

RESOLUTION NO. 106

A RESOLUTION TO DISCONTINUE
PORTIONS OF CERTAIN RIGHT-OF-WAYS
IN THE LALUMIERE SUBDIVISION
IN THE VILLAGE OF OCONOMOWOC LAKE

WHEREAS, the public interest requires that the following right-of-ways be discontinued, described by map in Exhibits 1, 2, 3, 4, 5, and 6, and identified by legal description in Exhibit 7, said exhibits being attached hereto and incorporated herein by reference; and

WHEREAS, this resolution was introduced in this form before the Village of Oconomowoc Lake Village Board on February 17, 2003, for the discontinuance of portions of rights-of-ways in the Lalumiere Subdivision in the Village of Oconomowoc Lake as described above; and

WHEREAS, following introduction of this resolution, the Village Board set a date for a public hearing which was not less than forty (40) days after the date on which the resolution was introduced; and

WHEREAS, notice of public hearing stating when and where this resolution would be acted upon and stating what public way is proposed to be discontinued was published as a Class 3 Notice under Chapter 985; and

WHEREAS, in addition, the notice was personally served on the owners of all of the frontage of the lots and lands abutting upon the public way sought to be discontinued in a manner provided for the service of summons in Circuit Court at least 30 days before the hearing, as to those owners who could be served within the Village; and

WHEREAS, the notice was served by mail, postage prepaid, addressed to the last known address of the owners of all of the frontage of the lots and lands abutting upon the public way sought to be discontinued at least 30 days before the hearing as to those owners who could not be personally served within the Village, and for whom upon reasonable diligence personal service was unsuccessful; and

WHEREAS, only one written objection to the proposed discontinuance has been filed with the Village Clerk 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 which lies within 2,650 feet from the ends of the public way proposed to be discontinued or which lies within that portion of the 2,650 feet that is within the corporate limits of the Village; the one written objection having been made by Robert H. Rummel, owner of property at 3810 Lalumiere Drive, and which states as follows:

"I'm the owner of 3810 Lalumiere Drive. My residence has been there on and off for 45 years. Should you take away my right of way on the existing roadways, as they exist today, I will file a lawsuit to keep those access ways open, as I have enjoyed for the last 45 years!"; and

WHEREAS, this objection is not clear when it references use of "the existing roadways, as they exist today", which may relate only to the currently improved right of ways, in which case perhaps Mr. Rummel does not object to the vacation of the unimproved right of ways that Mr. Rummel's property abuts and that his improvements encroach upon; and Mr. Rummel was not present at the hearing to clarify the matter; and given the unanimous vote regarding this resolution, the question of whether the objection was valid was rendered moot; and

WHEREAS, no landlocked parcel will be created by the proposed discontinuance; and

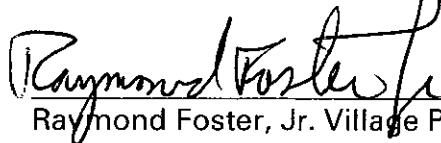
WHEREAS, said public hearing was conducted before the Village Board of the Village of Oconomowoc Lake on April 21, 2003; and

WHEREAS, following due consideration of all information received in the petition and in the public hearing of this matter and being duly advised, the Village Board of the Village of Oconomowoc Lake declares that the public interest requires discontinuance of said portions of said right-of-ways,

NOW, THEREFORE, be it resolved by the Village Board of the Village of Oconomowoc Lake, Waukesha County, Wisconsin the right-of-ways described in the maps attached as Exhibits 1, 2, 3, 4, 5, and 6, and in the legal descriptions depicted in attached Exhibit 7 which may affect the parcels described in attached Exhibit 8 are hereby discontinued.

This resolution was adopted by unanimous vote of all seven members of the Village Board on April 21, 2003, and the authorized signatures of the Village President and Village Clerk are executed this 19th day of May, 2003.

