

**CITY OF MERRILL
CITY PLAN COMMISSION
Tuesday, April 1, 2014 at 5:15P.M.
City Hall Basement Conference Room
1004 East First Street**

Voting members: Mayor William Bialecki, Chairperson, Alderperson Steve Hass, James Koppelman, Ken Maule, Melissa Schroeder, Dan Novitch, and Peter Lokemoen

AGENDA

1. Call to order
2. March 4, 2014 meeting minutes
3. Consider petition and resolutions (two) to vacate a portion of Arthur Street, a portion of John Street and a portion of Thomas Street.
4. Schedule date and time of next meeting
5. Public comment
6. Adjourn

NOTE: It is possible that a quorum of the Common Council will be present at this meeting. However, no Common Council action will be taken.

Agenda prepared by Shari Wicke at the request of Mayor William Bialecki

The Merrill City Hall is accessible to the physically disadvantaged. If special accommodations are needed, please contact Merrill City Hall at 715-536-4880.

1403160

**City of Merrill
City Plan Commission
Tuesday, March 4, 2014 at 5:15 P.M.
City Hall Basement Conference Room, 1004 East First Street**

Voting members present: Mayor Bill Bialecki (Chairperson), Alderman Steve Hass, Melissa Schroeder and Pete Lokemoen. Dan Novitch and Ken Maule had excused absences.

Other attendees: City Administrator Dave Johnson, City Attorney Tom Hayden, Building Inspector/Zoning Administrator Darin Pagel, Alderwoman Kandy Peterson, Christine Vorpapel, Tanya Kleinschmidt, Brenda Wendt and City Clerk Bill Heideman. A student was in attendance to videotape the meeting for the Cable Access Channel.

Call to order

Mayor Bialecki called the meeting to order at 5:15 P.M.

Minutes of February 4th, 2014 meeting

The minutes were in the meeting packet.

Motion (Hass/Schroeder) to approve, as presented, the minutes of the February 4th, 2014 City Plan Commission meeting. Carried.

Certified Survey Map in Town of Merrill – Finnegan Construcion

A copy of the proposed Certified Survey Map was in the meeting packet.

Building Inspector/Zoning Administrator Pagel explained that the land on the map is within the City's 1½ mile extraterritorial zoning district, and is therefore subject to City Plan Commission review and approval. He has no concerns with the map as submitted.

Motion (Hass/Schroeder) to approve the Certified Survey Map of Lot 1 of Certified Survey Map Number 1153 located in part of Government Lot 6, Section 36, Township 32 North, Range 6 East, Town of Merrill, Lincoln County, Wisconsin. Carried.

A resolution on the Certified Survey Map will be on the March 11th, 2014 Common Council meeting agenda.

Request from Blooming Wishes to erect install murals @ Blooming Wishes

Information was in the meeting packet.

Blooming Wishes, 820 East First Street, is requesting permission to install historic murals on the outside wall on the west side of their building.

Building Inspector/Zoning Administrator Pagel explained that murals are not considered advertising, so sign ordinances are not applicable in this case. Therefore, this is being submitted to the City Plan Commission for their consideration.

Pete Lokemoen asked a question as to who would own and be responsible to maintain the murals. Tonya Kleinschmidt of Blooming Wishes responded that Blooming Wishes would own and maintain the murals.

Motion (Lokemoen/Hass) to approve the project to install historic murals on the west outside wall at Blooming Wishes, 820 East First Street. Carried.

Pet City Attorney Hayden, no Common Council action on the motion is necessary.

Next meeting

Tuesday, April 1st, 2014 at 5:15 P.M.

Public Comment

None.

Adjournment

Motion (Hass/Lokemoen) to adjourn. Carried. Adjourned at 5:24 P.M.

