



## CITY OF WAUKESHA

### Administration

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<b>Committee:</b> None	<b>Committee Meeting Date:</b> <a href="#">Click here to enter a date.</a>
<b>Agenda Item Number:</b> 19-0076	<b>Common Council Meeting Date:</b> 2/5/2019
<b>Submitted By:</b> Brian Running, City Attorney	<b>City Administrator Approval:</b> Kevin Lahner, City Administrator KL
<b>Finance Department Review:</b> Rich Abbott, Finance Director RA	<b>City Attorney's Office Review:</b> Brian Running, City Attorney BER
<b>Subject:</b>  Discontinuation of alley reservations on private property at 627 E Newhall Ave.	

#### Details:

Many years ago, when the neighborhood along Newhall Avenue between Hartwell and Tenny Avenue – across from St. Mary's Church – was platted, two alley reservations were noted on the plat at 627 East Newhall. One ran along the entire east border of the lot, 10 feet wide, and the other was only in the southwest 8 feet of the lot. The City never developed alleys there, the reservations are unpaved and unused. They are therefore deemed to be abandoned by Wis. Stats. §66.1003(7).

The owner of the lot is subdividing it by a CSM, and the alley reservations lie upon the portion she wants to sell. Therefore, she would like the reservations removed from the title.

This request has been approved by the Board of Public Works, and it had previously appeared on the Common Council's consent agenda, on December 18. However, the procedure for discontinuing an abandoned alley requires a resolution by the Council, after appropriate notice and the recording of a lis pendens. So, it's going back to Council to do it according to the correct procedure this time.

The first step is only to introduce the resolution at the February 5 meeting, then a lis pendens must be filed and a Class 3 notice must be published. The resolution can be passed only after 40 days have passed since the introduction of the resolution, so it can be passed no sooner than the March 19 Council meeting.

#### Options & Alternatives:

There is no reasonable alternative. The City has no use for the reservations, and refusing to discontinue them would serve no purpose other than to frustrate the owner.

#### Financial Remarks:

There is no financial impact to the City. The reservations have no value.

#### Staff Recommendation:

City Attorney's office recommends discontinuing the alley reservations. Procedure at Feb 5 meeting is simply to introduce the resolution, to be acted on after proper notice is given and the required 40-day period expires.