VILLAGE OF OCONOMOWOC LAKE


Raymond Foster, Jr. Village President

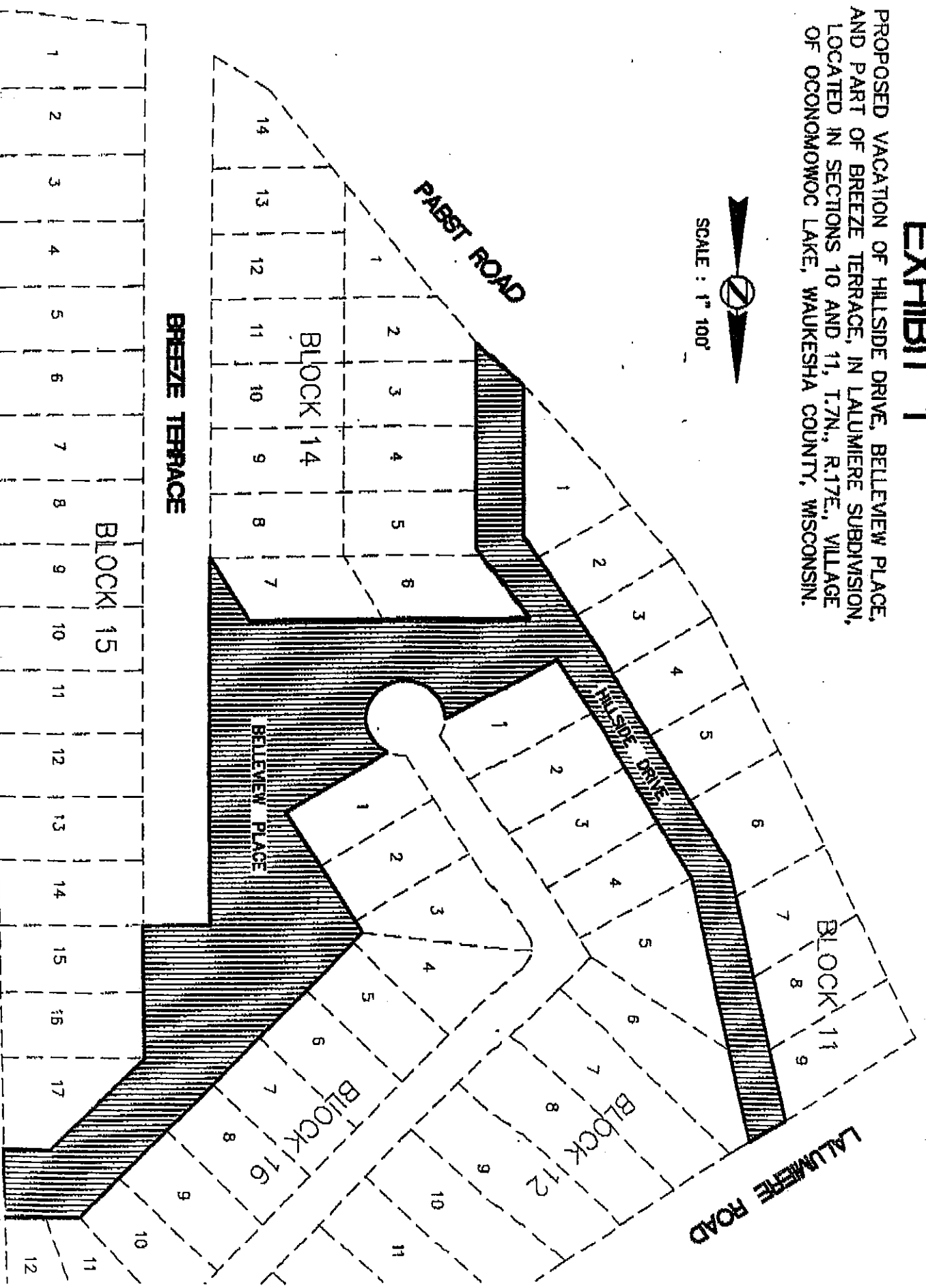
ATTEST:

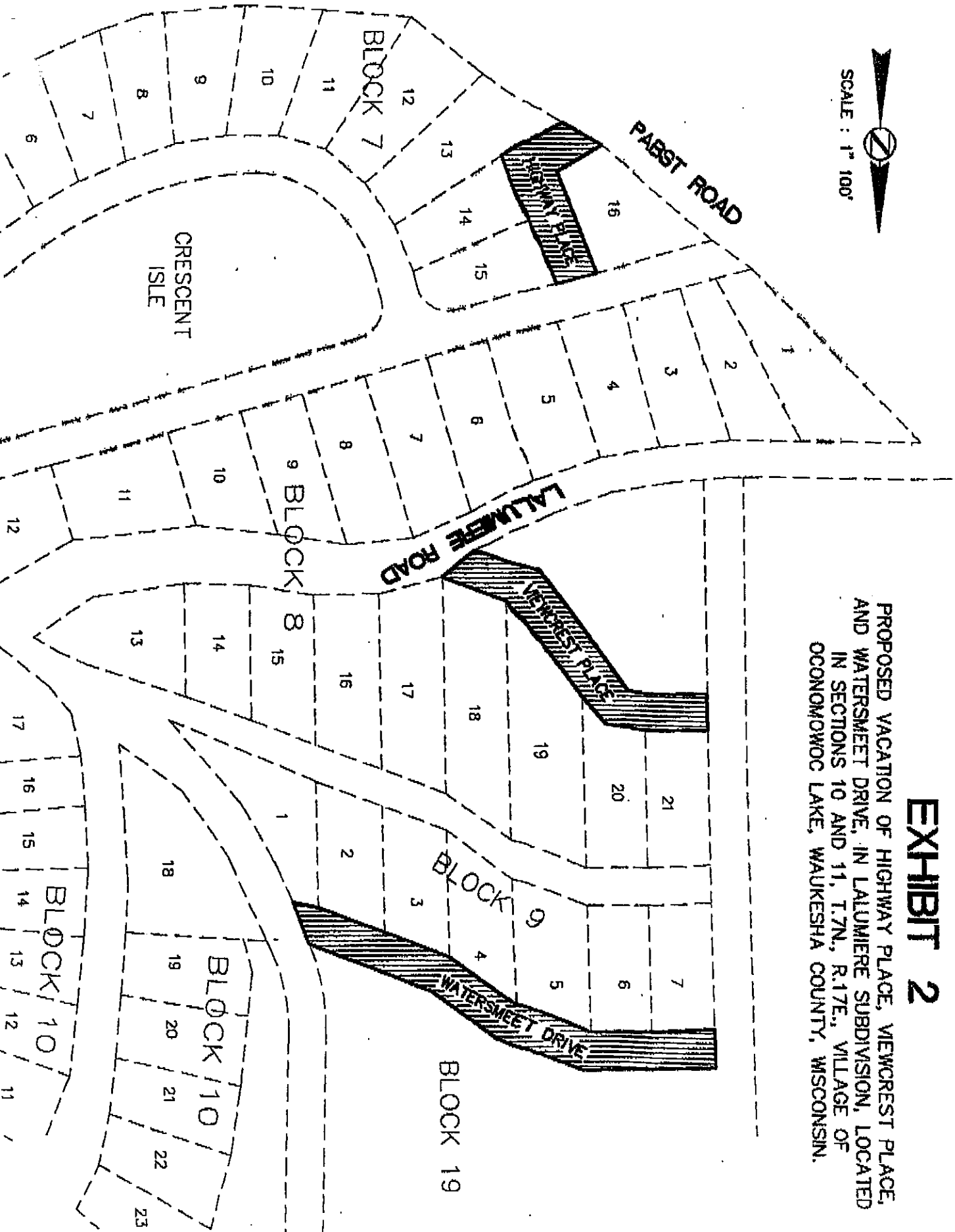

Barbara Stern, Village Clerk

Published and/or posted this 19th day of May, 2003.

EXHIBIT 1

PROPOSED VACATION OF HILLSIDE DRIVE, BELLEMEW PLACE, AND PART OF BREEZE TERRACE, IN LALUMIERE SUBDIVISION, LOCATED IN SECTIONS 10 AND 11, T.7N., R.17E., VILLAGE OF OCONOMOWOC LAKE, WAUKESHA COUNTY, WISCONSIN.