Minutes prepared and submitted by:

William N. Heideman, CMC, WCMC
City Clerk

AMENDMENT TO

**PETITION TO VACATE A PORTION OF ARTHUR STREET,
A PORTION OF JOHN STREET AND A PORTION OF THOMAS
STREET IN THE PLAT OF R. C. SCHULZ ADDITION,
CITY OF MERRILL, LINCOLN COUNTY, WISCONSIN**

TO; COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN

We, the undersigned owners of lots and lands in the City of Merrill, Wisconsin, herewith petition the Common Council, City Plan Commission and Board of Public Works of the City of Merrill to vacate and discontinue the following described streets in said City, which are set out in orange on the attached amended map and the attached amended copy of CSM No. 2386, in accordance with Sec. 66.1003(2) and 66.1003(5), Wisconsin Statutes, and City of Merrill Municipal Code Chapter 32.99, and described as follows:

AMENDED FIRST DESCRIPTION OF ORIGINAL PETITION TO EXCLUDE THE EAST BLOCK OF ARTHUR STREET AND TO DESCRIBE ARTHUR STREET ONLY AS LYING DIRECTLY SOUTH OF LOT 1, CSM NO. 2386.

All that part of Arthur Street in R. C. Schulz Addition, City of Merrill, Lincoln County, Wisconsin, described as follows, to-wit: Beginning at the Southwest corner of Lot 1 of CSM No. 2386, thence Easterly along the south line of Lot 1 of CSM No. 2386, 395.71 feet to the west right-of-way line of John Street, thence Southerly along said West right-of-way of John Street 60 feet to the South right-of-way line of Arthur Street, thence Westerly along the South right-of-way line of Arthur Street to the East right-of-way line of Thomas Street, thence Northerly 60 feet to the Southwest corner of Lot 1 of CSM No. 2386, the place of beginning.

DELETED SECOND DESCRIPTION OF ORIGINAL PETITION REGARDING THE VACATION OF PART OF JOHN STREET.

AMENDED THIRD DESCRIPTION OF ORIGINAL PETITION TO DESCRIBE THOMAS STREET TO DEVIL CREEK.

AND the South end of Thomas Street in R. C. Schulz Addition, City of Merrill, Lincoln County, Wisconsin, described as follows, to-wit: Beginning at the Northwest corner of Lot 1, CSM No. 2386; thence Westerly in a line parallel to the north boundary of said Lot 1 to a point on the West line of Thomas Street; thence Southerly along the West line of Thomas Street to Devil Creek, thence Southeasterly along Devil Creek to the North boundary line of Lot 2 of CSM No. 2386, thence Easterly to the East right-of-way line of Thomas Street, thence Northerly along the East right-of-way line of Thomas Street to the place of beginning.

Our reasons for seeking vacation are to make our properties whole (all of a piece) and to protect the same from trespassers by installing fences.

The R. C. Schulz Addition to Merrill, Wisconsin plat is dated September 24, 1892 and recorded September 26, 1892 in Book 2 on page 29 of the Records of Plats in the Register of Deeds office in Lincoln County, Wisconsin, which said land was surveyed and platted by the order and direction of R. C. Schulz. Therefore, the plat was recorded more than 40 years previous to this petition for

vacation. During the period between September 26, 1892 and the date of filing this petition, the street areas sought to be vacated have not been improved as streets. The street areas sought to be vacated are not necessary to reach other platted property.

AMENDED THE NUMBERS.

The areas sought to be vacated contain the following approximate square footage and acreage: Arthur Street is $60 \times 395.71 = 23,742.6$ and Thomas Street is $66 \times 180 = 11,880$ which totals 35,622.6 square feet divided by 43,560 (square feet in one acre) = .82 acre.

The one-block portion of Arthur Street in Block 1 of Schulz Addition which is west of the portion of Arthur Street sought to be vacated has already been vacated by Resolution of the City Common Council on May 10, 1960 as to the portion south of Lots 1 and 2 of Block 1, and on June 13, 1961 as to the alley east of Lot 4 and the portion of Arthur Street south of Lots 3, 4 and 8 all in Block 1, photocopies attached.

The 16 foot alley immediately north of Lot 1, CSM No.2386 has not been vacated and the owner (Jennifer Beach) south of that alley does not wish that alley to be vacated because Wisconsin Public Service uses that alley for the maintenance of their power poles and lines. This information has been offered for clarity purposes only.

Presently there is a storm sewer on and under the portion of Thomas Street sought to be vacated and we would not object to the City reserving the right to maintain and improve said storm sewer in the vacated portions. At the present time, no development is planned for the properties involved.

