

VILLAGE OF GERMANTOWN

OFFICIAL NOTICE

PROPOSED RESOLUTION VACATING A RIGHT OF WAY

---

On Monday, March 16, 2020, at 7 p.m. or as soon thereafter, as the matter may be heard, The Village Board of the Village of Germantown, will address a proposed Resolution Discontinuing the 66' Public Road Right of Way Reservation shown on CSM No. 455.

The requested discontinuance is requested by Waste Management of Wisconsin. The area to be vacated is located adjacent to the east property line of the existing Waste Management Facility at N96W13840 County Line Road.

At the Village Board meeting all persons will be afforded an opportunity to be heard during the "Citizen Input/ Public Appearance" section of the Village Board Meeting where they can be heard in regard to discontinuing the right of way. Written comments may be delivered to the Village Clerk at the Germantown Village Hall, N112W17001 Mequon Road, Germantown WI or before the Village Board Meeting.

A copy of the map and proposed resolution are on file and available for inspection at the Village Clerk's Office during the hours of 8:00 a.m. to 4:00 p.m., Monday through Friday or on the Village's website under legal notices <http://www.village.germantown.wi.us/>.

Deanna Braunschweig  
Village Clerk  
Published on February 12, 2020  
February 19, 2020 and February 26, 2020.



**PARCEL TO BE VACATED**

**N96 W13840 County Line Road**

**CSM 455**

**CSM 4247**

**CSM 4248**

**CSM 4249**

**CSM 4250**

**CSM 4251**

**CSM 4252**

**CSM 4253**

**CSM 4254**

**CSM 4255**

**CSM 4256**

**CSM 4257**

**CSM 4258**

**CSM 4259**

**CSM 4260**

**CSM 4261**

**CSM 4262**

**CSM 4263**

**CSM 4264**

**Village of Germantown GIS**

**Village of Germantown**  
 N112 W17001 Mequon Road  
 Germantown, WI 53022  
 262-250-4700



**DISCLAIMER:**  
 This map is not a survey of the actual boundary of any property this map depicts.

The Village of Germantown Does not guarantee the accuracy of the material contained here in and is not responsible for any misuse or misrepresentation of this information or its derivatives.



SCALE: 1 = 132'

Print Date: 2/4/2020

## EXHIBIT B

### VILLAGE OF GERMANTOWN WASHINGTON COUNTY

RESOLUTION NO. \_\_\_\_\_-2020

---

A RESOLUTION DISCONTINUING A PORTION OF THE 66 FOOT PUBLIC ROAD DEDICATION SHOWN ON CSM NO. 455 LOCATED NORTH OF COUNTY LINE ROAD APPROXIMATELY 640 FEET EAST OF FOND DU LAC AVENUE

---

WHEREAS, Certified Survey Map No. 455 contains a 66-foot wide public road dedication along the eastern property line; and

WHEREAS, following due notice and publication the Village Board has conducted a public hearing to determine whether it is appropriate to discontinue a portion of the 66-foot public road dedication shown on CSM No. 455 located north of County Line Road approximately 640 feet east of Fond Du Lac Avenue; and

WHEREAS, based upon the materials on file and the comments received at the public hearing, the Village Board has determined that the public interest requires the vacation of the following described right of way which is illustrated in Exhibit A:

All except of southern-most 50-feet of that 66-foot wide right-of-way dedication commencing at the southwest corner of Section 36, thence N 87 54' 53" E on the south line of said Section 36, 781.0 feet to the point of beginning; thence N 02 05' 07" W, 445.89 feet to a point; thence N 87 54' 53" E, 66.0 feet to a point; thence S 02 05' 07" E, 445.89 feet to a point; thence S 87 54' 53" W, 66.0 feet to the point of beginning as originally platted Certified Survey Map No. 455 recorded in the Office of the Register of Deeds for Washington County, Wisconsin, on November 11, 1971, in Volume 2 on Page 362 as Document No. 326687, being located in and part of the Southwest 1/4 of the Southwest 1/4 of Section 36, Town 9 North of Range 20 East, Village of Germantown, Washington County, Wisconsin; and

WHEREAS, the Village Board finds that the public road right of way which is hereby to be discontinued lies within one-quarter mile of a state trunk highway or connecting highway, and does not contain a railroad crossing within its boundaries; and

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Germantown, Wisconsin, that the public right-of-way described above and shown on Exhibit A is hereby vacated and discontinued.

BE IT FURTHER RESOLVED that the public road right of way so vacated and discontinued shall, upon passage and publication of this Resolution, forever vest in the owner of the lands which immediately abut thereto, and shall be annexed thereto, free and clear of any right, title or interest in the public as road right of way except for the rights of the public to a public purpose easement for utilities within the vacated area pursuant to the provisions of sections 66.1003 and 66.1005 of the Wisconsin Statutes.

