

RESOLUTION OF THE TOWN BOARD OF THE TOWN OF DELAFIELD
TO VACATE AND DISCONTINUE A PORTION OF OAKWOOD GROVE ROAD

RESOLUTION NO: 20-640

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 Oakwood Grove Road as depicted and described in Exhibit A and Exhibit B, 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 Delafield on August 13, 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 October 6, 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 C) 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 owners of all of the lands abutting the intended portion of Oakwood Grove Road have submitted, or will submit prior to this Resolution taking effect, a certified survey map for approval under Chapter 236 of the Wisconsin Statutes, which will combine the properties along with the vacated road and dedicate certain road right-of-way to the Town; and

WHEREAS, the Town board has conducted such public hearing on October 6, 2020, pursuant to such notice; 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 Oakwood Grove Road as specifically described and identified on Exhibit A and Exhibit B, and the Town Board further finds that the vacation and discontinuance

of a portion of Oakwood Grove Road will not land lock any property.

NOW THEREFORE, BE IT RESOLVED by the Town Board of the Town of Delafield, Waukesha County, Wisconsin, a portion of Oakwood Grove Road depicted in the attached Exhibit A and Exhibit B is hereby discontinued pursuant to Wis. Stat. § 66.1003, subject to a certified survey map being approved by the Town Board which describes the resulting lot lines, and other private rights being resolved, to the satisfaction of the abutting owners in a manner that is approved by the Town Board, and recording the certified survey map with the Waukesha County Register Deeds.

BE IT FURTHER RESOLVED, that upon receipt by the Town of the original certified survey map bearing approval of all necessary governmental bodies and parties-in-interest, the Town Clerk shall record a certified copy of this Resolution together with said certified survey map with the Waukesha County Register of Deeds.

PASSED AND ADOPTED by the Town Board of the Town of Delafield, Waukesha County, Wisconsin, this 13th day of October, 2020.

TOWN BOARD, TOWN OF DELAFIELD

By: 
Ronald A. Troy, Town Chairman

ATTEST:


Dan Green, Town Administrator/Clerk/Treasurer