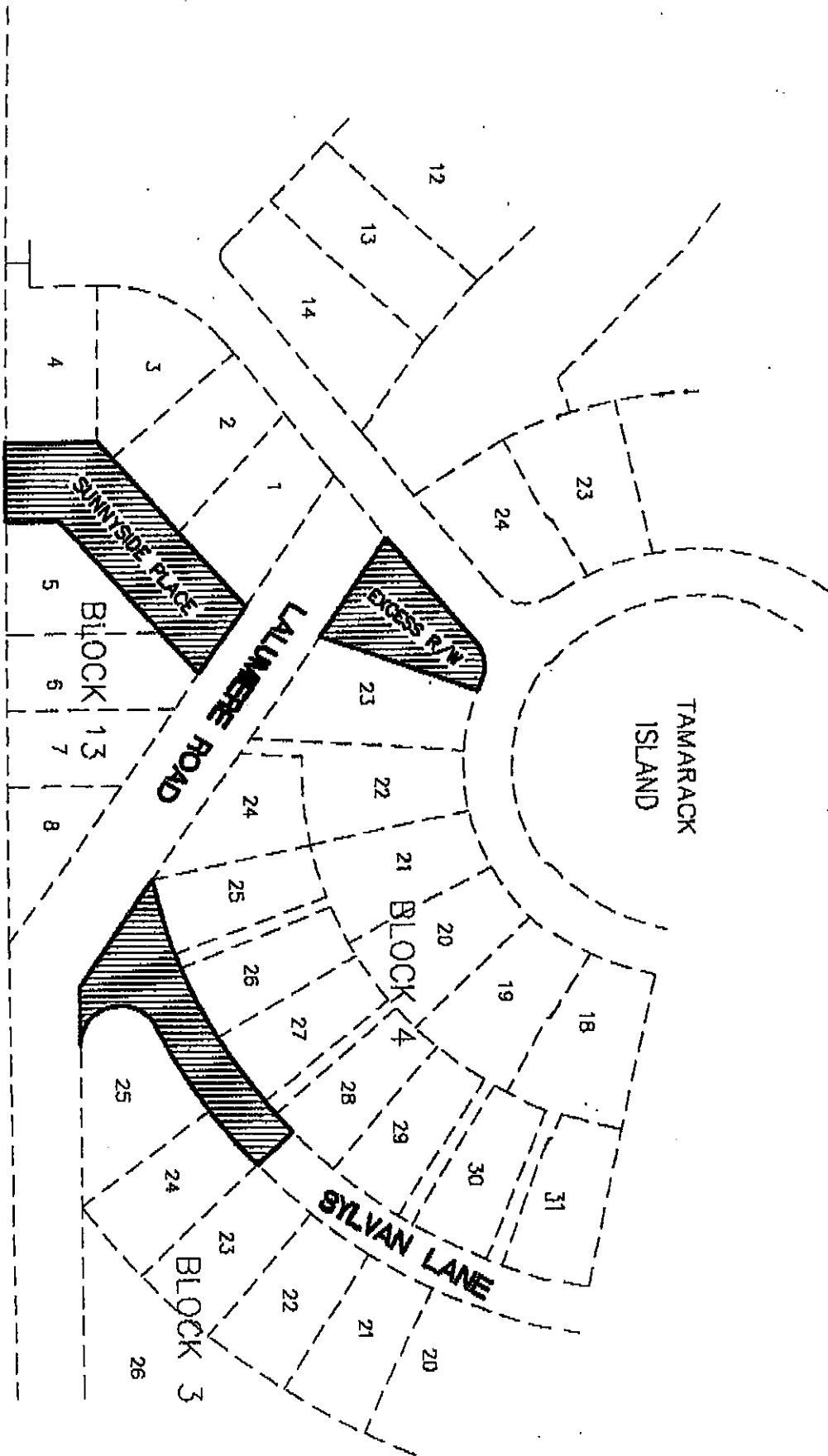


PROPOSED VACATION OF HIGHWAY PLACE, VIEWCREST PLACE,
 AND WATERSMEET DRIVE, IN LALUMIERE SUBDIVISION, LOCATED
 IN SECTIONS 10 AND 11, T.7N., R.17E., VILLAGE OF
 OCONOMOWOC LAKE, WAUKESHA COUNTY, WISCONSIN.

EXHIBIT 2

PROPOSED VACATION OF SUNNYSIDE PLACE, EXCESS R.O.W. ADJACENT TO LOT 23, BLOCK 4, AND PART OF SYLVAN LANE, IN SECTIONS 10 AND 11, T.7N., R.17E., VILLAGE OF OCONOMOWOC LAKE, WAUKESHA COUNTY, WISCONSIN.