Introduced by Trustee \_\_\_\_\_, at the Village Board Meeting of the Village of Germantown on February 3, 2020.

Adopted: March 16, 2020.

Vote: Ayes: \_\_\_ Nays: \_\_\_

\_\_\_\_\_  
Dean M. Wolter, Village President

ATTEST:

\_\_\_\_\_  
Deanna B. Braunschweig, Village Clerk

**VILLAGE OF GERMANTOWN  
WASHINGTON COUNTY**

**RESOLUTION NO. 08-2020**

---

AN INITIAL RESOLUTION FOR THE DISCONTINUANCE OF A PORTION OF THE 66 FOOT PUBLIC ROAD DEDICATION SHOWN ON CSM NO. 455 LOCATED NORTH OF COUNTY LINE ROAD APPROXIMATELY 640 FEET EAST OF FOND DU LAC AVENUE

---

WHEREAS, Certified Survey Map No. 455 contains a 66-foot wide public road dedication along the eastern property line; and

WHEREAS, Waste Management of Wisconsin, the owner of all land abutting said public road dedication, has petitioned for the vacation of said right-of-way; and

WHEREAS, the Village Board has determined that the public interest requires the discontinuation of the following described right of way which is illustrated in Exhibit A:

All except of southern-most 50-feet of that 66-foot wide right-of-way dedication commencing at the southwest corner of Section 36, thence N 87 54' 53" E on the south line of said Section 36, 781.0 feet to the point of beginning; thence N 02 05' 07" W, 445.89 feet to a point; thence N 87 54' 53" E, 66.0 feet to a point; thence S 02 05' 07" E, 445.89 feet to a point; thence S 87 54' 53" W, 66.0 feet to the point of beginning as originally platted Certified Survey Map No. 455 recorded in the Office of the Register of Deeds for Washington County, Wisconsin, on November 11, 1971, in Volume 2 on Page 362 as Document No. 326687, being located in and part of the Southwest 1/4 of the Southwest 1/4 of Section 36, Town 9 North of Range 20 East, Village of Germantown, Washington County, Wisconsin; and

WHEREAS, the public road right of way which is hereby to be discontinued lies within one-quarter mile of a state trunk highway or connecting highway, and does not contain a railroad crossing within its boundaries; and

WHEREAS, Sec. 66.1003 of the Wisconsin Statutes requires a public hearing on any proposed discontinuance not less than 40 days following the introduction of a discontinuance resolution;

NOW, THEREFORE, BE IT RESOLVED by the Village Board of the Village of Germantown, Wisconsin, that the Discontinuance Resolution attached hereto as Exhibit B is hereby introduced as that term is used in Wis. Stat. § 66.1003(4).

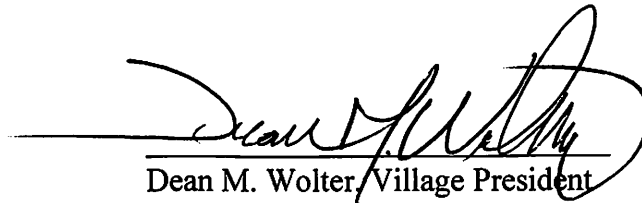
BE IT FURTHER RESOLVED, that a public hearing on the discontinuance resolution is hereby scheduled for March 16, 2020 at 7:00 p.m. or as soon thereafter as the Village Board may hear the matter.

BE IT FURTHER RESOLVED that the Village Clerk is hereby directed to deliver a copy of this resolution to the Wisconsin Secretary of Transportation.

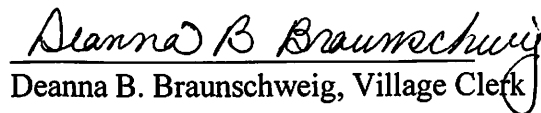
Introduced by Trustee Baum, at the Village Board Meeting of the Village of Germantown on February 3, 2020.

Adopted: February 3, 2020

Vote: Ayes: 9 Nays: 0

  
Dean M. Wolter, Village President

ATTEST:

  
Deanna B. Braunschweig, Village Clerk

**BUSINESS OF THE VILLAGE BOARD  
GERMANTOWN, WI**

MEETING DATE: February 3, 2020

AGENDA ITEM: Public Hearing and New Business

ITEM TITLE: Resolution 08-20 Introducing the Request to Discontinue the 66' Public Right-of-Way Reservation Shown on CSM No 455

SUBMITTED BY: Lawrence W Ratayczak, P.E., Director of Public Works

SUMMARY EXPLANATION:

The Village was approached by Waste Management having a 66' Public Road Right-of-Way Reservation with a request to Discontinue (Vacate) the Public Road Right-of-Way Reservation. Pursuant to State Statutes the Request was taken to the Plan Commission on September 9, 2019 and received a unanimous vote to Discontinue the 66' wide public street right-of-way reservation.

