

VILLAGE OF OLIVER
PROCEDURES FOR VACATING
STREETS AND ALLEYS

Inquiry is made to the Plan Commission to determine if a street or alley vacation is possible, what other options are available and what uses may be allowed on the vacated right-of-way.

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 of the right-of-way, and owner(s) on the other side obtain ownership of the other half. If one party wishes to obtain all of the right-of-way, this would be a private transaction between the property owners after the vacation occurs.

Petition requirements for streets/alleys

1. The Village Board may discontinue all or part of a public way upon the written petition of the owners of all the frontage of the lots and lands abutting upon the public way sought to be discontinued, and of the owners of more than one-third of the frontage of the lots and lands abutting on that portion of the remainder of the public way which lies within 2,650 feet of the ends of the portion to be discontinued, or lies within so much of that 2,650 feet as is within the corporate limits of the village. The beginning and ending of an alley shall be considered to be within the block in which it is located.
2. The application fee for an alley or street vacation is \$100. The application fee must be submitted with the petition and is non-refundable. Petitions must be submitted by the first Tuesday of the month to be considered at the Plan Commission monthly meeting.
3. The proposed vacation is scheduled for review by the Plan Commission, the meetings are the second Tuesday of each month. The Plan Commission's recommendation is forwarded to the Village Board.
4. The Village Attorney prepares a resolution for introduction at a Village Board meeting. The resolution includes a legal description of the street to be vacated. The resolution should be accompanied by a map showing the proposed vacation.
5. The resolution is introduced at the next available Board meeting, and a public hearing is set for a future Board meeting at least 40 days later.
6. The Village Attorney files a Notice of Pending Action with the County Register of Deeds, notifying the county that land will again be added to the tax rolls. This must occur prior to the public hearing date.
7. The Village Attorney prepares a Notice to Wholly or Partially Discontinue a Street (or Alley) to be served on all property owners abutting the street or alley to be vacated. The service or the mailing must occur no less than 30 days prior to the scheduled public hearing date. An affidavit or similar proof of service needs to be placed into the file.

8. The Village Clerk prepares a notice for the public hearing. The notice must be posted for 3 weeks prior to the hearing.
9. The Village Board holds the public hearing on the date earlier specified. The Board approves or denies the final resolution of vacation.
10. The resolution cannot be approved with a simple majority if written objections are received by the Village Clerk from any abutting property owner(s). The discontinuance may be ordered only by the favorable vote of two-thirds of the members of the village board voting on the proposed discontinuance. See Wisconsin Statute 66.1003(3).
11. If the resolution is approved, it is recorded with the County Register of Deeds, along with the map.
12. A copy of the resolution and map should be sent to the property owners now receiving the land.

The Village does not prepare a deed to transfer the vacated street or alley. Instead, a copy of the final resolution is sent by the Village Attorney to the County Register of Deeds, within several days of its adoption by the Council. The resolution is recorded in the same manner as a land transaction. The Register of Deeds returns the recorded document to the Village Attorney's Office, showing the Document Number, Volume Number, Page Number, and date of the recording. This transaction is later noted by the Village Assessor's Office and the Data Processing Department for tax purposes. 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."