



MINUTES

SPECIAL MEETING

OF THE COMMON COUNCIL

TUESDAY, FEBRUARY 23, 2016, 4:45 P.M.
COUNCIL CHAMBERS
ROOM 203, CITY HALL

Roll call: Mayor James J. Schmitt, City Clerk Kris A. Teske, Interim City Attorney Tony Wachewicz. Alderpersons: Thomas DeWane, Tim DeWane, D. Nennig, J. Moore, R. Scannell, C. Wery, G. Zima, M. Steuer, B. Danzinger, T. Sladek. Excused: J. Wiezbiskie, A. Nicholson.

Pledge of Allegiance.

Mayor Schmitt led the invocation.

REPORT FOR COUNCIL ACTION

REPORT OF THE GREEN BAY PLAN COMMISSION
FEBRUARY 23, 2016

The Green Bay Plan Commission, having met on Monday, February 22, 2016, considered all matters on its agenda and wishes to report and recommend the following:

1. Approve the request to close a portion of University Avenue and vacate various portions of University Avenue, Clement Street, Fred Street, and University Way, submitted by University Avenue Center, LLC, property owner.

Moved by Ald. Nennig, seconded by Ald. Moore to adopt the report.

Moved by Ald. Zima, seconded by Ald. Tim DeWane to suspend the rules for the purpose of allowing interested parties to speak. Motion carried.

Curt De Keyser, 522 Clement Street, questioned the truck route if Clement Street is closed. He brings dump trucks and excavators through the area.

Moved by Ald. Thomas DeWane, seconded by Ald. Steuer to return to the regular order of business. Motion carried.

A vote was then taken on the motion to adopt the report. Motion carried.

RESOLUTION

RESOLUTION REGARDING VACATION OF PORTIONS OF UNIVERSITY AVENUE, CLEMENT STREET, UNIVERSITY WAY AND FRED STREET (SV 15-02)

February 23, 2015

BY THE COMMON COUNCIL OF THE CITY OF GREEN BAY:

WHEREAS, a request has been filed with the Common Council requesting vacation of a portion of unimproved right-of-way at University Avenue, Clement Street, University Way, and Fred Street, as depicted on the attached map; and

WHEREAS, the public interest may require that the aforesaid streets be abandoned, vacated, and discontinued; and

WHEREAS, the Plan Commission of the City of Green Bay has given approval to such abandonment, vacation, and discontinuance subject to the following conditions:

1. A long-term closure agreement between University Avenue Center LLC, the City of Green Bay, and the Wisconsin Department of Transportation is required for University Avenue that details maintenance, improvements, and access rights along the closed portion of the roadway. This shall include language about the WisDOT retained portion of roadway.
2. This Street Vacation and Closure request shall only be instituted if the related Easement Discontinuance (ED 16-01), CSM Variance Request (VR 16-01), CSM (CSM 15-05), Rezoning Request (ZP 15-17a), and PUD Request (ZP 15-17b) are approved.
3. All properties impacted by the proposed Street Vacations and Closure that are not owned by University Avenue Center LLC at the time of Final City Council approval of this request shall have proper access to their properties

until the time of redevelopment and/or property acquisition has occurred. Ownership affidavits detailing this agreement shall be received by the Planning Department by April 5, 2016, at 4:30 p.m.

4. Language on the Proposed CSM that indicates "Fred Street Vacation" east of Lots 30 & 31 shall be removed.
5. Concerning the University Avenue Closure, access to sewers must be retained.
6. Concerning the University Avenue Closure, petitioner is to pay all costs to realign the area to meet with University Way.
7. Concerning the University Avenue Closure, petitioner is to pay all costs to create Access Easement(s) to all adjacent properties.
8. Concerning the University Avenue Vacation, the Clement Street Vacation, and the Fred Street Vacation, an easement must be retained for the maintenance of existing sewers OR the petitioner is to pay all costs to relocate the sewers including acquisition costs for additional right-of-way or easements.
9. Concerning the University Avenue Vacation, the Clement Street Vacation, and the Fred Street Vacation, petitioner is to pay all costs to properly close pavement at intersecting street locations.
10. Concerning the University Avenue Vacation, the current proposal does not appear to be ADA compliant for pedestrian crossings. All pedestrian treatments must be ADA compliant.
11. Sidewalks shall be provided on both sides of the future extension of Clement Street.
12. Breakaway signage will be required between the new Clement Street extension and Ruth/Van Deuren Street.
13. Future sidewalk crossings shall be perpendicular to the streets.
14. A street design for Fred Street shall be determined and agreed up between the petitioner, the Planning Department, and the Department of Public Works prior to the final approval of this request. The petitioner shall pay all costs associated with this, including costs for additional right-of-way if needed.
15. An agreed upon Traffic Impact Analysis shall be accepted by all required regulatory bodies prior to final approval of this vacation/closure request.

