

## FOR INFORMATION:

### STREET VACATION PROCESS

*(Procedure is only used when vacating lands along a county highway; no county action is required for vacating platted lands on a town road.)*

1. The County Clerk or Economic Development and Land Use Planning Committee (EDLUPC) receives a written petition for a discontinuance of a public way (i.e., street vacation).
2. The applicant must record a Notice of Pendency (lis pendens) of such application, containing the person's name, a brief statement of the object thereof and a map and description of the land that is affected with the Racine County Register of Deeds Office. (s. 840.11, Wis. Stats.) A copy of the recorded document must be filed with the Development Services Office before proceeding to the next step.
3. The petition is scheduled as a committee action item on the next available Economic Development and Land Use Planning Committee (EDLUPC) agenda.
4. If the EDLUPC approves the street vacation in concept, staff prepares a resolution and forwards it to the County Board for 1<sup>st</sup> reading.
5. The County Board then refers the street vacation request back to the EDLUPC for a public hearing. The public hearing must be held not less than 40 days after the 1<sup>st</sup> reading at the County Board meeting. [s.66.1003(4)(b), Wis. Stats.]
6. A Class Three notice must be published in three separate weeks, with the last publication being one week before the public hearing.
7. Abutting property owners must be served notice at least 30 days prior to the public hearing. [s. 66.1003(4)(b), Wis. Stats.]
8. If any written objection is filed with the County Clerk by any abutting property owner or by owners of more than one-third of the lands that lie 2,650 feet on either end of the portion *sought to be discontinued (vacated)*, the County Board may **not** act on the resolution. [s. 66.1003(4)(c), Wis. Stats.]
9. After the public hearing, the Committee refers the resolution back to the County Board for their action.
10. If approved, the applicant must obtain a certified copy of the adopted resolution from the County Clerk and record it with the Racine County Register of Deeds.

*Reference: Sec. 236.445, Sec. 66.1003, and Sec. 840.11 Wis. Stats.*