

## RESOLUTION AND ORDER TO DISCONTINUE ROADWAY

3019-5

STATE OF WISCONSIN  
COUNTY OF OCONTO  
TOWN OF RIVERVIEW

WHEREAS, at a regular meeting of the Town Board, held at 7:00 p.m. on the 8<sup>th</sup> day of July, 1997, a request was made to discontinue a portion of an unimproved town street and roadway specifically the "West" 175 feet of Schrager Street in Mac Leavitt Crooked Lake First Addition in Government Lot 1, in the Town of Riverview, Oconto County, Wisconsin; and

WHEREAS, notice of the Town Board's consideration of the request to discontinue portions of that unimproved town street/roadway was mailed to the owners' of the adjacent real property by the Town Clerk of the 21<sup>st</sup> day of June, 1997; and

WHEREAS, at a regular meeting of the Town Board, held at 7:00 p.m. on the 8<sup>th</sup> day of July, 1997, a motion was made to discontinue that of the unimproved town street/roadway; a vote was duly taken; and the Town Board unanimously approved the discontinuance of that portion thereof; and

WHEREAS, the present Town Board has been informed that the discontinuance of this portion of Schrager Street was not memorialized or formalized in a Resolution and Order following the July 8, 1997 meeting; and

WHEREAS, it has since been discovered this discontinued street as described does not run westerly, but rather northerly, such being a scrivener's error, while the correct description being the north (erly) 175 feet of Schrager Street.

WHEREAS, the present Town Board, having examined the minutes of the above-referenced Town Board meetings and reviewed the historical data relating thereto, finds that those portions of that town street/roadway were discontinued as of July 8, 1997 and that the correct description was the intended description to be vacated.

NOW, THEREFORE, based upon the records from the July 8, 1997 of the Town Board meeting, the present Town Board hereby ratifies and reaffirms the discontinuance of that part of Schrager Street and states as follows:

Upon the resolution adopted by the Town Board of the Town of Riverview, Oconto County, Wisconsin, for discontinuing portions of Schrager Street, as now corrected, the previous Town Board having met at 7:00 p.m. on the 8<sup>th</sup> day of July, 1997, examined the portions of the unimproved roadways, and heard all reasons that were offered for and against the request.

It having been found that the public good would be promoted, the previous Town Board of the Town of Riverview, Oconto County, Wisconsin, unanimously approved the request and resolves and orders that those portions of Schrager Street be discontinued.

The present Town Board of the Town of Riverview, Oconto County, Wisconsin, hereby ratifies and reaffirms the previous Town Board's resolution and order to discontinue those portions of Schrager Street as corrected described as follows:

The North 175 feet of Schrager Street in Mac Leavitt Crooked Lake First Addition in Government Lot 1, Town of Riverview, Oconto County, Wisconsin.

To the extent that certain portions of the discontinued unimproved town street/roadway is located between the lands of different owners, the Town Board finds that it cannot ascertain to which lots the land initially belonged. Accordingly, pursuant to Section 66.1005(1), Wisconsin Statutes, the land underneath the discontinued unimproved town roadways (where located between the lands of different owners) shall be equally divided between the present titled owners of the lands on each side of this discontinued unimproved town street/road.

A copy of the previous Town Board's minutes from the July 8, 1997 meeting is attached hereto as Exhibit A.

A copy of the June 21, 1997 notice sent by the Town Clerk and officials to the affected real property owners is attached hereto as Exhibit B.

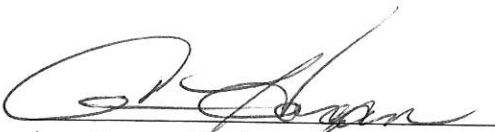
A copy of the June 23, 1997 notice of hearing directed to adjoining property owners, the Wisconsin Department of Natural Resources and Oconto County Land Conservation Committee is attached as Exhibit C.


A copy of a proposed Retracement Certified Survey Map more specifically depicting the vacated road as Exhibit D.