16. Concerning the University Avenue closure and Clement Street vacation, Petitioner is to provide an easement (recorded in CSM 15-02) for existing fiber optic lines OR pay the costs to relocate this line, including acquisition costs for additional right of way or easements.
17. AT & T shall maintain an existing duct packing along the south side of University Avenue. A utility easement shall be provided for this in CSM 15-2.
18. This request cannot obstruct or violate in any way the easement rights, transmission assets, or alignment of poles and overhead conductors for American Transmission Company.
19. The Petitioner shall reimburse Wisconsin Public Service for relocation of its facilities and shall provide a new easement in CSM 15-02.
20. The Petitioner shall install a sidewalk around the northern perimeter (Sturgeon Bay Road/University Way) of the project area to replace the existing sidewalk connection.
21. The Petitioner shall relocate the existing transit stop within the project area.

NOW, THEREFORE, BE IT RESOLVED that it appears to be in the public interest that portions of unimproved right-of-way at University Avenue, Clement Street, University Way, and Fred Street be abandoned, vacated, and discontinued by the City of Green Bay subject to the above-referenced conditions, and that a hearing be held on the abandonment, vacation, and discontinuance of the same on April 6, 2016, at 7:00 P.M. in the Council Chambers, City Hall, 100 North Jefferson Street, 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 portion of the street sought to be abandoned, vacated, and discontinued at least 30 days before such hearing, and that notice of such hearing be published in the official newspaper of the City of Green Bay once a week for three successive weeks before the date of hearing.

BE IT FURTHER RESOLVED that the City Attorney, upon adoption of this resolution, cause a lis pendens to be prepared and filed with the Register of Deeds for Brown County, Wisconsin, pursuant to §840.11, Wis. Stats.

Adopted February 23, 2016

Approved February 24, 2016

James J. Schmitt
Mayor

Kris A. Teske
Clerk

DESCRIPTION OF STREET VACATION AT UNIVERSITY AVENUE,
CLEMENT STREET, UNIVERSITY WAY, AND FRED STREET
(SV 15-02)

The vacation of a portion of Clement Street lying between the South right-of-way line of University Avenue and the North right-of-way line of Van Deuren Street, being part of the Southeast 1/4 of the Northwest 1/4, Section 33, Township 24 North, Range 21 East, City of Green Bay, Brown County, Wisconsin, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 33; thence North $00^{\circ}21'44''$ East, coincident with the West line of said Northwest 1/4, 1169.40 feet to the Westerly extension of said South right-of-way line of University Avenue; thence North $85^{\circ}58'13''$ East, coincident with said South right-of-way of University Avenue and the Westerly extension thereof, 1661.02 feet to the West right-of-way of said Clement Street and the point of beginning; thence North $85^{\circ}58'13''$ East, coincident with said South right-of-way line of University Avenue, 96.22 feet to the East right-of-way line of said Clement Street and the beginning of a curve concave to the Southeast; thence 17.87 feet coincident with said East right-of-way line of Clement Street and the arc of said curve, said curve having a radius length of 12.00 feet, a central angle of $85^{\circ}18'55''$, and a chord that bears South $43^{\circ}18'46''$ West, for a distance of 16.26 feet; thence South $00^{\circ}39'18''$ West, coincident with said East right-of-way line of Clement Street, 276.24 feet; thence North $89^{\circ}20'23''$ West, 77.00 feet to said North right-of-way line of Van Deuren Street and the beginning of a curve concave to the Northwest; thence 26.70 feet, coincident with said North right-of-way line of Van Deuren Street and the arc of said curve, said curve having a radius length of 17.00 feet, a central angle of $89^{\circ}59'17''$, and a chord that bears North $45^{\circ}38'57''$ East, for a distance of 24.04 feet to said West right-of-way line of Clement Street; thence North $00^{\circ}39'18''$ East, coincident with said West right-of-way line

