



PROCEDURES FOR VACATING STREETS AND ALLEYS (by petition)

CITY OF WASHBURN
 (Petitions Available from City Clerk)
 (Reference WSS §66.1003)

1. Inquiry is made through the City Clerk to City Council and the City Plan Commission and Public Works Department to determine if vacation is possible or if other options are available, and what uses may be allowed on the vacated right-of-way.
2. When a street or alley vacation is granted, the right-of-way becomes private property. The owner(s) on one side of the street/alley obtain ownership of one-half (1/2) of the right-of-way, and owner(s) on the other side obtain ownership of the other half (1/2). If one party wishes to obtain all of the right-of-way, this is strictly a private transaction between the property owners after the vacation occurs. If the petitioner does not own all of the property abutting on both sides of the requested vacation the petitioner must contact the other owners and all must join in signing the petition. If they are also interested in getting the street or alley vacated they may be willing to share the costs of the petition but they are not obligated to do so. If the petition is to vacate a street or a paved alley (that is, any "public way" other than an unpaved alley), the petitioner must also get the owners of one-third of the frontage of the remainder of the public way that lies within 2,650 feet of the ends of the portion to be discontinued to join the petition. **IT IS THE RESPONSIBILITY OF THE PETITIONER TO PROVIDE THE NAMES AND ADDRESSES OF THE ADJACENT PROPERTY OWNERS.**
3. If a vacation petition is submitted **IT MUST BE RECEIVED BY THE CITY CLERK NO LATER THAN THE 4th MONDAY OF THE MONTH PRECEDING THE COUNCIL MEETING AT WHICH IT WILL BE INTRODUCED. THE COMMON COUNCIL MEETS MONTHLY ON THE 2ND MONDAY.** It is strongly suggested that the petition be submitted prior to this deadline. **Fees for vacations are \$250 minimum for an alley and \$400 minimum for a street. A fee of twenty-five cents (\$.25) per square foot is due and payable should the vacation be approved. The vacation documents will not be duly recorded and effective until all fees are paid in full. The minimum fee must be submitted with the petition and is not refundable.**
4. The City Clerk places the petition on the City Council agenda for the Council meeting held on the second (2nd) Monday of the month. Council refers the matter to the City Plan Commission if the petition meets statutory requirements. The City Clerk verifies abutting ownership as provided by the petitioner. The Plan Commission consists of the Mayor, one Council representative, and five citizens chosen to serve three-year terms.
5. A notice that an application to vacate a street or alley has been filed is prepared by the petitioner and is recorded at the Bayfield County Register of Deeds. A copy of the recorded Notice should be provided to the City Clerk. The Register of Deeds will charge \$30 to record the Notice. State law provides that all proceedings to vacate a street or alley are void if this Notice is not recorded.
6. If the street to be discontinued is within ¼ mile of a state trunk or connecting highway, a copy of the petition must be sent by the City to the Secretary of the Wis. DOT.
7. The City Clerk requests comments on the proposed vacation from the City Public Works Department; the petitioner is required to provide written location of utility lines in the area. The City Public Works Department returns comments and recommendations regarding any impact the vacation may have in the area on such things as traffic flow, garbage collection, and snow removal. (If the requested vacation is adjacent to schools, the Board of Education is also notified.)
8. The agenda for the Plan Commission meeting is prepared by the Mayor (as Chair of the Plan Commission) and the City Clerk with copy to City Council members, local news media, and various other City Departments and interested parties as requested or as determined by the Mayor and City Clerk.
9. Several days before the Plan Commission meeting, the Plan Commission Chairman (Mayor) and City Clerk provides the Plan Commission members with background information about the request, any comments received, etc.

