



WISCONSIN LEGISLATIVE COUNCIL ACT MEMO

2009 Wisconsin Act 223
[2009 Senate Bill 224]

**Notice of Proposed Vacation of
Certain Highways**

Current Law

Current law provides that:

- The common council of a city, *except a first class city, or a village or town board (governing body)* may discontinue all or a portion of a public way. A proceeding to discontinue a public way may be initiated by a written petition of owners of property fronting on the way or by resolution of the governing body. Upon receipt of a petition or introduction of a resolution, the governing body must provide public notice of the time and place at which the petition or resolution will be considered. The governing body is also required to provide a copy of the petition or resolution to the Secretary of Transportation if the public way that is the subject of the petition or resolution is located within one-quarter mile of a state trunk highway or connecting highway.
- The common council of a *first class city* may discontinue a highway, street, alley, ground, waterway, public walk, or other public grounds (public facility) within the corporate limits of the city. A proceeding to discontinue a public facility may be initiated by a petition of all owners of property abutting the public facility or by resolution of the common council. A notice of hearing must be served upon all owners of record of property abutting the public facility subject to the discontinuance proceeding.

2009 Wisconsin Act 223

Under 2009 Wisconsin Act 223, a governing body or the common council of a first class city must provide a copy of the petition or resolution to discontinue to the commissioner of railroads if there is a railroad highway crossing within the portion of the public way or public facility that is the subject of the petition or resolution to discontinue.

Effective date: 2009 Wisconsin Act 223 took effect on May 20, 2010.

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DLS:ty

This memo provides a brief description of the Act. For more detailed information, consult the text of the law and related legislative documents at the Legislature's Web site at: <http://www.legis.state.wi.us/>.