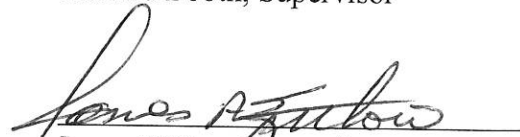
A copy of the Perpetual Easement with certain adjoining landowners dated July 11, 1997 and recorded in Volume 712 of Records, Page 314, 315, Oconto County Registry as Exhibit E.

The Town Board hereby authorizes the Town Clerk or an affected real property owner to record this Resolution and Order with the office of the Register of Deeds for Oconto County, Wisconsin.

Dated this 8<sup>th</sup> day of October, 2019, nunc pro tunc July 8, 1997.

  
Ann Hogan, Chairman

  
Richard Booth, Supervisor

  
James Zittlow, Supervisor

Attested to:

  
Kris Barthel, Clerk

EXHIBIT A

Findings and  
Order Vacating West 175'  
of Schrager Street

Pursuant to Sections 80.02; 80.05 and 80.07 of Wisconsin Statutes;

Six or more resident freeholders of the Town of Riverview, Oconto County, Wisconsin, having petitioned the Supervisors of the Town of Riverview to vacate and discontinue the West 175' of Schrager Street in MacLeavitt Crooked Lake First Addition in Government Lot 1, and

A hearing on said petition having been scheduled and notice of said hearing having been given to all entitled to notice as appears by affidavit of publication and affidavit of mailing on file with the Town Clerk, and,

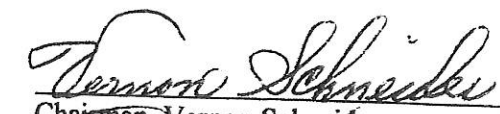
Hearing was held on July 8, 1997 at 7:00p.m., pursuant to said notice, and said Town Supervisors being satisfied that all notices required by Sec. 80.05 of Wisconsin Statutes have been given, and said Supervisors having proceeded to examine personally said highway, and having heard all proofs and reasons offered for or against discontinuing and vacating the West 175' of said Schrager Street and based on everything presented at said hearing;

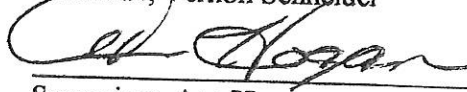
The Supervisors of the said Town of Riverview find it deemed best for the Public Good to grant and approve said petition to discontinue and vacate the West 175' of Schrager Street, and--

Pursuant to said finding by the Supervisors of the Town of Riverview, pursuant to Section 80.07, Wisconsin Statutes, make the following order:

ORDER

It is hereby ordered by the Supervisors of the Town of Riverview, Oconto County, Wisconsin; that the West 175' of Schrager Street in MacLeavitt Crooked Lake First Addition in Government Lot 1, Town of Riverview, be forthwith discontinued and vacated this 8<sup>th</sup> day of July, 1997. No damages awarded or assessed.

  
Chairman, Vernon Schneider

  
Supervisor, Ann Hogan

  
Supervisor, Harlan Trosch

Above Findings and Order  
filed with the Riverview  
Town Clerk this 8<sup>th</sup> day of  
July, 1997 at 7:30pm o'clock

