



Legislation Details (With Text)

**File #:** 170459      **Version:** 1  
**Type:** Ordinance      **Status:** Passed  
**File created:** 7/11/2017      **In control:** COMMON COUNCIL  
**On agenda:**      **Final action:** 9/26/2017  
**Effective date:**

**Title:** A substitute ordinance relating to the requirements for notification of property owners regarding a proposed street or alley vacation.

**Sponsors:** THE CHAIR

**Indexes:** ALLEY VACATIONS, STREET VACATIONS

**Attachments:** 1. Opinion on Notifying Property Owners, 2. Notice Published on 10-12-17

Date	Ver.	Action By	Action	Result	Tally
7/11/2017	0	COMMON COUNCIL	ASSIGNED TO		
7/19/2017	0	PUBLIC WORKS COMMITTEE	SUBSTITUTED	Pass	3:0
7/19/2017	0	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	3:0
9/13/2017	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PASSAGE	Pass	5:0
9/26/2017	1	COMMON COUNCIL	PASSED	Pass	15:0
10/5/2017	1	MAYOR	SIGNED		
10/12/2017	1	CITY CLERK	PUBLISHED		

170459  
SUBSTITUTE 1

THE CHAIR

A substitute ordinance relating to the requirements for notification of property owners regarding a proposed street or alley vacation.

308-28-7 rc

The code currently provides that owners of record of all property which abuts a street or alley proposed for vacation shall be notified of the common council committee hearing on the matter by personal service. It further provides that if only a portion of a street or alley is proposed for vacation, the city clerk shall notify owners of record of all property in the block in which that portion of a street or alley is located. However, it does not explicitly describe the method of providing notice to non-abutting property owners.

This ordinance provides that notice by personal service shall be provided only to owners of property abutting the portion of street or alley proposed to be vacated, unless those owners waive their right to personal-service notice of the hearing. The remaining owners on the block in which that street or alley is located shall be notified of the committee hearing by first-class mail.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 308-28-7 of the code is repealed and recreated to read:

### 308-28. Procedure for Vacating a Street or Alley.

7. NOTICE OF HEARING. Owners of record of all property which abuts the portion of street or alley proposed to be vacated shall be notified by the city clerk of the common council committee hearing in the manner specified in s. 62.73, Wis. Stats., unless the owners waive notice of the hearing. If only part of a street or alley is proposed to be vacated, owners of record of all property which abuts the remainder of that street or alley in the block in which the portion of the street or alley proposed for vacation is located shall be notified by the city clerk of the common council committee hearing by first-class mail at least 5 days in advance of the hearing. The city clerk shall use the most current property ownership information available from the commissioner of assessments.

APPROVED AS TO FORM

\_\_\_\_\_  
Legislative Reference Bureau

Date: \_\_\_\_\_

IT IS OUR OPINION THAT THE ORDINANCE  
IS LEGAL AND ENFORCEABLE

\_\_\_\_\_  
Office of the City Attorney

Date: \_\_\_\_\_

Department of City Development

LRB168959-2

Jeff Osterman

07/13/2017