE  
SCHOOL



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Notice of vacation of a portion of  
North Cardinal Lane at the intersection  
with Lineville Road in the Village of Howard

**Preliminary Resolution 2012-02  
ADMISSION OF SERVICE**

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I, Harold Peterson, hereby acknowledge receipt and service of Preliminary Resolution 2012-02 and the Notice of Public Hearing on March 12, 2012 at 6:30 p.m. at the Village Hall, Village of Howard, 2456 Glendale Avenue, Green Bay, Wisconsin, concerning the vacation of a portion of North Cardinal Lane at the intersection with Lineville Road in the Village of Howard.

Dated this 8 day of March 2012.

Signed: Harold Peterson

Printed: Harold Peterson

ON BEHALF OF:  
Harold Peterson  
HPMP LLC  
Parcel VH-747-A-920-43

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Notice of vacation of a portion of  
North Cardinal Lane at the intersection  
with Lineville Road in the Village of Howard

**Preliminary Resolution 2012-02  
ADMISSION OF SERVICE**

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I, TIMOTHY T BUI, hereby acknowledge receipt and service of Preliminary Resolution 2012-02 and the Notice of Public Hearing on March 12, 2012 at 6:30 p.m. at the Village Hall, Village of Howard, 2456 Glendale Avenue, Green Bay, Wisconsin, concerning the vacation of a portion of North Cardinal Lane at the intersection with Lineville Road in the Village of Howard.

Dated this 7<sup>th</sup> day of March 2012.

Signed: 

Printed: TIMOTHY T. BUI

ON BEHALF OF:  
Linda Bui  
LTB 2 LLC  
1773 Cardinal Lane  
Parcel VH-144

Notice of vacation of a portion of  
North Cardinal Lane at the intersection  
with Lineville Road in the Village of Howard

**Preliminary Resolution 2012-02  
ADMISSION OF SERVICE**

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I, Ken Kerschke, hereby acknowledge receipt and service of  
Preliminary Resolution 2012-02 and the Notice of Public Hearing on March 12,  
2012 at 6:30 p.m. at the Village Hall, Village of Howard, 2456 Glendale Avenue,  
Green Bay, Wisconsin, concerning the vacation of a portion of North Cardinal  
Lane at the intersection with Lineville Road in the Village of Howard.

Dated this 7<sup>th</sup> day of March 2012.

Signed: 

Printed: Ken Kerschke

ON BEHALF OF:  
First Security Credit Union  
AKA Fox Communities Credit Union  
2639 Lineville Road  
Parcel VH-144-2