of Clement Street, 240.41 feet to the beginning of a curve concave to the Southwest; thence 38.01 feet, coincident with said West right-of-way line of Clement Street and the arc of said curve, said curve having a radius length of 23.00 feet, a central angle of $94^{\circ}41'05''$, and a chord that bears North $46^{\circ}41'14''$ West, for a distance of 33.83 feet to said South right-of-way line of University Avenue and the point of beginning.

Said Vacation contains 17,315 square feet or 0.397 acres, more or less.

The vacation of a portion of Fred Street as dedicated on the Geimer Addition Subdivision Plat, recorded in Volume 9 of Plats, on Page 9, as Document Number 510131, in the Brown County Register of Deeds Office, being part of the Southwest 1/4 of the Northwest 1/4, Section 33, Township 24 North, Range 21 East, City of Green Bay, Brown County, Wisconsin, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 33; thence North $00^{\circ}21'44''$ East, coincident with the West line of said Northwest 1/4, 1169.40 feet to the Westerly extension of said South right-of-way line of University Avenue; thence North $85^{\circ}58'13''$ East, coincident with said Westerly extension of the South right-of-way of University Avenue and the South right-of-way line of said University Avenue, 1130.33 feet to the intersection of the West right-of-way line of said Fred Street and said South right-of-way line of University Avenue, also being the Northeast corner of Lot 32 of said Geimer Addition and the point of beginning; thence continuing North $85^{\circ}58'13''$ East, coincident with said South right-of-way line of University Avenue, 60.17 feet to the intersection of the East right-of-way line of said Fred Street and said South right-of-way line of University Avenue and the Northwest corner of Lot 1 of said Geimer Addition; thence South $00^{\circ}17'00''$ West, coincident with said East right-of-way line of Fred Street, 142.00 feet; thence North $89^{\circ}43'00''$ West, 60.00 feet to said West right-of-way line of Fred Street; thence North $00^{\circ}17'00''$ East, coincident with said West right-of-way line of Fred Street, 137.48 feet to said intersection of the West right-of-way line of Fred Street and said South right-of-way line of University Avenue, also being said Northeast corner of Lot 32 of and the point of beginning.

Said Vacation contains 8,385 square feet or 0.192 acres more or less.

The vacation of a portion of University Way being part of Government Lot 3, Section 33, Township 24 North, Range 21 East, City of Green Bay, Brown County, Wisconsin, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 33; thence North $00^{\circ}21'44''$ East, coincident with the West line of said Northwest 1/4, 1169.40 feet to the Westerly extension of the South right-of-way line of University Avenue; thence North $85^{\circ}58'13''$ East, coincident with said South right-of-way of University Avenue and the Westerly extension thereof, 2106.01 feet; thence North $04^{\circ}01'47''$ West, 66.00 feet to the North right-of-way line of said University Avenue, the Southeast corner of Lot 2 of Certified Survey Map Number 5538, recorded in Volume 36, on Page 227, in the Brown County Register of Deeds Office, and the point of beginning; thence North $36^{\circ}56'56''$ East, coincident with said North right-of-way line of University Avenue, 80.55 feet to the Northeast corner of said Lot 2 and the South right-of-way line of said University Way; thence South $53^{\circ}36'54''$ East, coincident with the Southeasterly extension of said South right-of-way line of University Way, 13.88 feet; thence South $11^{\circ}57'58''$ East, 11.89 feet to the beginning of a curve concave to the Northwest ; thence 26.22 feet coincident with the arc of said curve, said curve having a radius length of 30.00 feet, a central angle of $50^{\circ}04'09''$, and a chord that bears South $13^{\circ}04'07''$ West, for a distance of 25.39 feet; thence South $38^{\circ}06'11''$ West, 21.27 feet to said North right-of-way line of University Avenue; thence South $85^{\circ}58'13''$ West, coincident with said North right-of-way line of University Avenue 43.30 feet to the point of beginning.