EXHIBIT 3



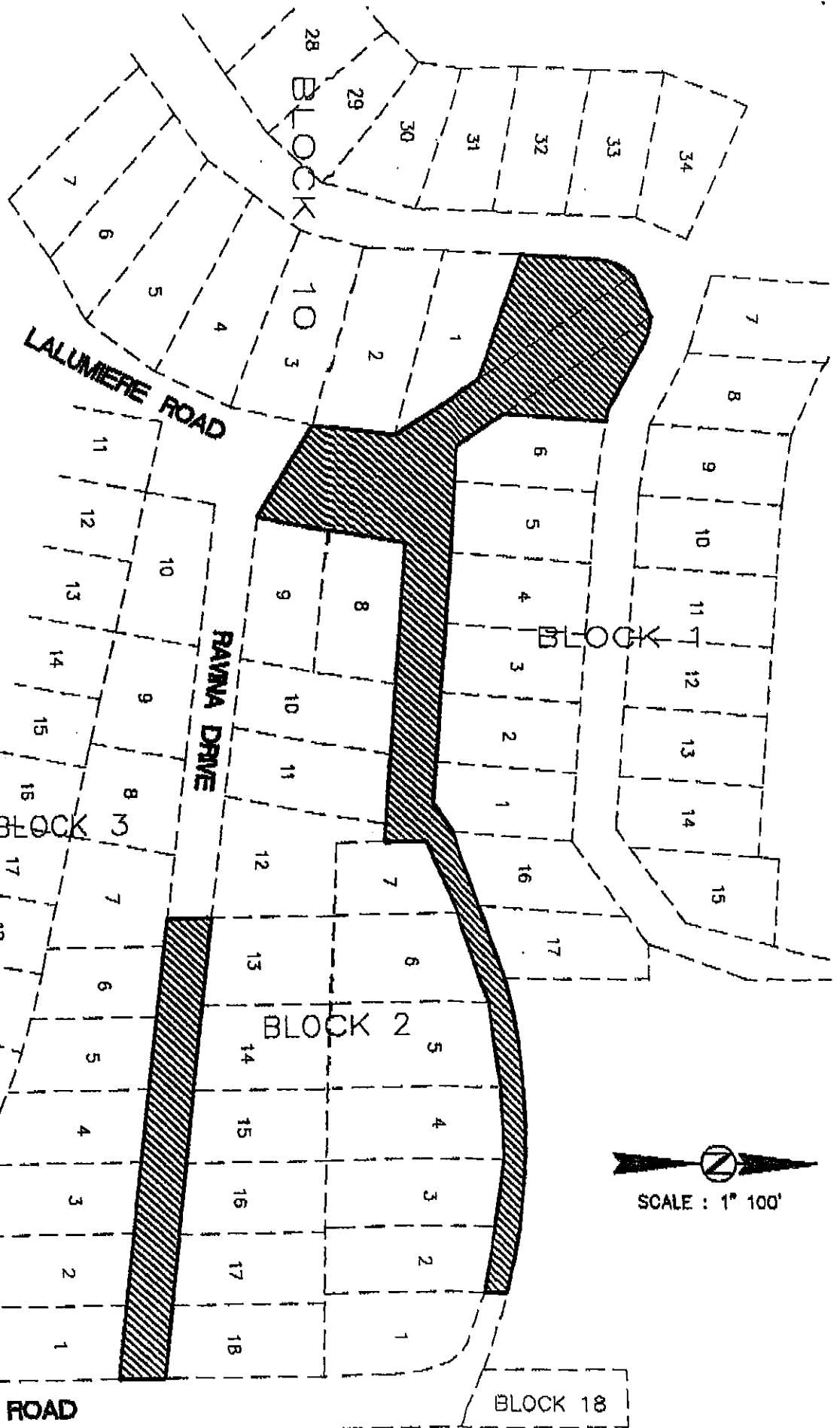


EXHIBIT 4

PROPOSED VACATION OF CEDAR DRIVE, EXCESS R.O.W. ADJACENT TO LOT 1, BLOCK 10, AND LOT 6, BLOCK 1; ALSO PART OF RAVINA DRIVE AND LALUMIERE ROAD, IN SECTIONS 10 AND 11, T.7N., R.17E., VILLAGE OF OCONOMOWOC LAKE, WAUKESHA COUNTY, WISCONSIN.