The next procedural item will be to take the Discontinuance (vacation) of right-of-way to the Village Board for a Hearing. The Hearing requires a Type 3 Notice which is the legal publication of the Notice of Hearing for three (3) consecutive weeks. The first of three advertisements for the Hearing will take place on February 12, 2020. The Hearing will be at a future Village Board meeting.

ATTACHMENT: ORDINANCE\_\_\_\_ RESOLUTION\_\_\_\_ OTHER X

- Resolution

RECOMMENDATION:

Staff recommends that the Village Board approve the Resolution Introducing Discontinuance of the 66' Public Road Right-Of-Way Reservation.

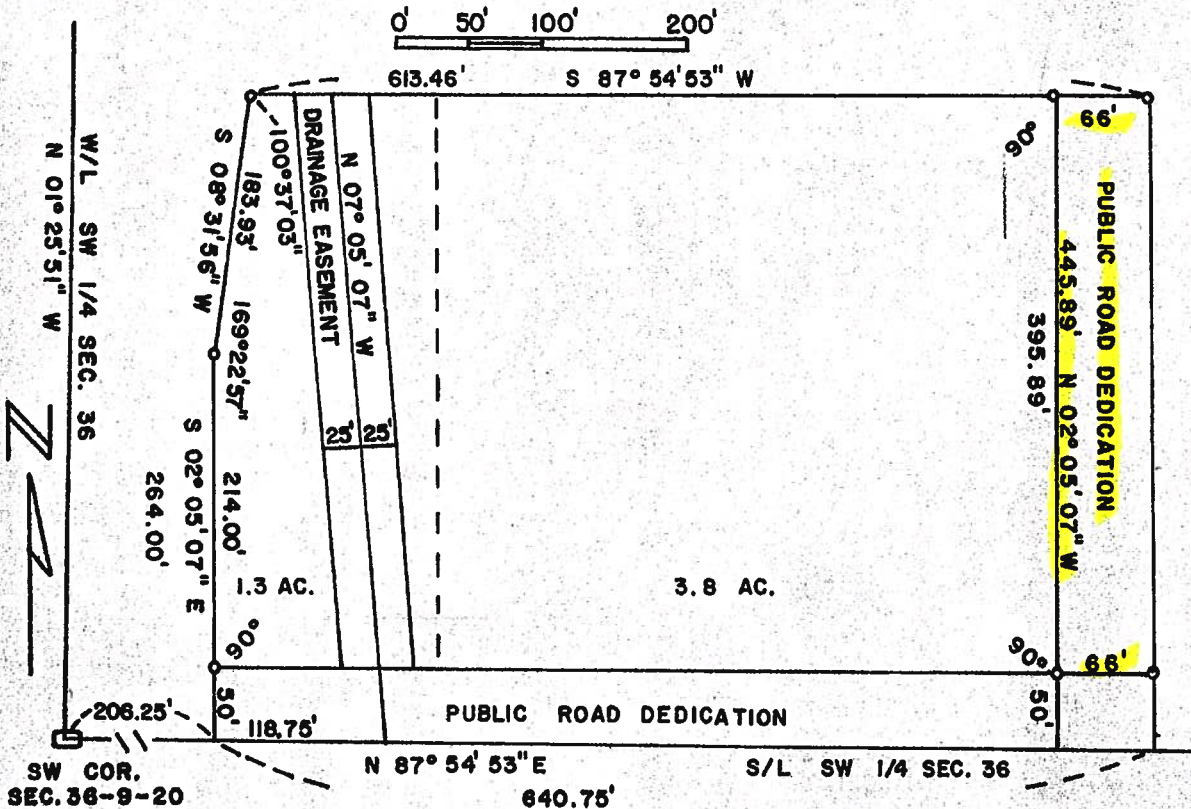
COMMITTEE ACTION:

Proper parliamentary procedure to deny a request is to have a motion made in the affirmative and by voting NAY would deny the request if a majority vote.

# EXHIBIT "A"

326687

**CERTIFIED SURVEY MAP**  
**SW 1/4 OF SW 1/4 SEC. 36-9-20**  
**VILLAGE OF GERMANTOWN, WASHINGTON COUNTY, WISC.**



o Denotes 3/4" x 36" iron rod, 1.502 lbs./ft.

