****Road and Easement Process

Town of Oakland, Jefferson County WI

Amended: April 2020

**Introduction**

This packet explains how to vacate a road in the Town of Oakland. The procedure was adopted by the Town Board on May 19, 2020.

**Authority**

The Town Board has assigned the application review for road vacation to the Town Office staff. Staff will review all application materials regarding completion and gather additional information, if necessary, after your packet and supporting materials are turned in. Once confirmed all information is needed for the Town Board to act, you will be given the option to proceed to a future Town Board meeting for a Public Hearing and a decision.

Please note: Office Staff is advisory to the Town Board and has no authority regarding approval or denial of the proposed application.

**What kind of road vacations are there?**Two, but each is governed by a different statute. A platted vacation is governed by statute 66.1003 and pertains to roads in subdivisions. Non-platted or highway road vacations are governed by statute 82.10 and refer to town roads **not** contained in subdivisions. The processes are similar for both, but there are differences between them. The statutes are available online at [www.docs.legis.wiconsin.gov/statutes/prefices/toc](http://www.docs.legis.wiconsin.gov/statutes/prefices/toc). Keep reading for more information.

**Who can apply for road vacations?**

**That depends.** Since there are two different types of vacations, there are two different sets of requirements. They are detailed for you below (language is copied verbatim from applicable State Statutes).

 Platted Roads

* A written petition from:
	+ Owners of all the frontage of the lots and lands abutting upon the public way, **and**
	+ The owners of more than 1/3 of the frontage of the lots and lands abutting on that portion of the reminder of the public way which lies within 2650 feet of the ends of the portion to be discontinued.
	+ In order to find out who the owners are, please go to Jefferson County Land Records online at: [www.jeffersoncountywi.gov/departments/land\_information/land\_records\_online](http://www.jeffersoncountywi.gov/departments/land_information/land_records_online)

 Non-Platted Roads

* Six or more resident freeholders may apply to the Town Board to have a highway laid out, altered or discontinued.
* The term resident freeholder refers to someone who owns land and lives in the municipality. Only people who permanently reside in Oakland can apply to vacate a road.

**Responsibilities**

Applicants are responsible for completing this application. Please use this document as a guide through it. The Clerk’s office may offer assistance, however completing the application materials is your responsibility. Applicants are responsible for paying all expenses related to road vacations including a $250 Application Review and $500 fee for Town Board review and consideration. Expenses covered by these fees include (but are not limited to) publishing, postage, envelopes, paper, ink and staff time. Fees for the property appraisal, the purchase price of the land to be vacated and any legal counsel are solely the responsibility of the applicant(s). Failure to pay these costs will result in the road vacation not being heard by the Town Board or not being recorded by the Register of Deeds.

**Relevant State Statutes**

As noted above, procedures to vacate roads and easements are regulated under Wisconsin Statutes 66.1003 or 82.10 depending on the type of road. If you are pursuing a road vacation, it is suggested you become familiar with these statutes to ensure eligibility of the desired vacation. Copies of these statutes are available online at docs.legis.wisconsin.gov/statutes/

**Restrictions**

1. In granting a vacation, the Town may reserve easements for the installation or maintenance of utilities, ditches, ingress/egress and other similar improvements.
2. Vacation of a road or easement shall be demonstrated to be in the general interest of the public’s health, safety and welfare.
3. No discontinuance of a public way may result in a landlocked parcel or property.

**Road Vacation Procedure**

1. Obtain Road and Easement Vacation Application from Town Hall.
2. Review State of Wisconsin statutes listed above & road vacation requirements contained in this packet.
3. Complete the application and submit five copies of the items below to the Town Office for review (additional documentation may be required by the Clerk):
	1. Completed *Road or Easement Vacation Application and Information Sheet* located in this packet.
	2. Signed letters of concurrence to vacation application by all owners who front or abut proposed vacation (based on the appropriate State Statute)
	3. A scale map of the area which the proposed vacation affects that indicates the location of the proposed vacation in relation to roads, streams, utilities, adjacent parcels and any other notable features
	4. If the proposed vacation is within a subdivision, a full-sized copy of the original subdivision plat with proposed vacation area cross-hatched
	5. A written statement listing how vacated property will be divided among interested parties (if applicable)
	6. The property must be appraised by a Certified Property Appraiser. This is at the cost of the applicant and is not covered by application fees paid to the Town.
4. Once Staff has viewed the materials and indicated the petition is complete, applicants will move forward with the petition process. NOTE: Indication by the staff the petition is complete DOES NOT indicate or suggest that final approval by the Oakland Town Board, Jefferson County, or Court approval will follow.
5. If the applicant wishes to continue, the $500.00 filing fee and items e and f above are due to the Town before appearing on a Town Board agenda.
6. Upon approval by the Town Board, the purchase price of the land you intend to buy must be deposited with the Town Clerk within 30 days, or a deed will not be generated.
7. Failure to provide payment can result in the property being sold to any party willing to pay the purchase price. The vacation resolution is not final until the price of the road to be vacated has been paid.