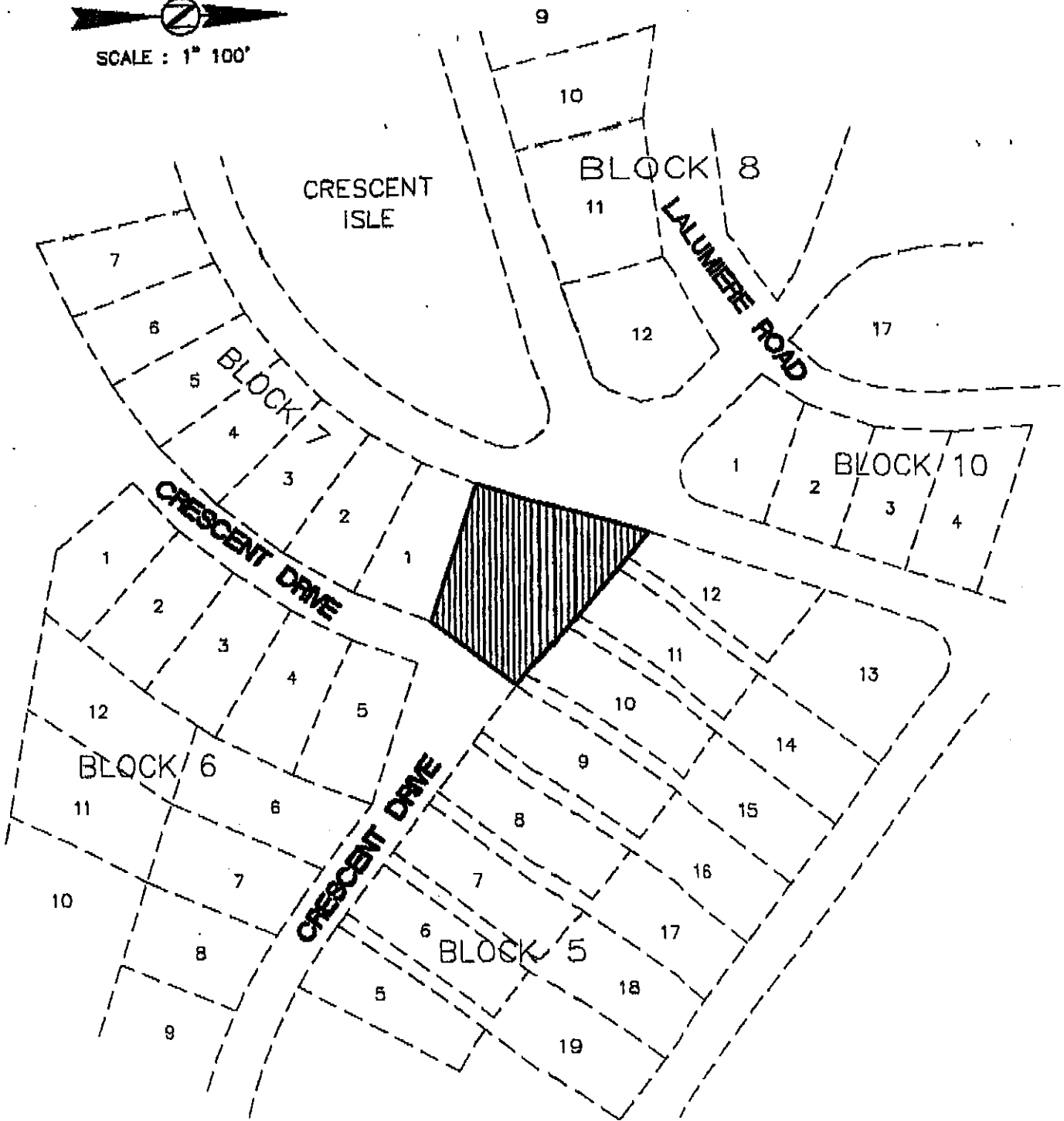
EXHIBIT 5

PROPOSED VACATION OF PART OF CRESCENT DRIVE, LYING BETWEEN LOT 1, BLOCK 7 AND LOT 15, BLOCK 5 IN SECTIONS 10 AND 11, T.7N., R.17E., VILLAGE OF OCONOMOWOC LAKE, WAUKESHA COUNTY, WISCONSIN.



