



ALLEY VACATIONS

There are several procedures available to vacate an alley, but the procedure most often used is summarized below.

The Common Council may discontinue all or part of a public way (paved alley) upon the written petition of the owners of all the frontage of the lots and lands abutting upon the public way 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 of the public way. The beginning and ending of an alley shall be considered to be within the block in which it is located.

The Common Council may discontinue all or part of an unpaved alley upon the written petition of the owners of more than 50 percent of the frontage of the lots and lands abutting upon the portion of the unpaved alley sought to be discontinued. The beginning and ending of an unpaved alley shall be considered to be within the block in which it is located.

No discontinuance of the whole or any part of a public way (paved alley) may be ordered if a written objection to the proposed discontinuance is filed with the city 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 and lands abutting on the remainder of the public way.

No discontinuance of an unpaved alley shall be ordered if a written objection to a proposed discontinuance is filed with the city by the owner of one parcel of land that abuts the portion of the alley to be discontinued and if the alley provides the only access to off-street parking for the parcel of land owned by the objector.

After the petition is received by the City and it meets the above requirements, it will be referred to the Capital Improvements and Street Maintenance Committee who then will usually forward an initial resolution to the Common Council to set a public hearing. All property owners abutting the alley proposed for vacation will receive a public hearing notice and official notices will be published in the Daily Herald as required by statute.

When the public hearing is held by the Capital Improvements and Street Maintenance Committee, abutting property owners and the public will have the opportunity to speak in favor of or opposition to the proposed vacation. If a property owner is unable to attend the hearing, written testimony can be submitted.

Generally, if no objections are received, the Committee will recommend to the Common Council the alley be vacated, and the Common Council will approve the vacation. The Plan Commission must also act on the alley vacation before final action by the Council.

If there are any utility lines or underground sewers or water mains in the alley, an easement will be retained for maintenance of those utilities (which allows utility workers access to the poles, wires, etc.).

The entire vacation process may take as long as 3 to 4 months from the time the petition is received to the time the Common Council acts on the final resolution due to statutory requirements and the timing of meetings.

When an alley is vacated, in most instances the property reverts to the abutting owners and it becomes part of their back yards. In many cases the property is divided equally between the property owners; however, this does not occur in all cases. The City may provide an opinion regarding the reversion of property, but the City does not control the reversion of property. The Marathon County Register of Deeds Office is notified of alley vacations and they will update all legal descriptions. It is not necessary for property owners to change their deeds or abstracts as a result of the alley vacation. Those documents would be updated in the future at such time as the property is sold or transferred to another owner.

Attached is a list of *Frequently Asked Questions About Alley Vacations*. The person circulating the petition may wish to provide copies to other property owners on the alley (additional copies are available from the Engineering Department or you may make copies). These questions may help persons to better understand the alley vacation process and avoid misunderstandings about what is involved.

If you have any questions about the vacation process, please contact the City of Wausau Engineering Department at 715-261-6740.

(Reference: Section 66.1003 and Section 80.32, Wis. Stats.)

FREQUENTLY ASKED QUESTIONS ABOUT ALLEY VACATIONS

What does it mean to "vacate" an alley?

Vacating an alley means the alley can no longer be used by the public, and the alley reverts in most cases to the abutting property owners (becomes private property). For example, if a twelve-foot wide alley is vacated, property owners on each side of the alley will generally receive six feet. (In rare instances, depending on which property owner originally dedicated the alley, the alley will revert to the property owners on one side only.)

Will my property taxes increase?

Property taxes do not automatically increase as a result of an alley vacation.

If utility poles are in the alley, how will they be serviced?

Easement rights are maintained if there are utility facilities in a vacated alley. The easement allows utility company employees access to the poles or other facilities. Generally, when easement rights are maintained, it will be necessary for owners to keep the alley accessible for service equipment, including vehicles if necessary. This means the alley can still be vacated, and still becomes private property so it is no longer available for use by the general public, but no buildings, fences, or dense shrubbery can be placed in the alley where utility service vehicles may need access. Lawn can be planted and maintained. In the event a utility vehicle cannot get down a vacated alley, the utility company will still be obligated to provide service, by climbing the poles if necessary.

What if utilities are underground, such as a sanitary sewer main?

Again, easement rights are maintained to permit the utility to have access to service its facilities. The alley is still closed to public travel, and still becomes private property, but a clear path should be kept open for occasional access by the utility.

What can property owners do with their portion of the vacated alley?

Vacated alleys essentially increase the size of yards. It is not necessary for property owners to make any changes, but some owners do plant grass, shrubs, flowers, etc. If an easement is maintained for utilities, the utility companies prefer unobstructed access. Grass can be planted and maintained as lawn, but the utilities may need to move equipment through the vacated alley if the need arises.

Does the City barricade or post the ends of an alley which has been vacated?

Typically the City does not barricade or post the alley. Since a vacated alley becomes private property, it is up to property owners to decide what if anything they wish to do.

Is occasional vehicle or pedestrian access permitted through a vacated alley?

Since the alley becomes private property, it would be up to individual property owners to grant permission for others to cross their property.

Are property owners notified of a public hearing to vacate an alley?

All owners of property abutting the alley are notified by personal service or certified mail and a notice of the public hearing is published three times in the newspaper.

What if a property owner objects to having an alley vacated?

According to Wisconsin Statutes, an unpaved alley cannot be vacated if a written objection is received from the owner of property abutting the portion of the alley to be vacated **and if the alley provides the only access to off-street parking for that property.**

A paved alley cannot be vacated if a written objection is received from any of the owners abutting the portion of the alley to be vacated, or by the owners of more than one-third of the frontage of the remaining portion.

Even if an alley meets the criteria to be vacated according to the statutes, the City Council still makes the final decision whether or not the alley is vacated.

What if property owners at or near the end of the alley need the alley for access to their garages?

The vacation of a portion of an alley can be approved. The alley will remain a public way for those properties needing it for access, and the remainder of the alley can be vacated. This results in a "dead-end" alley with the entrance/exit on one end only.

Alternatively, a property owner on one side of the alley could grant an easement or quitclaim their portion of the alley to provide a driveway to the person with the garage. In this manner the entire alley remains private and closed to the public.

What if a property owner cannot attend the public hearing but wishes to voice an opinion in favor of or opposition to the alley vacation?

Property owners can call or write the Engineering Department, 407 Grant Street, Wausau, WI 54403, phone 715/261-6740, **prior to** the public hearing being held. Any comments received will be read at the public hearing.

What happens after the public hearing is held?

The Capital Improvements and Street Maintenance Committee will consider the comments received and make a recommendation to the Common Council which makes the final decision to approve or deny the alley vacation. All property owners will be notified of the Common Council action. If approved, a copy of the Common Council resolution will be filed with the Marathon County Register of Deeds and the property descriptions will be updated for all properties affected by the alley vacation.

*If you have any other questions about alley vacations, please contact the
City of Wausau Engineering Department at 715/261-6740.*