

No. 497, A.]

[Published August 7, 1951.]

**CHAPTER 662.**

AN ACT to repeal 61.38 and 61.39; to amend 59.08 (4a) and 62.22 (6); and to create 66.296 of the statutes, relating to the discontinuance of streets and alleys.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

SECTION 1. 59.08 (4a) of the statutes is amended to read:

59.08 (4a) To alter or discontinue any street, slip, or alley in any recorded plat in any town in such county, not within any incorporated city or village, in the same manner and with like effect as provided in \* \* \* section 66.296.

SECTION 2. 61.38 and 61.39 of the statutes are repealed.

SECTION 3. 62.22 (6) of the statutes is amended to read:

62.22 (6) CONDEMNATION ASSESSMENTS. The provisions of \* \* \* section 61.37 \* \* \* shall apply to cities \* \* \*.

SECTION 4. 66.296 of the statutes is created to read:

66.296 DISCONTINUANCE OF STREETS AND ALLEYS. (1) The whole or any part of any road, street, slip, pier, lane or alley, in any city of the second, third or fourth class or in any incorporated village, may be discontinued by the common council or village board upon the written petition of the owners of all the frontage of the lots and lands abutting upon the portion thereof sought to be discontinued, and of the owners of more than one-third of the frontage of the lots and lands abutting on that portion of the remainder thereof which lies within 2,650 feet of the ends of the portion to be discontinued, or lies within so much of that 2,650 feet as shall be within the corporate limits of the city or village. The beginning and ending of an alley shall be deemed to be within the block in which it is located.

(2) (a) As an alternative, proceedings covered by this section may be initiated by the common council or village board by the introduction of a resolution declaring that since the public interest requires it, the whole or any part of any road, street, slip, pier, lane or alley in the city or village is thereby vacated and discontinued.

(b) A hearing on the passage of such resolution shall be set by the common council or village board on a date which shall not be less than 40 days thereafter. Notice of the hearing shall be given as provided in subsection (5), except that in addition notice of such hearing shall be served on the owners of all of the frontage of the lots and lands

abutting upon the portion thereof sought to be discontinued in a manner provided for the service of summons in circuit court at least 30 days before such hearing. When such service cannot be made within the city or village, a copy of the notice shall be mailed to the owner's last known address at least 30 days before the hearing.

(c) No discontinuance shall be ordered if a written objection to the proposed discontinuance is filed with the city or village clerk by any of the owners abutting on the portion sought to be discontinued or by the owners of more than one-third of the frontage of the lots and lands abutting on that portion of the remainder thereof which lies within 2,650 feet from the ends of the portion proposed to be discontinued; or which lies within so much of said 2,650 feet as shall be within the corporate limits of the city or village. The beginning and ending of an alley shall be deemed to be within the block in which it is located.

(3) Whenever any of the lots or lands aforesaid is owned by the state, county, city or village, or by a minor or incompetent person, or the title thereof is held in trust, as to all lots and lands so owned or held, petitions for discontinuance or objections to discontinuance may be signed by the governor, chairman of the board of supervisors of the county, mayor of the city, president of the village, guardian of the minor or incompetent person, or the trustee, respectively, and the signature of any private corporation may be made by its president, secretary or other principal officer or managing agent.

(4) The city council or village board may by resolution discontinue any alley or any portion thereof which has been abandoned, at any time after the expiration of 5 years from the date of the recording of the plat by which it was dedicated. Failure or neglect to work or use any alley or any portion thereof for a period of 5 years next preceding the date of notice provided for in (5) shall be deemed an abandonment for purpose of this section.

(5) Written notice stating when and where the petition or resolution will be acted upon and stating what road, street, slip, pier, lane or alley, or part thereof, is proposed to be discontinued, shall be given as follows: By the publication of the notice in the official or some other newspaper printed in the city or village once a week for 3 successive weeks before the day of hearing, or when such publication is not possible, by posting copies thereof in 3 public places in the city or village not less than 3 weeks before the day of hearing.

(6) In proceedings under this section, section 281.04 shall be considered as a part of the proceedings.

Approved July 19, 1951.

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