SCALE 1"=100'

**SURVEYOR'S CERTIFICATE**

STATE OF WISCONSIN )  
 WASHINGTON COUNTY ) SS

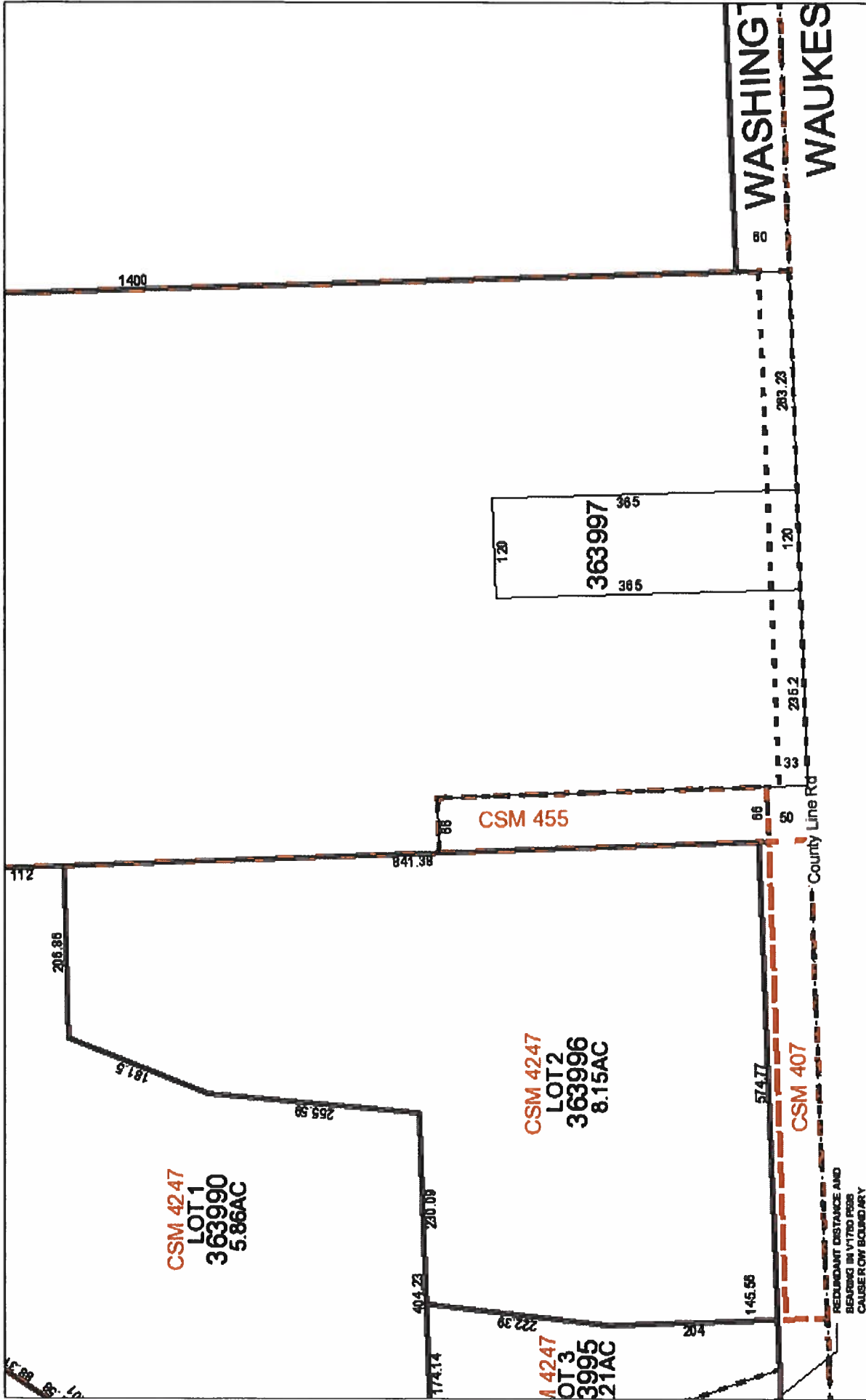
I, Robert H. Packee, registered land surveyor, do hereby certify:

That I have surveyed and mapped a part of the SW 1/4 of the SW 1/4 of Section 36 T 9 N, R 20 E, Village of Germantown, Washington County, Wisconsin, bounded and described as follows;

Commencing at the SW corner of said Section 36; thence N 87 54' 53" E on the south line of said Section 36, 781.00 feet to the point of beginning of this description; thence N 02 05' 07" W, 445.89 feet to a point; thence N 87 54' 53" E, 66.0 feet to a point; thence S 02 05' 07" E, 445.89 feet to a point; thence S 87 54' 53" W, 66.0 feet to the point of beginning of this description, the entire parcel to be a public road dedication.



# Web AppBuilder for ArcGIS



January 23, 2020

⊕ PLSS Monument Road Centerline I, USH Road Centerline STH, CTH  
⊕ Road Centerline TWN, CVS, PVT  
⊕ Landhook  
⊕ Trails  
⊕ Public Open Spaces  
⊕ Current Parcel  
⊕ Meander Line  
⊕ PLSS Boundary  
⊕ Plat  
⊕ Lot

0 0.015 0.03 0.06 mi  
 0 0.025 0.05 0.1 km  
 1:2,014  
 Washington County GIS  
 Washington County