



DISCONTINUANCE OF A PUBLIC STREET

Community Development Department
9915 39th Avenue
Pleasant Prairie WI 53158
Phone: 262.925.6717
Email: communitydevelopment@plprairie.com

PROCEDURES AND INFORMATION

- ✓ Contact the Pleasant Prairie Community Development Department to set up a meeting to discuss the process for filing a request for the discontinuance (vacation) of a public right-of-way. The discontinuance shall comply with Wisconsin Statutes Section 66.1003 and 840.11
- ✓ An executed copy of the Pre-Development Agreement and an initial application fee shall be submitted to the Village. All additional costs, such as but not limited to: survey costs, staff time spent processing the application, notices, affidavits of service, mailings, publication fees, posting, and recording fees, etc. associated with the street vacation will be invoiced to and shall be paid for by the applicant pursuant to the Pre-Development Agreement.
- ✓ The applicant shall submit a written petition of the owners of all the frontage of land abutting the public way to be discontinued signed by the owners of more than one-third of the frontage of the lands abutting that portion of the remainder of the public way which lies within 2,650 feet of the ends of the portion to be discontinued that is located within the corporate limits of the Village pursuant to Section 66.1003 Wis. Stats.
- ✓ The petition shall include a plat of survey and legal description of the public right-of-way to be discontinued as prepared by a Wisconsin Registered Land. The survey shall also include the tax parcel number and ownership of lands adjacent to the public right-of-way to be discontinued
- ✓ Section 840.11 (1) Wis. Stats. requires that every person who applies to vacate a street shall, at or prior to the time of filing the written petition to the Village, record a lis pendens at the Kenosha County Register of Deeds Office. The lis pendens shall contain the person's name and a brief statement of the objective and the aforementioned plat of survey. A recorded copy shall be provided to the Village.
- ✓ The Village Board may not discontinue a highway when the discontinuance would deprive a landowner or a public school to all access to a highway.
- ✓ Upon the Village staff review of the applicant's request, a preliminary resolution will be considered by the Village Board. The Village Board may support the resolution declaring that since the public interest requires it, the whole or any part of any road, street, slip, pier, lane or alley can be discontinued. If the Village Board approves the preliminary (initial) resolution, the Village Board shall set a public hearing date not less than 40 days after the adoption of the initial resolution and the date shall be so noted in the initial resolution.
- ✓ The following shall be notified of the public hearing a minimum of 30 days prior to the public hearing: 1) Property owners whose land abuts the proposed section of street to be vacated; 2) State Attorney General, as agent, for the Governor of the State if street abuts "waters of the state" classified under State regulatory authority; 3) The Wisconsin Department of Transportation Secretary of Transportation and SE District #2 and/or Kenosha County Highway Department if the street to be discontinued abuts a State and/or County highway; 4) The Commissioner of Railroads if there is a railway crossing within a portion of the public way; and a City/Village Clerk of adjacent municipality located within 300 feet of the street vacation.
- ✓ The public hearing notice shall be posted in the Village of Pleasant Prairie official posting places (Village Hall and Village website.) and a Class 3 notice shall be published in the Kenosha News.
- ✓ The Village Plan Commission shall consider the request and make a recommendation of the vacation to the Village Board. The Village Board shall hold the public hearing to consider and approve the Final Resolution.
- ✓ Upon approval of the Final Resolution a certified copy shall be recorded at the Kenosha County Register of Deeds Office