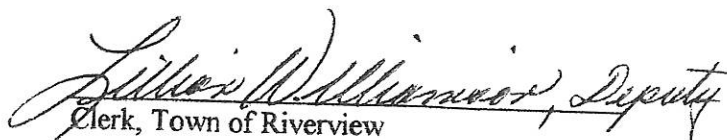

  
Clerk, Town of Riverview


EXHIBIT B

NOTICE

VERNON SCHNEIDER, ANN HOGAN, AND HARLAN TROSCH  
constituting the Supervisors of the Town of Riverview, Oconto County, Wisconsin,  
herewith give notice that on the 8<sup>th</sup> day of July, 1997, at 7:00p.m., at the Town Hall,  
Town of Riverview, Oconto County, Wisconsin they will meet and decide upon the application of six  
or more resident free-holders of the Town of Riverview, to vacate the West 175 feet of Schrager  
Street in Mac Leavitt Crooked Lake First Addition in Government Lot 1, Town of Riverview, said  
portion to be vacated and discontinued which portion of Schrager Street is contained in an  
application as provided in Section 80.02 of the Wisconsin Statutes and more particularly described  
in said application which has been filed with Sharon Campbell, Clerk of the Town of Riverview,  
whose address is 11888 Dombrowe Lane, Crivitz, Wisconsin, 54114.

Dated this 21<sup>st</sup> day of June, 1997

  
Vernon Schneider

  
Ann Hogan


  
Harlan Trosch

EXHIBIT C

DOUGLAS W. PLIER

Attorneys at Law

JAMES H. PLIER OF COUNSEL

318 EAST LAKE STREET  
HORICON WISCONSIN 53032  
TELEPHONE (414) 485-4345  
FAX (414) 485-4346

James H. Plier, Winter Address:  
1800 PINE GLADE CIRCLE  
FORT MYERS, FLORIDA 33907  
PHONE 941-481-7095  
FAX 941-481-1958

June 23, 1997

Wisconsin Department of Natural Resources  
101 South Webster Street  
Post Office Box 7921  
Madison, WI 53707

Redlin C. Beyer  
722 East Arnold Street  
Appleton, WI 54911

Wisconsin Department of Natural Resources  
1126 North Military Avenue  
Post Office Box 10448  
Green Bay, WI 54307-0448  
Att: Jeff Pagels

Mary Ann Bruns  
Nancy J Wright  
155623 East Crooked Lake Lane  
Crivitz, WI 54114

Oconto County Land Conservation Committee  
Court House  
Oconto, WI 54153

Mr. and Mrs. John Rysewyk  
2735 Holly Way  
Green Bay, WI 54313

Glenna L. Parins  
2860 W. Mason Street  
Green Bay, WI 54303

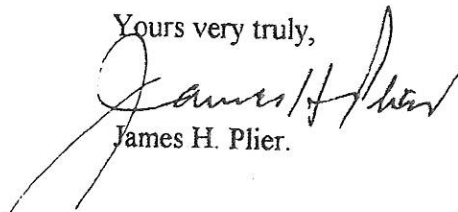
Dear Folks:

Pursuant to Wisconsin Statutes Section 80.05: I enclose copy of Notice of Hearing on the petition to vacate the West 175' of Schrager Street in the Town of Riverview, Oconto County, Wisconsin. Please note that this hearing is scheduled for Tuesday, July 8, 1997 at 7:00p.m., at the Town Hall of the Town of Riverview.

As Attorney for the Town of Riverview, the Town Chairman, Vernon Schneider and supervisors Hogan and Trosch advise me that this portion of Schrager Street has never been constructed, laid out or used by the public as an access to Crooked Lake. They also point out that there is an existing, established and used access to Crooked Lake on Crooked Lake Street just 200 feet distant from Schrager Street. This Crooked Lake Street access has been used by the public for many years for lake access. In addition, they advise, there are sufficient other developed and used access roadways to Crooked Lake, Gilkey Lake and Bass Lake--which lakes are all joined by waterways.

I will be available to answer any questions anyone might have concerning this matter.

Yours very truly,

  
James H. Plier.

Registered mail/return receipt  
requested.

HARRY (JESS) SMITH, PLS

Job No. 19-6374  
Dwg. No. 6374MERTZ



EXHIBIT D

Northeast  
Surveying, Inc.