The persons owning land abutting the areas sought to be vacated (other than the City of Merrill with regard to the alley) are the petitioners who own the areas set out on the attached amended maps and color-coded on said amended maps and described as follows, all in the City of Merrill, Lincoln County, Wisconsin:

JENNIFER BEACH: Lot 1, Lot 2 and Outlet 1 of CSM No.2386 (formerly Lots 9 thru 16, Block 2 and AP 612 except the East 423.8 feet thereof);

DENNIS AND MELISSA RUGE: Lots 5, 6, 7 and 8, and part of vacated alley west of Lots 5, 6, 7, and 8 and vacated portion of Arthur Street south of Lot 8, all in Block 1, R. C. Schulz Addition.

DELETED PROPERTY OF EUGENE R. BROWN SITUATED EAST OF JOHN STREET AND EAST OF OUTLOT 1 OF CSM NO. 2386.

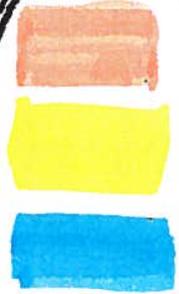
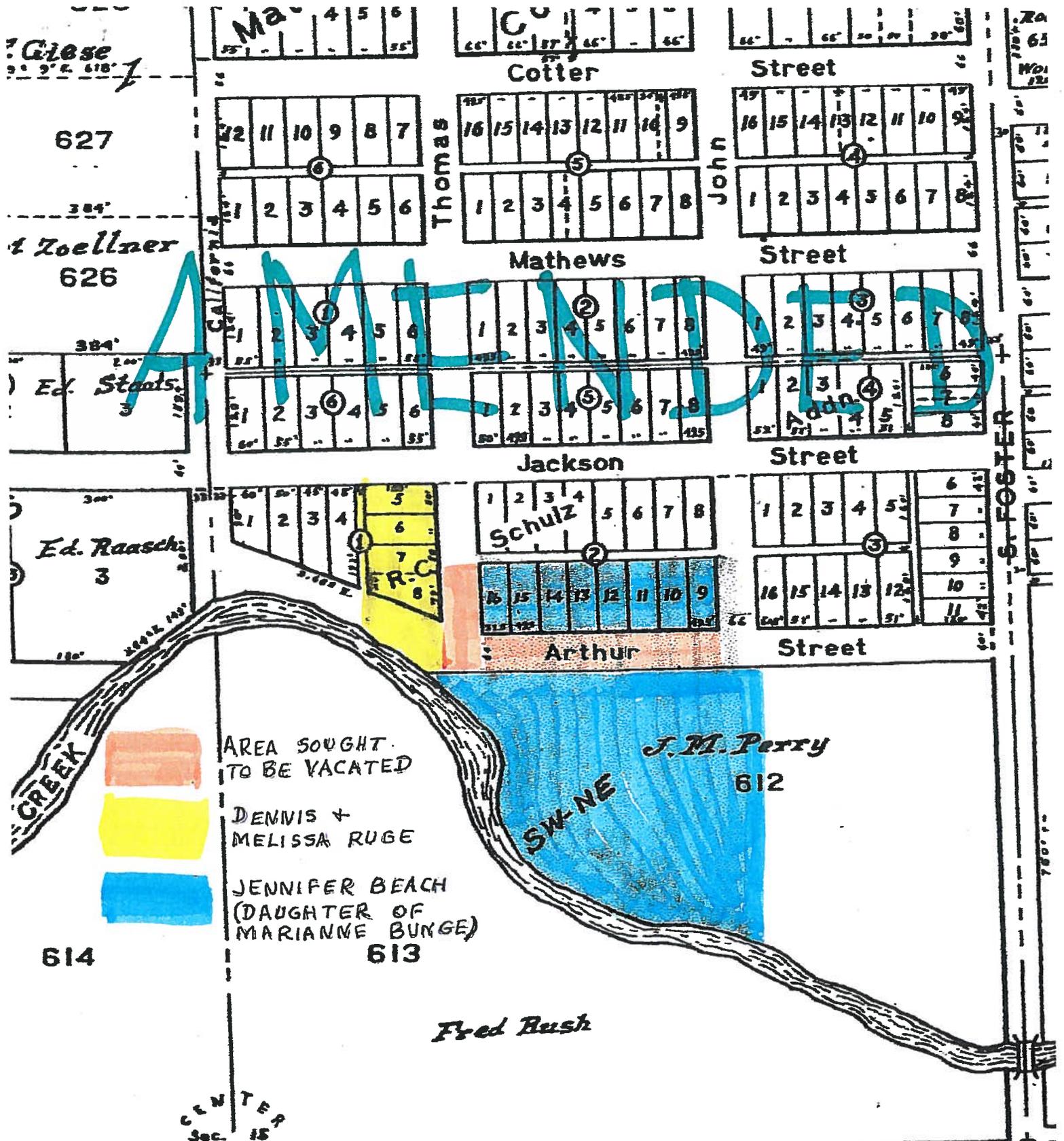
We previously enclosed our check in the amount of \$175.00. RESPECTFULLY SUBMITTED,

Marianne Bunge 2/24/14
Marianne Bunge, 1411 West Main Street
Merrill WI 715-536-2999

Dennis Ruge 2/24/14
Dennis Ruge, 1601 Jackson Street
Merrill WI 54452 715-539-3053

Agent for her daughter, Jennifer Beach
11533 East Alaska Avenue
Aurora CO 80012 303-365-9215

Melissa Ruge 2/24/14
Melissa Ruge, 1601 Jackson Street
Merrill WI 54452 715-539-3053



AREA SOUGHT TO BE VACATED

DENNIS + MELISSA RUGE

JENNIFER BEACH (DAUGHTER OF MARIANNE BUNGE)

614

613

J.M. Perry 612

Fred Rush

CENTER Sec. 15

SQUARE FEET SOUGHT TO BE VACATED

ARTHUR ST 60' x 395.71' = APPROX. 23,742.6

THOMAS ST 66' x 180' = 11,880

TOTAL $\frac{35,622.6}{43,560 \text{ (one acre)}} = .82 \text{ acre}$

ALLOCATION OF SQUARE FEET SOUGHT TO BE VACATED

RUGES 5,940 = .14 acre

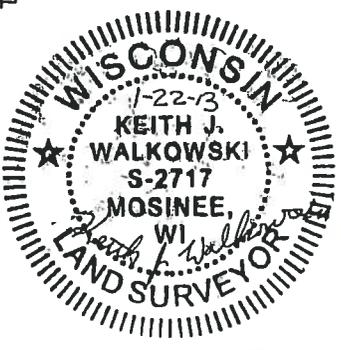
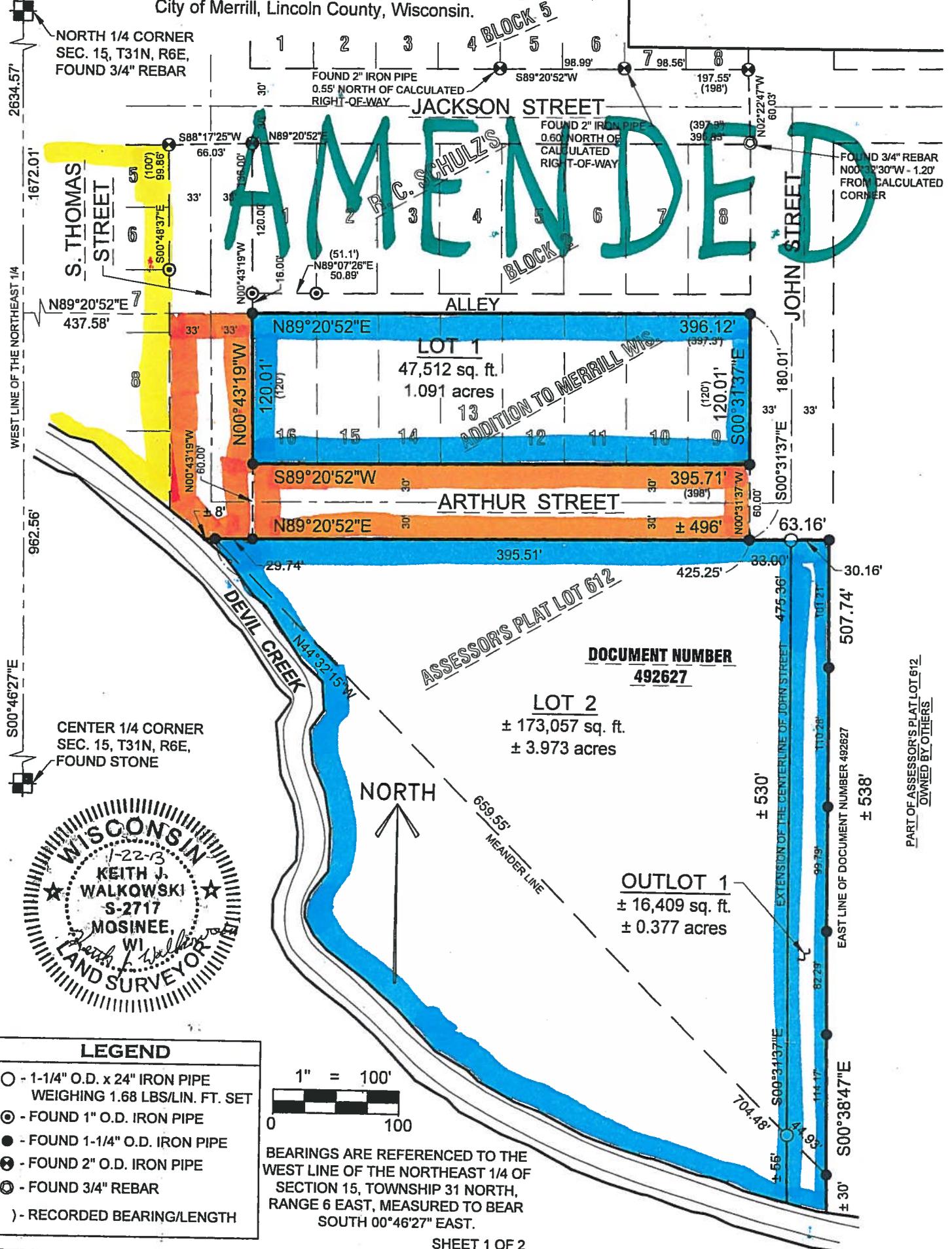
BEACH 29,383 = .68 acre

