



Application for:  
**DISCONTINUANCE OF PUBLIC RIGHT-OF-WAY**  
 (As per Wisconsin State Statutes §66.1003)

505 Third Street • Hudson, WI 54016 • (715) 716-5748

www.hudsonwi.gov

Property Owner Name		Date
Mailing Address		
Phone	Email	
Street/Alley Location Description		
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Reason for Request		
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An alley or a platted street may be discontinued, or vacated, in one of two ways: 1) by the City Council with the introduction of a resolution declaring that the public interest requires it, or 2) by petition of adjacent property owners.

**Discontinuance by City Council:** If the Common Council finds the request to be in the public interest, a hearing on the passage of such resolution shall be set by the Common Council on a date which shall not be less than 40 days thereafter. Abutting property owners shall receive notice of hearing.

**Discontinuance by Petition:** If the Common Council does not find the request to be in the public interest, the individual can file a petition with signatures of 1/3 of the property owners within 2,650 feet of the proposed vacation.

Items to submit:

- Application fee (nonrefundable) of **\$500.00** payable to the "City of Hudson"
- Survey and legal description of the proposed discontinuance area prepared by a licensed survey professional

\_\_\_\_\_  
**Applicant's Signature**  
 By:  
 Its:

\_\_\_\_\_  
**Applicant's Signature**  
 By:  
 Its:

## What happens during the discontinuance process in the City of Hudson?

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A street or alley discontinuance/vacation is the process of returning dedicated public right-of-way to a private property. Upon discontinuance, the right-of-way reverts to the owners of the adjoining land where the discontinued land originated or is equally divided between the owners on either side of the centerline of the discontinued street or road. The statutory requirements (§66.1003, Wis. Stats) and the City's process are summarized in the following steps.

### Checklist of Items to Submit.

- Application fee (nonrefundable).
- Survey and legal description of the proposed discontinuance area prepared by a licensed survey professional. Survey must include total area, in square feet, proposed in the discontinuance area.

### Discontinuance Process

#### Initiation

**The Common Council may initiate** the alteration or discontinuance by introducing a resolution declaring that the “public interest requires it”. Proper noticing and a public hearing are required.

OR

**A written petition** is received from owners of all the frontage of the lots and lands abutting upon the public way sought to be discontinued and owners of more than 1/3 of the land fronting the remainder of the street or road within 2,650 ft. from either end of the portion to be discontinued within the corporate limits of the city.

#### Common Council sets Public Hearing

Staff will prepare a draft resolution to be introduced by the Common Council. A public hearing on the passage of the resolution will be set not less than 40 days after the introduction of the resolution.

A notice of the public hearing as required by §66.1003(8)(b), Wis. Stats will be published as a Class 3 notice. The notice must be published three times in the local newspaper, with the last publication at least one week prior to the scheduled public hearing.

#### Filing of a Lis Pendens

A Notice of Pending Action (Lis Pendens) will be filed with the St. Croix County Register of Deeds. A copy of the recorded document will be on file at City Hall.

#### Notices & Admission of Service

The hearing notice and Lis Pendens will be served to the property owner. The City will request an Admission of Service stating the owners received the notice at least 30 days prior to the public hearing.

Notice of the public hearing is sent to the abutting property owners by United States regular mail to the address indicated on the current tax roll.

□ **Plan Commission Review**

Once the public hearing has been set, the matter will be referred to the Plan Commission for their review and comment. The Plan Commission will make their recommendation on the proposed right-of-way vacation to the Common Council.

□ **Common Council Hearing & Decision**

The City Council will consider the resolution and make its determination on the date of the public hearing. If a written objection is filed by any of the owners abutting the public way to be discontinued or by more than  $\frac{1}{3}$  of the owners within 2,650 feet, the request may be approved only by the favorable vote of  $\frac{2}{3}$  of the members of the City Council.

□ **Land Transfer**

If the discontinuance is approved, the resolution is recorded by the City of Hudson at the St. Croix County Register of Deeds. An electronic Real Estate Transfer Return (eRETR) will be submitted to the Wisconsin Department of Revenue to transfer the property ownership from the City to the private party. Staff will contact the owners for specific land transfer information.