

RESOLUTION 11-20

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF JEFFERSON TO VACATE AND DISCONTINUE A PORTION OF WHITE OAK DRIVE

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

WHEREAS, the public interest requires vacation of a portion of White Oak Drive as depicted and described in Exhibit 1, as this is a segment of road that has no utility and the right-of-way can be used by an abutting owner; and

WHEREAS, this Resolution was introduced in this form before the Town Board of the Town of Jefferson on November 5, 2020; and

WHEREAS, following introduction of this Resolution, the Town 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 December 17, 2020; 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 Town 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 Town limits; or if such objection has been filed, two-thirds of the members of the Town 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 Town board has conducted such public hearing on December 17, 2020, pursuant to such notice; and

WHEREAS, prior to this vacation and discontinuance being effective, the Town Board has determined that the affected property owners 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 Owners, the Town Engineer, the recommendation of the Town Plan Commission, and all information received in the course of the public hearing of this matter and being duly advised, the Town Board, by this Resolution, does hereby declare the public interest requires the vacation and discontinuance of a portion of White Oak Drive as

specifically described and identified on 2 Exhibit 1, and the Town Board further finds that the vacation and discontinuance of a portion of White Oak Drive will not landlock any property.

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Jefferson, Jefferson County, Wisconsin, that a portion of White Oak Drive depicted in the attached Exhibit 1 is hereby discontinued pursuant to Wis. Stat. § 66.1003, provided that this Resolution shall not be effective unless and until the affected property owners prepare and present a certified survey map in a form approved by the Town 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 Town Clerk shall record a certified copy of this Resolution with the Jefferson County Register of Deeds contemporaneously with the certified survey map and quit claim deeds if necessary, which adjusts the lot lines as described above.

PASSED AND ADOPTED by the Town Board of the Town of Jefferson, Jefferson County, Wisconsin, this ____ day of _____, 2020.

TOWN BOARD, TOWN OF JEFFERSON

Michael Hollinger, Chair

Curtis Backlund, Supervisor

Gregg Hill, Supervisor

Jim Mode, Supervisor

Tracie Stammer, Supervisor

ATTEST TO:

Tina Barnes, Clerk