10. The City Plan Commission meets in the Council Chambers of the City Hall Building at a prescribed time. Meetings are open to the public. At the meeting, Plan Commission members review the request and receive comments. A recommendation is made, which is then forwarded to the City Council. A Class 3 Notice (that is, a notice published once a week for three weeks) is published for a public hearing regarding the petition for an upcoming Council meeting.
11. The City Council receives the minutes of the Plan Commission meeting with its recommendation prior to the Council meeting. A public hearing is held at the appropriate Council meeting, and action on the petition can be taken afterwards. Included in all resolutions is a statement that the vacation is subject to all utility easements, future construction and maintenance rights and access, including access rights incidental to those easements.
12. The City does not prepare a deed to transfer the vacated street or alley. Instead, a certified copy of the final resolution is sent by the City Clerk to the Register of Deeds in the Bayfield County Courthouse within several days of its adoption by the City Council. The resolution is recorded in the same manner as a land transaction. The Register of Deeds returns the recorded document to the City Clerk's Office, showing the Document Number, Volume Number, Page Number, and date of the recording. This transaction is later noted by the City Assessor's Office and the Data Processing Department for tax purposes. The City does not prepare a deed for the property owners. After recording, the legal description of all parcels of property abutting the vacation will be shown with the words "and alley vacated" or "and (street name) vacated". Copies of the recorded resolution, if needed by the property owners, can be obtained from the City Clerk's Offices for the normal copy service fee.

Adopted as Policy October 11, 1993

Updated December 10, 2014

Separate procedures exist, as required by statutes, for discontinuances initiated by the City.

CITY OF WASHBURN

**PETITION FOR VACATION OF ALLEY(S) OR STREET(S)
CITY OF WASHBURN, WISCONSIN**

To: Mayor, Common Council and City Plan Commission of the City of Washburn, WI 54891

I (We), the undersigned, do hereby petition the City of Washburn to vacate (give street name or general location of street/alley):

IN SUPPORT THEREOF, the following facts are hereby presented:

1. **THERE IS ATTACHED a sketch or copy of the plat of the area which depicts the requested vacation. (Map showing the vacation must agree with legal description of property listed in #2 below).**

2. **The property abutting the proposed vacation is legally described as:**

3. **Abutting property owner(s) and mailing addresses (see #2 Procedures for Vacation):**

1.

2.

3.

4.

5.

4. For all vacations other than unpaved alleys: Property owner(s) and mailing addresses for at least 1/3 of the 2650 feet from each end of the section of road to be vacated (see #2 Procedures for Vacation):

1. _____

2. _____

3. _____

4. _____

6. _____

5. The undersigned petitioner(s) hereby agree to accept said property described above and shown on the attached sketch or plat, subject to conditions set forth by the City Council and City zoning regulations and including, but not limited to, the right of the City of Washburn and/or utility companies to retain any easement, drainageway, or floodplain land for the purpose of maintaining, conducting or constructing any required existing or future services or facilities on said easement which would serve or protect the public.

6. That the facts presented herein and attached hereto are true and correct to the best of my (our) knowledge.

Submitted this _____ day of _____, 20_____.

CIRCULATOR OF THIS PETITION:

(Signature)

Please Print Below:

Name of Petitioner

Address

Telephone

STATUS (Check Below):

_____ Property Owner _____ Option Holder _____ Owner's Authorized Agent
_____ Contract Purchaser

CO-PETITIONER (If Any):

Signature

Please Print Below:

Name

Address

Telephone

.....
FEES:

\$250 minimum for an alley; \$400 minimum for a street - due on filing; non-refundable.

SUBMIT MINIMUM FEE WITH PETITION. (Details regarding fees and the balance due, if any, are found in "Procedures for Vacation" which is given to the applicant with the petition).

SUBMIT ALL ATTACHMENTS. FAILURE TO DO SO MAY RESULT IN THE PETITION BEING DELAYED OR RETURNED. COMPLETED PETITIONS SHOULD BE RETURNED TO THE CITY CLERK, CITY HALL, 119 WASHINGTON AVENUE, WASHBURN, WI 54891. TELEPHONE #715-373-6160 Ext. 4 WITH QUESTIONS.