Said Vacation contains 2,004 square feet or 0.046 acres, more or less.

The vacation of a portion of University Avenue being part of the Southeast 1/4 of the Northwest 1/4, part of the Southwest 1/4 of the Northwest 1/4, and part of Government Lot 3, all in Section 33, Township 24 North, Range 21 East, City of Green Bay, Brown

County, Wisconsin, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 33; thence North 00°21'44" East, coincident with the West line of said Northwest 1/4, 1169.40 feet to the Westerly extension of the South right-of-way line of University Avenue; thence North 85°58'13" East, coincident with said Westerly extension of the South right-of-way of University Avenue, 1130.33 feet to the intersection of said South right-of-way line of University Avenue and the West right-of-way line of Fred Street, also being the point of beginning; thence North 00°17'00" East, 13.62 feet; thence North 58°24'49" East, 113.31 feet to the Westerly extension of the North right-of-way line of said University Avenue; thence North 85°58'13" East, coincident with said North right-of-way line of University Avenue and said Westerly extension thereof, 684.29 feet; thence South 00°24'09" West, 66.20 feet to said South right-of-way line of University Avenue and the Northeast corner of Parcel 1 of Certified Survey Map Number 1135, recorded in Volume 4, on Page 277, in the Brown County Register of Deeds Office; thence South 85°58'13" West, coincident with said South right-of-way line of University Avenue, 780.66 feet to said intersection of the South right-of-way line of University Avenue and the West right-of-way line of Fred Street, and the point of beginning.

Said Vacation contains 48,999 square feet or 1.125 acres, more or less.

The closure of a portion of University Avenue being part of the Southeast 1/4 of the Northwest 1/4 and part of Government Lot 3, all in Section 33, Township 24 North, Range 21 East, City of Green Bay, Brown County, Wisconsin, more particularly described as follows:

Commencing at the West 1/4 corner of said Section 33; thence North 00°21'44" East, coincident with the West line of said Northwest 1/4, 1169.40 feet to the Westerly extension of said South right-of-way line of University Avenue; thence North 85°58'13" East, coincident with said South right-of-way of University Avenue and the Westerly extension thereof, 1911.00 feet to the Northwest corner of Parcel 2 of Certified Survey Map Number 1135, recorded in Volume 4, on Page 277, in the Brown County Register

of Deeds Office and the point of beginning; thence North 00°24'09" East, 66.20 feet to the North right-of-way line of said University Avenue; thence North 85°58'13" East, coincident with said North right-of-way line of University Avenue and the Easterly extension thereof, 314.14 feet to the Southeasterly extension of the South right-of-way line of University Way; thence South 53°36'54" East, coincident with said Southeasterly extension of the South right-of-way line of University Way, 44.60 feet; thence South 00°53'58" West, 37.22 feet to said South right-of-way line of University Avenue; thence South 85°58'13" West, coincident with said South right-of-way line of University Avenue, 350.01 feet to said Northwest corner of Parcel 2 and the point of beginning.

Said Closure contains 22,593 square feet or 0.519 acres, more or less.

Subject to the following conditions:

1. A long-term closure agreement between University Avenue Center LLC, the City of Green Bay, and the Wisconsin Department of Transportation is required for University Avenue that details maintenance, improvements, and access rights along the closed portion of the roadway. This shall include language about the WisDOT retained portion of roadway.
2. This Street Vacation and Closure request shall only be instituted if the related Easement Discontinuance (ED 16-01), CSM Variance Request (VR 16-01), CSM (CSM 15-05), Rezoning Request (ZP 15-17a), and PUD Request (ZP 15-17b) are approved.
3. All properties impacted by the proposed Street Vacations and Closure that are not owned by University Avenue Center LLC at the time of Final City Council approval of this request shall have proper access to their properties until the time of redevelopment and/or property acquisition has occurred. Ownership affidavits detailing this agreement shall be received by the Planning Department by April 5, 2016, at 4:30 p.m.
4. Language on the Proposed CSM that indicates "Fred Street Vacation" east of Lots 30 & 31 shall be removed.
5. Concerning the University Avenue Closure, access to sewers must be retained.

