



STAFF REPORT
WEST ALLIS PLAN COMMISSION
Wednesday, January 25, 2023
6:00 PM

Watch: <https://www.youtube.com/user/westalliscitychannel>

6. Vacation and discontinuance of a portion of public right-of-way near the intersection of S. 92nd St. and W. Cleveland Ave.

Overview and Zoning

This project is sponsored for introduction by 4th District Alderperson Lajsic and involves the proposed vacation and discontinuance of a portion of right of way near S. 92nd St and W. Cleveland Ave. The vacation/discontinuance of city right-of-way if approved by Council would assemble the subject lands for private ownership. The area under consideration is a small portion of right of way, of about 20x118-ft along S. 92 St. and about 315-ft along W. Cleveland Ave. (width varying between 30-ft and 50-ft). The properties abutting the subject area include: 9131 W Cleveland Ave., 9119-21 W. Cleveland Ave. and 9109-11 W. Cleveland Ave.



Abutting property owners will be sent notice of the public hearing. State Statutes requires publishing a class 3 notice and personal service on abutting landowners at least 30 days before a public hearing or, if they can't be personally served, the notice needs to be mailed to them at least 30 days ahead of time. Any abutting owner can object to discontinuance by filing a written objection; it would then take a 2/3 vote by the council to override that objection.

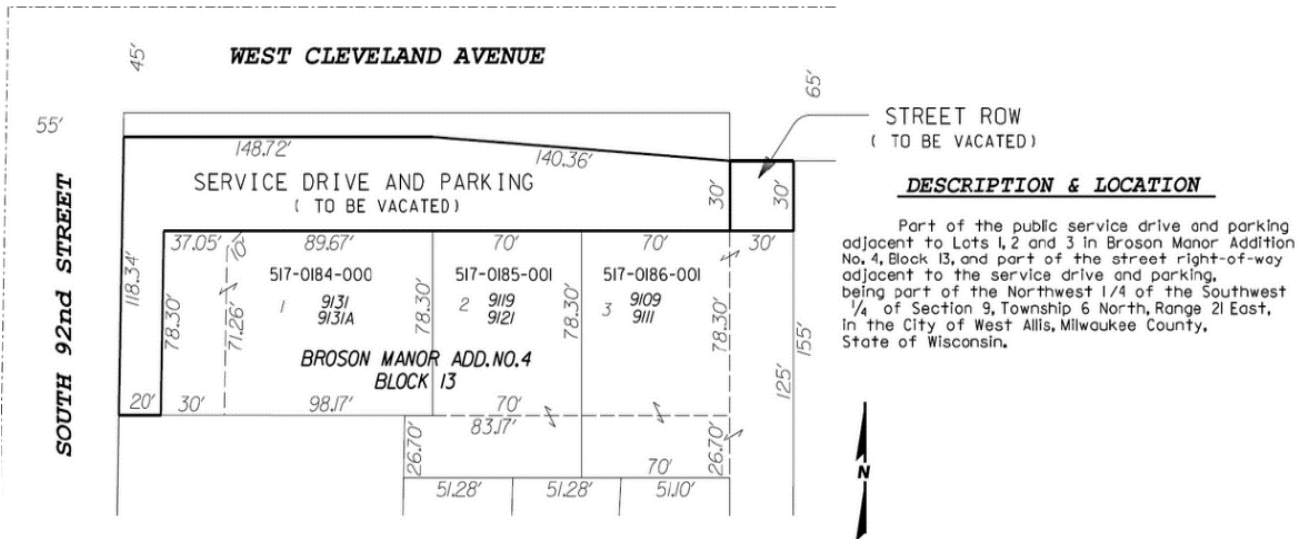
On January 10, the item was introduced to the Common Council and council directed staff to proceed with public notice and a hearing. Staff is of the opinion that it is in the public interest to vacate the subject areas from city right-of-way and make them private (taxable) property.

The schedule for review as follows:

1/10/23 Council introduction at 7pm

1/25/23 Plan Commission meeting at 6pm

3/7/23 or 3/21/23 Council Public Hearing – decision/action date where it will pass or fail



Why vacate the land area?

If vacated, the right-of-way areas would be better suited/aligned with the abutting land uses (a commercial use and two residential uses), reduce city maintenance costs, and result in taxable land area.

- Cleveland Liquor - a retail store with its surface parking lot encroaching into right-of-way. Over the past year, DPW has been obligated to maintain the parking lot (pothole repairs) within this portion of city right of way.
- Residential property owners - to the east, of Cleveland Liquor have made minor landscaping improvements and have access to their properties across the subject portion of right-of-way area.

Planning, Public Works and Engineering have not identified a public purpose to continue to maintain this area as right-of-way, or why the right-of-way portions was deemed necessary. If approved by Council, the right-of-way would be discontinued and returned to the abutting property owners (and become taxable).

Recommendation: Common Council approval of the Vacation and discontinuance of a portion of public right-of-way near the intersection of S. 92nd St. and W. Cleveland Ave. subject to public notice and a public hearing in accordance with State Statutes.



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