

Street/Alley Vacation Approval Process:



Although not required, it is recommended that the applicant meet with the Village Clerk-Treasurer to discuss the proposed request. This step is intended to explain to the applicant the purpose and objectives of the regulations and plans, and to discuss the approval procedures.

If Initiated via a Petition:

1. A petition for partial or full vacation of a street or paved alley is received by Staff. To be valid, the petition must include signatures of all property owners abutting the area to be vacated, and one-third of the owners of property on the same street or paved alley within 2,650 feet of the area to be vacated, in both directions (as above, an alley is considered to have its beginning and end in the same block in which it is located). This only applies to that portion of the street or paved alley which lies within Village limits.
2. A map showing the area to be vacated must accompany the petition. (Petitioner is responsible for costs of survey and legal description of road and easements to be discontinued)
3. The petitioner must file a Notice of Pending Action with the County Register of Deeds. A copy of the filed notice, certified by the Register of Deeds, must be submitted to the Village Clerk.
4. Village Staff prepares resolution for vacation of the street or paved alley, and a memo to the Village Board requesting a public hearing date. The resolution is accompanied by a map of the vacated area. The hearing date must be far enough in the future to allow for a Class 3 notice.
5. The Village prepares and publishes a Class 3 notice. The notice must be posted at least 30 days prior to the scheduled public hearing.
6. The petition is sent for consideration by the Plan Commission and a meeting is scheduled.
7. The Plan Commission makes a recommendation on the proposed vacation, which is forwarded to the Village Board.
8. The Village Board considers the resolution at the scheduled public hearing.
9. If a written objection is filed from one of the property owners described in Step 1 above, 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.
10. If the vacation is approved, the resolution and map are recorded with the County Register of Deeds.
11. A copy of the ordinance and map should be sent to the property owners now receiving the land.

If Village Board Initiated:

1. Village Staff creates 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.
2. The resolution is accompanied by a memo to the Village Board requesting that a public hearing be set no less than 40 days after the meeting at which the resolution is introduced.
3. Staff files a Notice of Pending Action (Lis pendens) 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.
4. The resolution is introduced at the next available Village Board meeting, and a public hearing is set for a future Village Board meeting at least 40 days later.
5. The Village Clerk prepares a Notice to Wholly or Partially Discontinue a Street (or Alley) to be served on all property owners abutting the street or paved alley to be vacated. These notices must be served personally by a police officer, unless the owner lives out of town. In that case, the notices may be mailed to the owner's last known address. 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.
6. The Village Clerk prepares a Class 3 notice for the public hearing. The notice must be posted at least 30 days prior to the hearing.
7. The proposed vacation is scheduled for review by the Plan Commission and a meeting is scheduled prior to the public hearing date. The Plan Commission's recommendation is forwarded to the Village Board.
8. The Village Board holds the public hearing on the date earlier specified. The Village Board approves or denies the resolution of vacation.
9. The resolution cannot be approved with a simple majority if written objections are received by the Village Clerk from any abutting property owner(s) or from the owners of more than one-third of the property abutting the same street or paved alley within 2,650 feet of the area to be vacated (within Village limits). The beginning or ending of a paved alley is considered to be within the block in which it is located. If a written objection is received, then the discontinuance requires

a favorable vote of two-thirds of the Village Board members voting on the issue.

10. If the resolution is approved, it is recorded with the County Register of Deeds, along with the map.
11. A copy of the resolution and map should be sent to the property owners now receiving the land.

Procedure for Vacating Unpaved Alleys

When initiated by petition, the procedure is the same for paved alleys, except that the petition need only have the signatures of 50 percent of the abutting property owners.

When initiated by the Village Board, the procedure is the same. However, the Village Board cannot approve the vacation if the Village Clerk receives a written objection from any property owner who can show that the alley proposed to be vacated provides the only access to off-street parking for the property.

Abandoned Alleys:

The Village Board may by resolution vacate any abandoned or unused alley when at least 5 years beyond the recording of the Plat of Subdivision have passed.

APPLICATION FOR \$300.00
STREET/ALLEY DISCONTINUANCE
 VILLAGE OF MONTFORT, WISCONSIN



	Applicant/Agent	Owner
Name		
Address		
Phone		

Property Information (Attach a copy of the plat of the area showing the requested street or alley vacation. This map must agree with the legal description of the property described below.)

Address of Applicant's Property Adjoining Street/Alley: _____
 _____ Montfort, WI

Street/Alley Name: _____

The Street/Alley is: Improved – Surface Material _____ Unimproved

Legal Description of Street/Alley to be Discontinued: _____

Zoning of Property: _____ Comprehensive Plan Designation: _____

Reason for this request and intended use: _____

Current Use of Property: _____
 Proposed Use of Property: _____

Signatures The undersigned person(s) hereby petitions the Village Board of the Village of Montfort, Wisconsin, to discontinue the street/alley as described above. The petitioner hereby agrees to accept said property described above and shown on the attached sketch or plat, subject to the conditions set forth by the Village Board and Village's Zoning Ordinance including, but not limited to, the right of the Village and/or utility companies to retain any easement, drainage way, or flood plain 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. The facts presented herein and attached are true and correct to the best of my (our) knowledge.

APPLICANT: _____ DATE: _____

APPLICANT: _____ DATE: _____

OFFICE USE ONLY

File Number: _____ Date Application Filed: _____

Fee Paid/Receipt #: _____ Plan Commission Action & Date: _____

Conditions: _____

Village Board Action & Date: _____

Conditions: _____

Public way to be vacated: _____

We, the undersigned petitioners, own property abutting the public way requested to be vacated:

Name:		Address:	
Signature:	Date:	Phone:	
Name:		Address:	
Signature:	Date:	Phone:	
Name:		Address:	
Signature:	Date:	Phone:	
Name:		Address:	
Signature:	Date:	Phone:	
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