

RESOLUTION FOR THE VILLAGE BOARD OF THE VILLAGE OF
ROCHESTER TO VACATE AND DISCONTINUE A
PORTION OF BECK DRIVE

RESOLUTION NO: 2023-2

WHEREAS, pursuant to Wis. Stat. § 66.1003, the Village Board has statutory authority to vacate and discontinue Village roads within its jurisdiction; and

WHEREAS, the public interest requires vacation of a portion of Beck Drive as depicted and described in Exhibit 1, as this right-of-way can be used by an abutting owner; and

WHEREAS, this Resolution was introduced in this form before the Village Board of the Village of Rochester on February 27, 2023; and

WHEREAS, following introduction of this Resolution, the Village Board set a date for a public hearing which was not less than forty (40) days after the date on which this Resolution was introduced, specifically on April 10, 2023; and

WHEREAS, notice of public hearing stating when and where this Resolution would be acted upon and stating what public way is proposed to be discontinued was published as a Class 3 Notice under Chapter 985, Wisconsin Statutes, and in addition was served on the owners of all of the frontage of the lots and lands abutting upon the public way sought to be discontinued (said properties described in Exhibit 2) in a manner provided for the service of Summons in Circuit Court at least 30 days before the hearing; and

WHEREAS, no written objections to the proposed discontinuance have been filed with the Village Clerk by any of the owners abutting on the public way sought to be discontinued, or by the owners of more than one-third of the frontage of the lots and lands abutting on the remainder of the public way which lies within 2,650 feet from the ends of the public way proposed to be discontinued or which lies within that portion of the 2,650 feet that is within the Village limits; or if such objection has been filed, two-thirds of the members of the Village Board voting on the proposed discontinuance have voted in favor of the discontinuance; and

WHEREAS, no landlocked parcel will be created by the proposed discontinuance; and

WHEREAS, the Village Board has conducted such public hearing on April 10, 2023, pursuant to such notice; and

WHEREAS, prior to this vacation and discontinuance being effective, the Village Board has determined that the affected property owner must prepare a certified survey map, and must receive all necessary approvals of the certified survey map, to show the lot lines of the parcels that will be affected by the vacation of this road right-of-way; and

WHEREAS, following due consideration of all information received from the Owner, the Village Engineer, the recommendation of the Village Plan Commission, and all information received in the course of the public hearing of this matter and being duly advised, the Village Board, by this Resolution, does hereby declare the public interest requires the vacation and discontinuance of a portion of Beck Drive as specifically described and identified on Exhibit 1, and the Village Board further finds that the vacation and discontinuance of a portion of Beck Drive will not landlock any property.

NOW THEREFORE, BE IT RESOLVED by the Village Board of the Village of Rochester, Racine County, Wisconsin, that the portion of Beck Drive depicted in the attached Exhibits 1 and 3 is hereby discontinued pursuant to Wis. Stat. § 66.1003, provided that this Resolution shall not be effective unless and until the affected property owner prepare and present a certified survey map in a form approved by the Village Board, and which receives all necessary land division approvals, along with such other conveyance of property rights by quit claim deed if necessary, all of which is recorded contemporaneously with this Resolution.

BE IT FURTHER RESOLVED, that the Village Clerk shall record a certified copy of this Resolution with the Racine County Register of Deeds contemporaneously with the certified survey map and quit claim deed, if necessary, which adjusts the lot lines as described above.

PASSED AND ADOPTED by the Village Board of the Village of Rochester, Racine County, Wisconsin, this _____ day of _____, 2023.

VILLAGE BOARD, VILLAGE OF ROCHESTER

By: _____
Edward Chart, Village President

ATTEST:

Sandra Swan, Village Clerk-Treasurer