6. Concerning the University Avenue Closure, petitioner is to pay all costs to realign the area to meet with University Way.
7. Concerning the University Avenue Closure, petitioner is to pay all costs to create Access Easement(s) to all adjacent properties.
8. Concerning the University Avenue Vacation, the Clement Street Vacation, and the Fred Street Vacation, an easement must be retained for the maintenance of existing sewers OR the petitioner is to pay all costs to relocate the sewers including acquisition costs for additional right-of-way or easements.
9. Concerning the University Avenue Vacation, the Clement Street Vacation, and the Fred Street Vacation, petitioner is to pay all costs to properly close pavement at intersecting street locations.
10. Concerning the University Avenue Vacation, the current proposal does not appear to be ADA compliant for pedestrian crossings. All pedestrian treatments must be ADA compliant.
11. Sidewalks shall be provided on both sides of the future extension of Clement Street.
12. Breakaway signage will be required between the new Clement Street extension and Ruth/Van Deuren Street.
13. Future sidewalk crossings shall be perpendicular to the streets.
14. A street design for Fred Street shall be determined and agreed upon between the petitioner, the Planning Department, and the Department of Public Works prior to the final approval of this request. The petitioner shall pay all costs associated with this, including costs for additional right-of-way if needed.
15. An agreed upon Traffic Impact Analysis shall be accepted by all required regulatory bodies prior to final approval of this vacation/closure request.
16. Concerning the University Avenue closure and Clement Street vacation, Petitioner is to provide an easement (recorded in CSM 15-02) for existing fiber optic lines OR pay the costs to relocate this line, including acquisition costs for additional right of way or easements.

17. AT & T shall maintain an existing duct packing along the south side of University Avenue. A utility easement shall be provided for this in CSM 15-2.
18. This request cannot obstruct or violate in any way the easement rights, transmission assets, or alignment of poles and overhead conductors for American Transmission Company.
19. The Petitioner shall reimburse Wisconsin Public Service for relocation of its facilities and shall provide a new easement in CSM 15-02.
20. The Petitioner shall install a sidewalk around the northern perimeter (Sturgeon Bay Road/University Way) of the project area to replace the existing sidewalk connection.
21. The Petitioner shall relocate the existing transit stop within the project area.

<u>Parcels Affected</u>	<u>Owners Name and Mailing Address</u>
21-2475-F-1	Alba Reo LLC 200 E. Washington Street #2A Appleton, WI 54911
21-1252-2	Mark and Michelle Conard 3266 Peterson Road Green Bay, WI 54311-7238
21-1251	Mark and Michelle Conard 3266 Peterson Road Green Bay, WI 54311-7238
21-1251-B	Mark and Michelle Conard 3266 Peterson Road Green Bay, WI 54311-7238
21-1251-A	Lyle and Janice Conard 2655 Shore Ridge Court Green Bay, WI 54311-7267
21-1254-2-D	Lee & Lee Inc. 2247 University Avenue Green Bay, WI 54302-4510
21-1254-3	Lee & Lee Inc. 2247 University Avenue

Green Bay, WI 54302-4510

21-1254

Movado Investments LLC
314 N. Danz Avenue
Green Bay, WI 54302

21-1254-2-C

Movado Investments LLC
314 N. Danz Avenue
Green Bay, WI 54302

21-1254-2

Larry and Carol Ehlinger
2450 University Avenue
Green Bay, WI 54302-5027

21-1714-E-32

Maurice S. Meyers & Martin Franke
136 E. Walker Street
Milwaukee, WI 53204

21-1251-1

SRL2 Inc.
1740 Cofrin Drive
Green Bay, WI 54302

Moved by Ald. Moore, seconded by Ald. Wery to adopt the resolution.

Roll call: Ayes: Thomas DeWane, Tim DeWane, Nennig, Moore, Scannell, Wery, Zima, Steuer, Danzinger, Sladek. Noes: None. Motion carried.

Moved by Ald. Scannell, seconded by Ald. Thomas DeWane to adjourn at 4:55 P.M.
Motion carried.

Kris A. Teske
Green Bay City Clerk