.82 acre

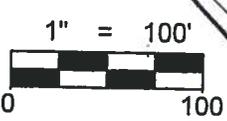
v.13 p.181

LINCOLN COUNTY CERTIFIED SURVEY MAP NO. 2386

Of Lots 9, 10, 11, 12, 13, 14, 15, and 16 of Block 2 of R.C. Schulz's Addition and a part of Assessor's Plat Lot 612 all being located in part of the Southwest 1/4 of the Northeast 1/4 of Section 15, Township 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin.



LEGEND	
○	- 1-1/4" O.D. x 24" IRON PIPE WEIGHING 1.68 LBS/LIN. FT. SET
◌	- FOUND 1" O.D. IRON PIPE
●	- FOUND 1-1/4" O.D. IRON PIPE
⊕	- FOUND 2" O.D. IRON PIPE
⊕	- FOUND 3/4" REBAR
()	- RECORDED BEARING/LENGTH



BEARINGS ARE REFERENCED TO THE WEST LINE OF THE NORTHEAST 1/4 OF SECTION 15, TOWNSHIP 31 NORTH, RANGE 6 EAST, MEASURED TO BEAR SOUTH 00°46'27" EAST.

SHEET 1 OF 2

<p>RIVERSIDE LAND SURVEYING LLC 6304 KELLY PLACE WESTON, WI 54476 PH 715-241-7500 - FAX 715-355-6894 EMAIL - MAIL@RIVERSIDELANDSURVEYING.COM</p>	<p>DRAWN BY M.F.L.</p>	<p>DATE JANUARY 17, 2013</p>	
	<p>CHECKED BY K.J.W.</p>	<p>PROJECT NO. 1909</p>	
	<p>PREPARED FOR: MARIANNE BUNGE</p>		

Enter agenda no.}

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE VACATION OF A
PART OF THOMAS STREET**

WHEREAS, Jennifer Beach and Dennis and Melissa Ruge have requested the vacation of a portion of Thomas Street in the City of Merrill, Lincoln County, Wisconsin; and

WHEREAS, the Board of Public Works on March 19, 2014 and the City Plan Commission on April 1, 2014 and have recommended such vacation;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10th day of June, 2014, that the following described street be vacated:

A part of South Thomas Street within R.C. Schulzs Addition to Merrill, located in the Southwest ¼ of the Northeast ¼ of Section 15, Township 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin, described as follows;