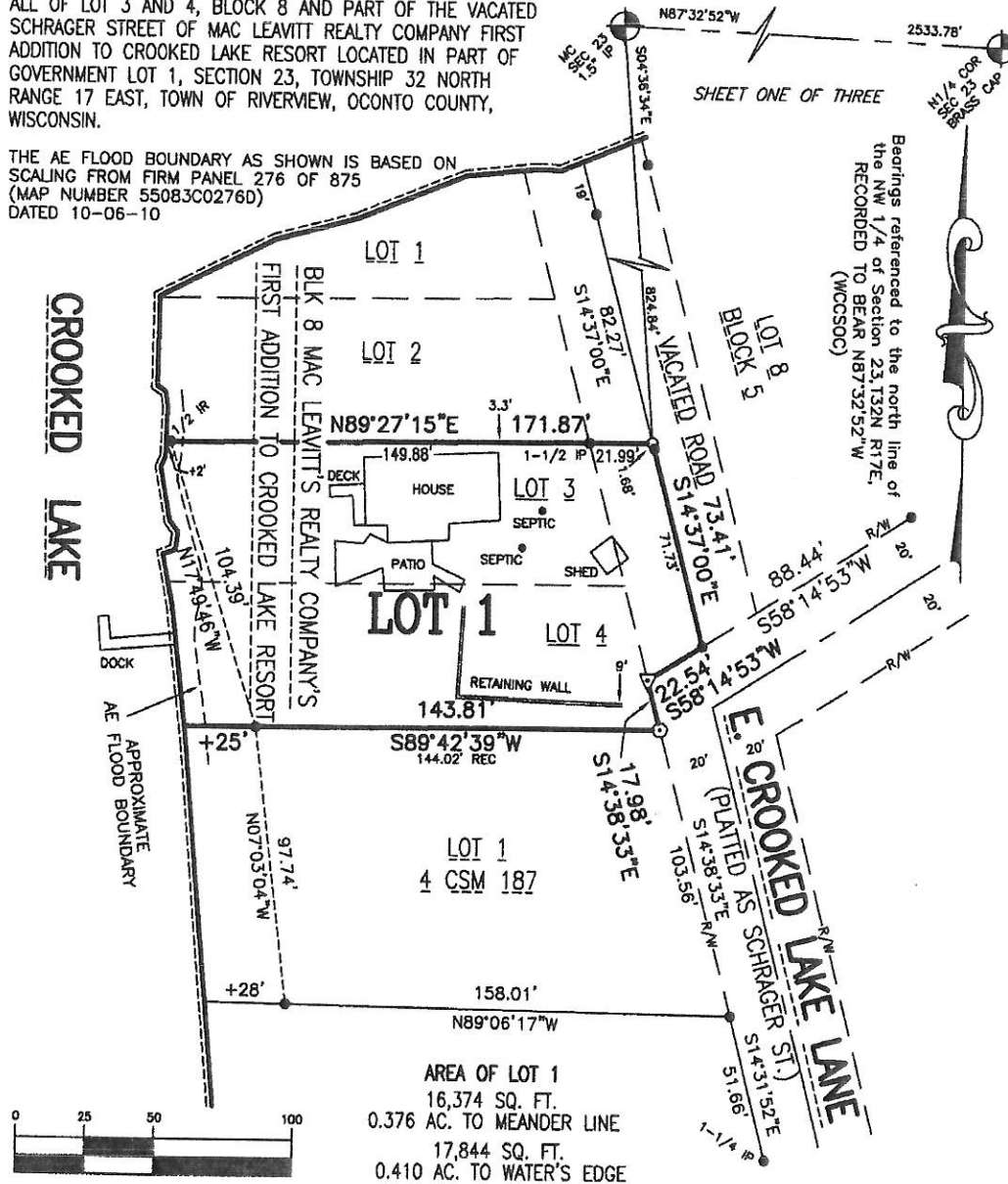
Professional Wisconsin Land Surveyors

13418 LOGAN ROAD  
SURING WI. 54174  
920-842-2426

# RETRACEMENT CERTIFIED SURVEY MAP NO. \_\_\_\_\_

ALL OF LOT 3 AND 4, BLOCK 8 AND PART OF THE VACATED SCHRAGER STREET OF MAC LEAVITT REALTY COMPANY FIRST ADDITION TO CROOKED LAKE RESORT LOCATED IN PART OF GOVERNMENT LOT 1, SECTION 23, TOWNSHIP 32 NORTH RANGE 17 EAST, TOWN OF RIVERVIEW, OCONTO COUNTY, WISCONSIN.

