



NOTICE OF PUBLIC HEARING BEFORE THE DELAFIELD COMMON COUNCIL TO CONSIDER A RESOLUTION TO VACATE AND DISCONTINUE A PORTION OF PUBLIC RIGHT-OF-WAY FOR SMYTHE LANE AND FARRAND LANE IN THE CITY OF DELAFIELD

This Class III notice provides notification of a public hearing that will be held by the Common Council of the City of Delafield, Waukesha County, Wisconsin, on **Monday April 17, 2023, at 7:00 PM** in the Common Council Chambers at City Hall, 500 Genesee St., Delafield, Wisconsin, 53018, upon the Resolution to Vacate and Discontinue a Portion of Public Right-of-Way for Smythe Lane and Farrand Lane in the City of Delafield and may act upon said Resolution at the aforementioned time and place. Said Resolution was introduced before the City of Delafield Common Council on February 20, 2023, and purposes to vacate and discontinue the aforementioned public right-of-way.

The resolution may be viewed in the Clerk's Office at City Hall, 500 Genesee St., during business hours, or on the City website at www.cityofdelafield.com. All interested parties will be heard. Citizens with written comments regarding the public hearing may email those comments to the City Clerk at clerksoffice@ci.delafield.wi.us and those comments will be included in the meeting packet. **The deadline to receive written comments for forwarding is noon on Wednesday, April 12, 2023. Written comments received after the deadline will not be considered as part of the record. Verbal comments may be provided at the meeting.**

Molly Schneider
City of Delafield Clerk

Publication Dates: March 25, 2023, April 1, 2023, and April 8, 2023

STATE OF WISCONSIN: CITY OF DELAFIELD: WAUKESHA COUNTY

RESOLUTION 2023-04

**RESOLUTION OF THE COMMON COUNCIL TO VACATE AND DISCONTINUE A
PORTION OF PUBLIC RIGHT-OF-WAY FOR
SMYTHE LANE AND FARRAND LANE**

THE COMMON COUNCIL OF THE CITY OF DELAFIELD, WAUKESHA COUNTY, WISCONSIN, DOES ORDAIN AS FOLLOWS:

WHEREAS, pursuant to Wis. Stat. § 66.1003, the Common Council has statutory authority to vacate and discontinue City right-of-way within its jurisdiction;

WHEREAS, the public interest requires vacation of an right-of-way as depicted and described in Exhibits A and B, as this is a segment of public way that has no utility, and the land can be used by the abutting owners;

WHEREAS, this Resolution was introduced in this form before the Common Council of the City of Delafield on February 20, 2023

WHEREAS, following introduction of this Resolution, the Common Council set a date for a public hearing, which was not less than forty (40) days after the date on which this Resolution was introduced;

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 as described in Exhibit C) in a manner provided for the service of Summons in Circuit Court at least 30 days before the hearing;

WHEREAS, no written objections to the proposed discontinuance have been filed with the City 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 or 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 City limits; or if such objection has been filed, two-thirds of the members of the Common Council voting on the proposed discontinuance have voted in favor of the discontinuance;

WHEREAS, no landlocked parcel will be created by the proposed discontinuance;

WHEREAS, the owners of all of the lands abutting the right-of-way have submitted, or will submit prior to this Resolution taking effect, a Final Subdivision Plat for approval under Chapter 236 of the Wisconsin Statutes, which will consolidate the properties along with the vacated public way;

WHEREAS, the Common Council conducted a public hearing on April 17, 2023, pursuant to such notice; and

WHEREAS, following due consideration of all information received from Owners, the City Engineer, and in the course of the public hearing of this matter and being duly advised, the Common Council, by this Resolution, does hereby declare the public interest requires the vacation and discontinuance of the public way as specifically described and identified on Exhibits A and B, and the Common Council further finds that the vacation and discontinuance of the public way will not land lock any property.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of Delafield, Waukesha County, Wisconsin, that the public way depicted on the attached Exhibits A and B are hereby discontinued pursuant to Wis. Stat. § 66.1003, subject to the approval and delivery to the City Clerk for recording, and recording with the Waukesha County Register Deeds, of the following: (a) any necessary sanitary sewer, water, or other utility easements granted by the owner to the City or other utility company; and (b) a Final Subdivision Plat that combines the vacated right-of-way with the abutting land currently known as parcel numbers DELC0792069, DELC0792060, DELC0792074, and DELC0792078;

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

This Resolution passed and adopted by the Common Council of the City of Delafield this 17th day of April, 2023.

**COMMON COUNCIL OF THE CITY OF DELAFIELD, CITY OF DELAFIELD,
WAUKESHA COUNTY, WISCONSIN**

Kent Attwell, Mayor

ATTEST:

Molly Schneider, City Clerk

EXHIBIT C

Abutting Property Owners

1. Hendricks Commercial Properties, LLC, 411 Saint Johns Road, DELC0792069.
2. Hendricks Commercial Properties, LLC, known as “Wisconsin Avenue”, DELC0792060.
3. Hendricks Commercial Properties, LLC, 439 Saint Johns Road, DELC0792074.
4. Hendricks Commercial Properties, LLC, 411 Saint Johns Road, DELC0792078.