

# The Town of Cedarburg, Wisconsin

IN THE NAME AND BY THE AUTHORITY OF THE TOWN OF CEDARBURG, WISCONSIN

## Resolution #2011-~~16~~18

“Resolution, Notice, and Lis Pendens Notice to Discontinue a Portion of Butternut Lane.”

STATE OF WISCONSIN  
Town of Cedarburg  
Ozaukee County

**WHEREAS,** The Town Board has determined that a public road reservation for Lot #11 on CSM 1738 in regards to Butternut Lane is not needed at this time, nor are there future subdivision plans that would require use of the public road reservation based on development patterns, and,

**WHEREAS,** The Town Board has determined that this specific public road reservation does not serve a public need and,

**WHEREAS,** The Town Board has determined that discontinuing this specific public road reservation for Lot #11 of CSM #1738 in regards to Butternut Lane is in the public interest,

**NOW THEREFORE, BE IT RESOLVED,** that the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, orders as follows:

A public hearing to discuss a proposed action to discontinue a the public road reservation for Lot #11 of CSM #1738 in regards to Butternut Lane in the Town of Cedarburg shall be held as provided in accordance with the following Notice of Hearing.

The Town Clerk shall publish the following Notice of Hearing as a class 3 notice under chapter 985, Wis. stats., and the Town Clerk shall cause the Notice of Hearing to be served on the owners of all of the frontage of lots and lands abutting upon the public way sought to be discontinued in the manner provided for the service of summons in circuit court at least 30 days before the hearing, except that when service cannot be made within the Town, a copy of the notice shall be mailed to the owner's last-known address at least 30 days before the hearing:

### **NOTICE OF HEARING - DISCONTINUANCE OF A PORTION OF THE PUBLIC WAY IN THE TOWN OF CEDARBURG,**

A public hearing will be held by the Town Board of the Town of Cedarburg at the Cedarburg Town Hall, 1293 Washington Avenue, Cedarburg, WI 53012 on November 16, 2011, at 6:30 p.m., to discuss a proposed action to commence discontinuance of a public road reservation, initiated by introduction of resolution of the Town Board of the Town of Cedarburg under § 66.1003 (4), Wis. stats., described as follows:

Whereas a public road reservation exists over the west sixty-six feet of Lot 11 of Certified Survey Map 1738, recorded in Volume 13, page 132, Document #371225 in the office of the Register of Deeds of Ozaukee County, Wisconsin;

Whereas the abutting land owners are Lot 10 Brian Tuenissen, and abutting the northerly edge of Lots 10 and 11 at 1939 Maple Road is the Tillmann Revocable Trust.

Whereas the Town Board of the Town of Cedarburg, Ozaukee County, Wisconsin, considers that the public interest requires that said public road reservation be vacated and discontinued;

Now, therefore be it resolved;


That in accordance with Section 66.1003, Wis. Stats., the public road reservation over the west 66 feet of Lot 11 of the above described Certified Survey Map #1738 be vacated and discontinued.

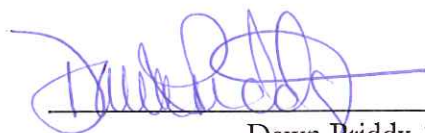
That said vacation and discontinuance of said road reservation does not result in a land locked parcel of property and is in the public interest.

That a hearing on the passage of this resolution be held in accordance with Section 66.1003 and that notice thereof be published and served as required.

The Town Clerk shall file in the Office of the Register of Deeds for Ozaukee County, Wisconsin, a lis pendens related to the proposed discontinuance of public way. The Town Clerk shall properly post or publish this resolution as required under § 60.80, Wis. stats.

Passed and adopted this 16<sup>th</sup> day of November, 2011.

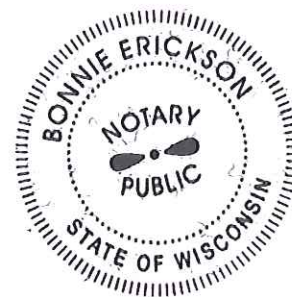
  
David M. Valentine, Town Chairman

  
Dawn Priddy, Town Clerk

Attest:

THIS DOCUMENT WAS DRAFTED BY:

Eric J. Ryer  
Town of Cedarburg  
Director of Recreation & Planning  
1293 Washington Avenue  
Cedarburg, WI 53012  
(262) 377-4509  
(262) 377-0308 FAX



Bonnie Erickson  
11-17-2011

Expiration date  
4-7-2013