THE AE FLOOD BOUNDARY AS SHOWN IS BASED ON SCALING FROM FIRM PANEL 276 OF 875 (MAP NUMBER 55083C0276D) DATED 10-06-10



GRAPHIC SCALE  
1 inch = 50 ft.

- EXISTING OCONTO COUNTY MONUMENT OF RECORD
- EXISTING 2" IRON PIPE
- EXISTING 1" IRON PIPE EXCEPT NOTED
- SET 1"x 18" IRON PIPE weighing 1.68 lbs./lin. ft.
- SET 60d SPIKE

PRIOR TO ANY CONSTRUCTION OR OTHER LAND USE ACTIVITY, ALL BUILDING SETBACKS AND OTHER LAND USE REQUIREMENTS SHOULD BE VERIFIED BY THE OCONTO COUNTY ZONING OFFICE.

EXHIBIT E

450801

DOCUMENT NUMBER

PERPETUAL EASEMENT

DOCUMENT TITLE

VOL. 712 PAGE 314

REGISTER OF DEEDS  
COCONTO COUNTY  
AT 11:45 O'CLOCK AM

JUL 24 1997

*Horace Hawley*  
REGISTER

RECORDING AREA

1200

OWNER, NAME AND ADDRESS:

REDLIN BEYER  
630 W. CAPITOL DR  
APPLETON, WI 54911

PARCEL IDENTIFICATION NUMBER (PIN)

***This page is part of a legal document... DO NOT REMOVE***

This information must be completed by submitter: document title, return name & address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document.  
Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Per 59.43(2m) Wis. Stats.

LOTS 1-2 BLK 8  
LOT 4 BLK 5

## PERPETUAL EASEMENT

WHEREAS, the Town Board of Riverview in Oconto County has vacated the West 175' of Schrager Street in MacLean in Resly Co. Crooked Lake First Addition in Government Lot 1, and

WHEREAS, as a result of said action by the Town Board of Riverview, the West 175' of Schrager Street is vacated and discontinued, said Street being 40' wide at said point, the North 20' of the West 175' of Schrager Street by operation of law became the property of the owners of the adjoining lot to the North of said West 175' of Schrager Street, said North 1/2 of Schrager Street by law passed to Mary Ann Bruns and Nancy J. Wright and the South 20' of the West 175' of Schrager Street became the property of the owners of lots abutting the South edge of the West 175' of Schrager Street-said owners being Redlin Beyer and Glenna L. Farina.

NOW, THEREFORE, in consideration of the mutual promises of the owners of lots adjoining that portion of Schrager Street, the same being the North 20' of the West 175' of said Schrager Street, the undersigned Mary Ann Bruns and Nancy J. Wright, herewith grant to Redlin C. Beyer, his heirs, designees and assigns, a Perpetual Easement to use and travel over the vacated North 20' of the West 175' of Schrager Street, for ingress and egress to his or their property, (Lots 1 and 2 of Block 8 of MacLeavitt Realty Co., First Addition on Crooked Lake.)

Dated this 11<sup>th</sup> day of July, 1997

in the presence of:

in the presence of:

*James H. Bell*

Mary Ann Burns (Seal)  
Mary Ann Burns

Mary Ann Evans

*Nancy J. Wright* (Seal)  
Nancy J. Wright

Nancy L. Wright

STATE OF WISCONSIN )

155.

COUNTY OF OCONTO )

Personally appeared before me this 11 day of July, 1997. The above signers who executed the above in my presence.

Edited by: James H. Plier

Notary Public, Oconto County, Wisconsin  
My commission is permanent.

~~My~~ commission is permanent.