



City of West Allis

Legislation Text

File #: R-2019-0246, **Version:** 1

Resolution relative to the Notice of Hearing for the Vacation and Discontinuance of a portion of unimproved City alley right-of-way between S. 107 St. and S. 108 St. south of W. Lincoln Ave. and north of W. Hayes Ave.

WHEREAS, the public interest requires that a portion of unimproved City alley right-of-way between S. 107 St. and S. 108 St. south of W. Lincoln Ave. and north of W. Hayes Ave., shown and legally described on Exhibit A map of the City of West Allis Engineering Department dated March 5, 2019, also known as File No. Y-1194, which is attached hereto and incorporated herein by reference, be vacated and discontinued; and,

WHEREAS, the Common Council will conduct a hearing on May 21, 2019 as it is deemed within the public interest to proceed with this vacation. The reason to vacate is to reduce the City's ongoing maintenance and liability expense for this section of public right-of-way which derives no public benefit. Further, this is a very small portion of an alleyway, which the beginning and end are within a few hundred feet of each other.

WHEREAS, State Statutes requires publishing a class 3 notice and personal service on abutting landowners at least 30 days before a public hearing (to be May 21) 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.

WHEREAS, this Resolution was introduced before the Common Council of the City of West Allis on April 1, 2019; Notice of Pendency of the Resolution to vacate the aforesaid portion of public right-of-way was filed with the Register of Deeds of Milwaukee County on or about April 1, 2019; and Notice of Hearing was published in the official City newspaper on April 10, April 17, and April 24, 2019, and that the Hearing was scheduled before the Common Council on May 21, 2019, at 7:00 p.m.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis, in accordance with the authority vested in the Common Council by Sec. 66.1003, Wisconsin Statutes, that a portion of unimproved City alley right-of-way between S. 107 St. and S. 108 St. south of W. Lincoln Ave. and north of W. Hayes Ave., shown and legally described on Exhibit A map of the City of West Allis Engineering Department dated March 5, 2019, also known as File No. Y-1194, which is attached hereto and incorporated herein by reference, be, and the same is hereby vacated and discontinued, as required by the public interest.

cc: Rebecca Grill, City Administrator
Engineering Department
Attorney's Office
Planning Division
GIS Coordinator
ZON-R-1178-4-1-19