**Actions by Town Clerk**

1. Notify utilities, police, fire, EMS and mail adjacent property owners who will have twenty (20) days to comment
2. Place a notice to run for three (3) weeks in the Jefferson Daily Union and post three (3) notices near the area petitioned for vacation.
3. In cooperation with the Town Board, the Clerk will schedule a public hearing to be scheduled no sooner than forty (40) days after the petition is filed. The Clerk will publish in the Jefferson Daily Union, a hearing notice a minimum of twenty (30) days prior to the meeting
4. Notify the applicant of the public hearing date, time and place.

**Actions by the Town Board**

1. Conduct Public Hearing
2. Review Staff report, public comments, letters received, area and plat maps, and environmental concerns to make their decision approve or deny road vacation.
3. If the vacation is approved, and after all fees are paid and the purchase price has been paid to the Town, authorize the Clerk to record it with the Jefferson County Register of Deeds.

**Town of Oakland**

**Road Vacation Application**

*Application Fee $250 paid to Town Clerk*

*Additional fees are required for the application process.*

 **Applicant(s)**: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Mailing address(es):\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

City \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ State \_\_\_\_\_\_\_\_\_\_\_\_\_ Zip \_\_\_\_\_\_\_\_\_\_\_\_\_

Email address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Telephone: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Legal description of property**:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 1/4 Section & Section-Township-Range or Subdivision -Lot & Block

Parcels#\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Total acreage\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Current zoning: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Number of parcels affected by this request: \_\_\_\_\_\_\_\_\_\_\_\_\_

Describe area to be vacated (provide additional pages if needed):

Describe reason for request (provide additional pages if needed):

**Applicant Statement and Signature**

I (we) do hereby certify that the information contained in or presented in connection with this application is true and accurate to the best of my (our) knowledge and belief. I (we) do hereby further agree to abide by the agreements, conditions and stipulations that are a part of this request (attach additional pages if necessary).

Owner(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Owner(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Owner(s) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Received by:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

**Frequently Asked Questions**

**Q: What is a Road Right of Way Vacation?**

A: A Right of Way Vacation is required whenever the Town “vacates” or “removes public interest in” a Town road /easement right of way. The resulting vacation is attached to abutting properties increasing the value of the land owned by the petitioners.

There are two types of road vacations: a platted road (in a subdivision) or a highway (town road or non-platted). Road vacations are allowed under Wisconsin State Statutes and Oakland Ordinances if the right-of-way is considered useless for transportation purposes and is determined to be beneficial to the public. The proposed vacation must be compliant and follow the process laid out in Wisconsin state statute 66.1003 for platted roads or State Statute 82.10 for non-platted roads. Statutes are available online through the State of Wisconsin.

**Q: How long does the vacation process take?**

A: A typical road right-of-way vacation takes nine to ten months, though processing time depends on the complexity and number of issues needed to be resolved.

**Q: What are the applicable fees and costs?**

A. A non-refundable fee of $250 is paid to the Clerk. After confirming all materials have been submitted are complete the application is forwarded to the Town Board, a filing fee of $500 is required. This filing fee is also non-refundable.

Compensation for the value of the vacated right-of-way. This is determined by the assessor should the vacation request be granted. Assessor fees are paid by the applicant(s).

The applicant(s) who files the application for vacation is/are responsible for how costs will be divided among the interested parties. A written statement indicating how these costs will be shared will be reviewed at the Town Board appearance.

Checks should be made out to the Town of Oakland. Once the vacation has been approved, all fees must be paid in full prior to the registration with the Register of Deeds.

**Q: How do I get more information?**

A: Everything you need, minus the Wisconsin State Statutes, is contained in this packet. Read the statutes and information here first. If you need additional help, contact the Clerk’s office at:

Town of Oakland

N4450 County Road A

Cambridge WI 53523

608-423-9635

Email: