

CHAPTER 5

City of Menasha Official Map

SEC. 6-5-1 CITY OF MENASHA OFFICIAL MAP

- (a) **AUTHORITY.** In accordance with the authority granted by Section 62.23(b) of the Wisconsin Statutes, the Common Council hereby establishes an official map. Such map shall bear the title "City of Menasha Official Map" and a certified copy shall be kept on file in the City Clerk's office.
- (b) **INTENT.** The official map is declared to be established to conserve and promote the public health, safety, convenience, or general welfare.
- (c) **JURISDICTION.** The official map shall apply to all areas within the City of Menasha and within extraterritorial areas as authorized by Section 62.23(b)(e) of the Wisconsin Statutes.
- (d) **COMPLIANCE.**
 - (1) Plat and Certified Survey Map Approval. No subdivision plat or certified survey map shall be approved unless such plat or CSM conforms to the official map.
 - (2) Public Utilities and Improvements. No public sewer or other municipal street utility or improvement shall be constructed in any street, highway or parkway until such street, highway, or parkway is duly placed on the official map. Where the enforcement of the provisions in this section would entail practical difficulty or unnecessary hardship, and where the circumstances of the case do not require the structure to be related to existing or proposed streets, highways, or parkways, the applicant for such a permit may appeal from the decision of the Community Development Director to the Board of Appeals using the procedures established under Sec.6-5-1(d)(3)(a)(2). The board may in passing on such appeal make any reasonable exception, and issue the permit subject to conditions that will protect any future street, highway, or parkway layout.
 - (3) Permit Required for Construction of Buildings. Any person desiring to construct or enlarge a building within the limits of a street, highway, railroad right-of-way, public transit facility, or parkway so shown within the corporate limits of the city or within the extraterritorial jurisdiction as provided in Section 236.10(1)(b)2 of the Wisconsin Statutes may apply to the City of Menasha Community Development Director for a building permit. Unless an application is made, and the building permit granted or not denied within 30 days, the person is not entitled to compensation for damage to the building in the course of construction of the street, highway, railroad right-of-way, public transit facility, or parkway shown on the official map. Unless an application is made, and the building permit granted or not denied with 30 days, the person is not entitled to compensation for damage to the building in the course of construction or alteration of the waterway shown on the official map within the incorporated limits of the municipality.
 - a. Appeal.
 - 1. If the land within the mapped street, highway, waterway, railroad right-of-way, public transit facility, or parkway is not yielding a fair return, the Zoning Board of Appeals may, by the vote of a majority of its members, grant a permit for a building or addition in the path of the street, highway, waterway, railroad right-of-way, public transit facility, or parkway which will as little as practicable increase the

cost of opening the street, highway, waterway, railroad right-of-way, public transit facility, or parkway or tend to cause a change of the official map. The board may impose reasonable requirements as a condition of granting the permit to promote the health, convenience, safety, or general welfare of the community. The board shall refuse a permit where the applicant will not be substantially affected by not constructing the addition or by placing the building outside the mapped street, highway, waterway, railroad right-of-way, public transit facility, or parkway.

2. Before taking any action authorized in this subsection, the Board of Appeals shall hold a hearing at which parties in interest and others shall have an opportunity to be heard. At least 15 days before the hearing, notice of the time and place of the hearing shall be published as class 1 notice, under ch. 985. Any such decision shall be subject to review by certiorari issued by a court of record in the same manner and pursuant to the same provisions as in appeals from the decisions of a board of appeals upon zoning regulations.

- (e) **CHANGES AND AMENDMENTS.** The Common Council may, whenever and as often as it may deem necessary for the public interest and after a public hearing as provided in Section 62.23(b)(c) of the Wisconsin Statutes, change or add to the official map of the city so as to establish the exterior line of planned new streets, highways, and parkways, or to widen, narrow, extend, or close existing streets, highways, and parkways.
- (f) **REGISTRATION.** The City Clerk shall file with the register of deeds of Winnebago County and Calumet County certificates showing that the city has established an official map, and shall do likewise as to any changes or additions.