

Document Number

RESOLUTION AND ORDER OF THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF FONTANA-ON-GENEVA LAKE TO VACATE AND DISCONTINUE A CERTAIN PORTION OF BIG FOOT STREET LOCATED IN DA REIDS ADDITION TO REIDS PARK, A SUBDIVISION LOCATED IN THE VILLAGE OF FONTANA-ON-GENEVA LAKE

RESOLUTION NO. _____

THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF FONTANA-ON-GENEVA LAKE ("Village Board"), being duly convened and meeting in open session, does hereby resolve as follows:

WHEREAS, DA Reids Addition to Reids Park ("Subdivision") is a subdivision situated in the Village of Fontana-on-Geneva Lake ("Village"), Walworth County, Wisconsin, pursuant to a Plat of Subdivision, recorded on July 23, 1891, in the Office of the Register of Deeds for Walworth County, Wisconsin, on Slide 32A, Cabinet 3 of Plats, as Document No. 116530 ("Plat"); and

WHEREAS, the Plat dedicates various public streets to the public, as provided by law, and the Village has duly accepted said public dedication and the pavement and other public improvements constructed thereon, all as prescribed by law; and

WHEREAS, depicted on the Plat is a portion of Big Foot Street, approximately seventy-four (74) feet north of Third Avenue, and more particularly described as follows:

That part of Big Foot Street to be vacated in the Village of Fontana-on-Geneva Lake, located in the Northwest 1/4 of Section 14, Town 1 North, Range 16 East, Walworth County, Wisconsin, described as follows: Beginning at the Southeast corner of Lot 12 of Block 5 of DA Reids Addition to Reids Park; thence along the East line of said Lot 12, N 00DEG 00MIN 00SEC E, 71.11 feet to the Northeast corner of said Lot 12; thence S 89DEG 06MIN 07SEC E, 16.59 feet along the South line of a part of Big Foot Street previously vacated to an iron pipe stake; thence S 88DEG 07MIN 09SEC E, along the South line of the vacated Big Foot Street, 17.24 feet to the East line of said Big Foot Street; thence S 01DEG 03MIN 14SEC E, 8.00 feet to an iron rebar stake; thence continue S 00DEG 28MIN 43SEC E, 66.78 feet to a PK nail found on the North line of Third Avenue; thence along said North line N 89DEG 24MIN 05SEC W, 34.53 feet to the point of beginning. Containing 2,540 square feet of land (0.06 acres) more or less. Tax Key No. SRA 00045. (End of legal description.)

("Big Foot Street to be Vacated and Discontinued"); and

WHEREAS, on the 7th day of November, 1983, the Village Board did adopt, and pass and approve Resolution 11-7-83-1, entitled "Resolution and Order Vacating a Certain Portion of Big Foot Street located in DA Reids Addition to Reids Park, a Subdivision located in the Village of Fontana-on-Geneva

Recording Area

Name and Return Address
GODFREY, LEIBSLE, BLACKBOURN &
HOWARTH, S.C.
354 Seymour Court
Elkhorn, Wisconsin 53121

Parcel Identification Number (PIN)

Lake, Wisconsin," which vacated a certain portion of Big Foot Street located adjacent and contiguous to the north line of Big Foot Street to be Vacated and Discontinued; and

WHEREAS, the official tax plat of DA Reids Addition to Reids Park for the Village of Fontana-on-Geneva Lake does designate Big Foot Street to be Vacated and Discontinued as "Village Parking Lot," all as further depicted and set forth on said tax plat attached hereto as Exhibit A and incorporated herein, and for many years the parking lot has been used exclusively by the owners of the east 20.83 feet of Lot 9, and Lots 10, 11 and 12 of Block 5 of the Subdivision ("Whowell Property"), currently owned by James W. Whowell and Carol J. Whowell, as Trustees of the James W. Whowell and/or Carol J. Whowell Declaration of Trust dated December 15, 1999; and

WHEREAS, Big Foot Street, because of the 1983 vacation described above, is not a through street, and does not connect to any other thoroughfare or provide access to any other properties other than the Whowell Property; and

WHEREAS, the Village Plan Commission, on the ____ day of _____, 2006, voted to recommend the consideration of the vacation and discontinuance of Big Foot Street to be Vacated and Discontinued; and

WHEREAS, the Village Board, on the ____ day of _____, 2006, voted unanimously to schedule a public hearing on the vacation and discontinuance of Big Foot Street to be Vacated and Discontinued, at its regular meeting on the ____ day of _____, 2006, a date not less than forty (40) days after the date of such scheduling; and

WHEREAS, notice of the public hearing has been given as provided by law; and

WHEREAS, the Village Board has conducted such public hearing, pursuant to such notice; and

WHEREAS, the Village Board by this Resolution does hereby declare the public interest requires the vacation and discontinuance of Big Foot Street to be Vacated and Discontinued, and further, that the vacation and discontinuance of Big Foot Street to be Vacated and Discontinued will not landlock any property adjacent and contiguous thereto; and

WHEREAS, pursuant to Wis. Stat. § 66.1003 (2003-04), the Village Board has statutory authority to vacate and discontinue Big Foot Street to be Vacated and Discontinued.

NOW, THEREFORE, BE IT RESOLVED, by the Village Board of the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin, the public interest requires that Big Foot Street to be Vacated and Discontinued should be discontinued and vacated from the Subdivision, pursuant to Wis. Stat. § 66.1003.

BE IT FURTHER RESOLVED, that title to the west one-half (1/2) of Big Foot Street to be Vacated and Discontinued shall revert to the Whowell Property as the property adjacent and contiguous to the west one-half (1/2) of Big Foot Street to be Vacated and Discontinued, and title to the east one-half (1/2) of Big Foot Street to be Vacated and Discontinued shall revert to the Village of Fontana-on-Geneva Lake as the owner of the property adjacent and contiguous to the east one-half (1/2) of Big Foot Street to be Vacated and Discontinued, all pursuant to Wis. Stat. § 66.1005(1).

PASSED AND ADOPTED by the Village Board of Trustees of the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin, this ____ day of _____, 2006.

VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF
FONTANA-ON-GENEVA LAKE

By: _____
Thomas Whowell, Village President

Attest: _____
Dennis Martin, Village Clerk

APPROVED AS TO FORM:

By: _____
_____, Village Attorney

EXHIBIT A

OFFICIAL TAX PLAT OF DA REIDS ADDITION TO REIDS PARK

NOTE: PLEASE BE ADVISED THAT _____ HEREBY DIRECTS VIEWERS TO IGNORE THE PRINTED TEXT MATERIAL ON THIS PLAT. ONLY THE SPATIAL RELATIONSHIPS OF THE ILLUSTRATIONS ON THE PLAT ARE BEING PRESENTED FOR YOUR INFORMATION.

DATED: _____, 2006 _____