Beginning at the Southwest corner of Lot 1 of Certified Survey Map No. 2386, recorded in Volume 13 of Certified Survey Maps on Page 181 as Document No. 500402, which is the intersection of the North right of way line of Arthur Street and the East right of way line of South Thomas Street; Thence West on the Westerly extension of the South line of said Lot 1 of Certified Survey Map No. 2386 and the North right of way line of Arthur Street to the Southerly extension of the West right of way line of South Thomas Street; Thence North along West right of way line of South Thomas Street and said Southerly extension thereof to the Westerly extension of the North line of said Lot 1 of Certified Survey Map No. 2386; Thence East on said Westerly extension of the North line of Lot 1 of Certified Survey Map No. 2386 to the East right of way line of said South Thomas Street which is the Northwest corner of said Lot 1 of Certified Survey Map No. 2386; Thence South along said East right of way line of Thomas Street and the West line of said Lot 1 of Certified Survey Map No. 2386 to the point of beginning.

The City reserves to itself, for the benefit and welfare of the general public, an easement within the vacated area for the construction, repair, and maintenance of utilities, services and storm drainage features.

BE IT FURTHER RESOLVED, that the City hereby declares that the street to be vacated is not needed for public purposes and hereby declares that the portion vacated shall revert, to the extent permitted by law, to the adjoining property owners.

RECOMMENDED BY: Board of Public Works and City Plan Commission

CITY OF MERRILL, WISCONSIN

Moved: _____

William R. Bialecki
Mayor

Passed: _____

William N. Heideman
City Clerk

DRAFT

Enter agenda no.}

RESOLUTION NO. _____

**A RESOLUTION AUTHORIZING THE VACATION OF A
PART OF ARTHUR STREET**

WHEREAS, Jennifer Beach and Dennis and Melissa Ruge, have requested the vacation of a portion of Arthur Street in the City of Merrill, Lincoln County, Wisconsin; and

WHEREAS, the Board of Public Works on March 19, 2014 and the City Plan Commission on April 1, 2014 and have recommended such vacation;

NOW THEREFORE, BE IT RESOLVED BY THE COMMON COUNCIL OF THE CITY OF MERRILL, WISCONSIN this 10th day of June 10, 2014, that the following described street be vacated:

Arthur Street

A part of Arthur Street within R.C. Schulzs Addition to Merrill, located in the Southwest ¼ of the Northeast ¼ of Section 15, Township 31 North, Range 6 East, City of Merrill, Lincoln County, Wisconsin, described as follows; Beginning at the Southeast corner of Lot 9 of Block 2 of said R.C. Schulzs Addition to Merrill, which is the intersection of the North right of way line of said Arthur Street and the West right of way line of John Street and the Southeast corner of Lot 1 of Certified Survey Map No. 2386, recorded in Volume 13 of Certified Survey Maps on Page 181 as Document No, 500402; Thence West along said North right of way line of Arthur Street and the South line of said Lot 1 of Certified Survey Map No. 2386 and the Westerly extension thereof to the Southerly extension of the West right of way line of South Thomas Street; Thence South along said Southerly extension of the West right of way line of South Thomas Street to the ordinary high water mark of Devil Creek; Thence Southeasterly along said ordinary high water mark of Devil Creek to the South right of way line of said Arthur Street and the Northwest corner of Lot 2 of said Certified Survey Map No. 2386; Thence East along said South right of way line of Arthur Street and the North Line of Lot 2 of Certified Survey Map No. 2386 to the Southerly extension of said West right of way line of John Street; Thence North along said Southerly extension of the West right of way line of John Street to the point of beginning.

The intent of this legal description is to include all the lands originally dedicate for Arthur Street lying between the Southerly extension of the West right of way line of South Thomas Street and the Southerly extension of the West right of way line of John Street.

The City reserves to itself, for the benefit and welfare of the general public, an easement within the vacated area for the construction, repair, and maintenance of utilities, services and storm drainage features.

BE IT FURTHER RESOLVED, that the City hereby declares that the street to be vacated is not needed for public purposes and hereby declares that the portion vacated shall revert, to the extent permitted by law, to the adjoining property owners.

RECOMMENDED BY: Board of Public Works and City Plan Commission

CITY OF MERRILL, WISCONSIN

Moved: _____

William R. Bialecki
Mayor

Passed: _____

William N. Heideman
City Clerk

DRAFT