SCALE : 1" = 100'

PABST ROAD



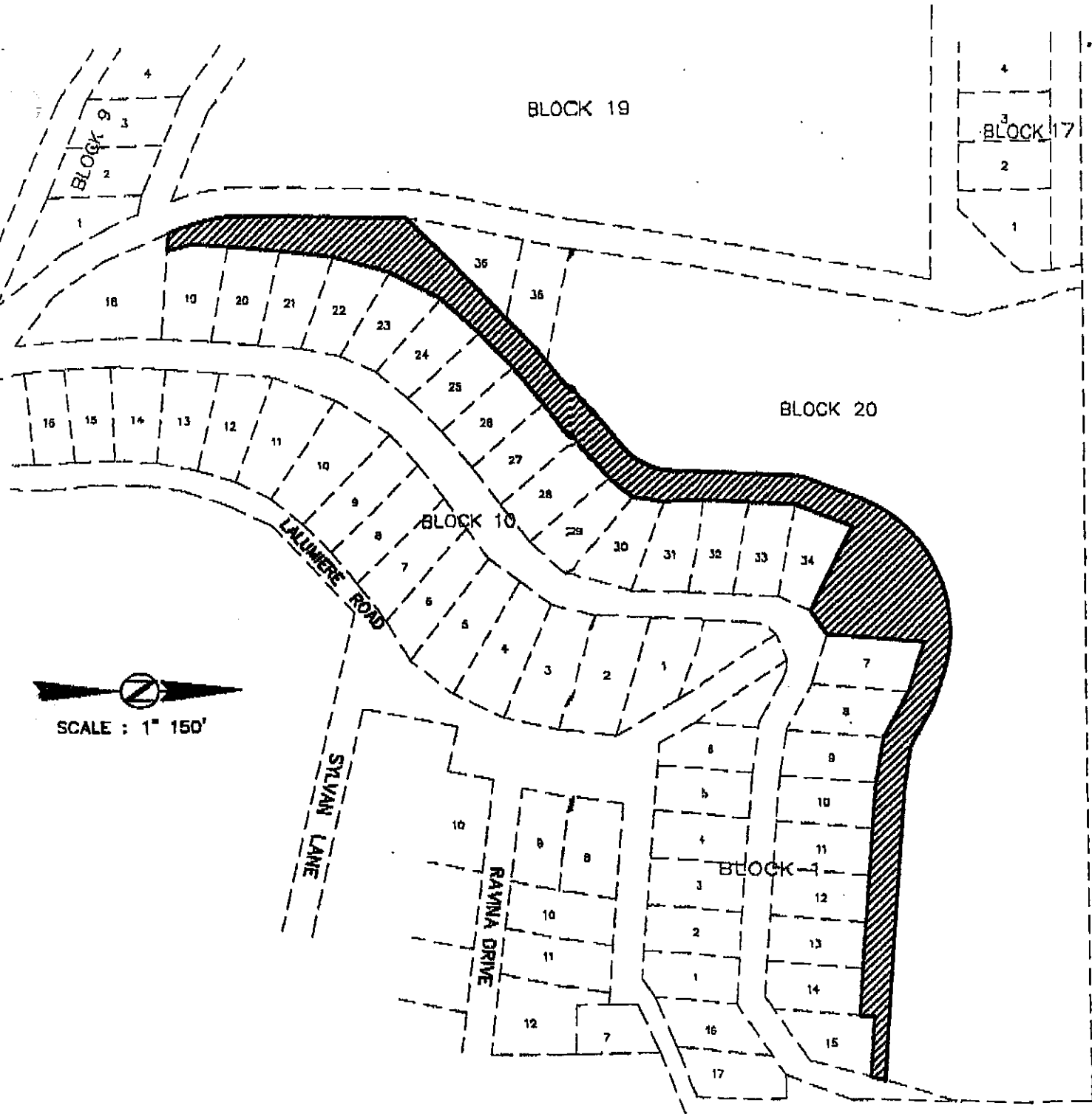
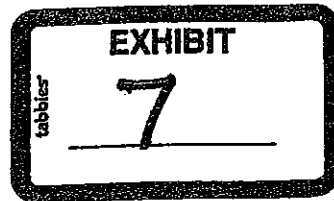


EXHIBIT 6

PROPOSED VACATION OF TAMARACK DRIVE, LOCATED IN SECTIONS 10 AND 11, T.7N., R.17E., VILLAGE OF OCONOMOWOC LAKE, WAUKESHA COUNTY, WISCONSIN.



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**LEGAL DESCRIPTIONS FOR PROPOSED ROAD VACATIONS OF
PLATTED RIGHT-OF-WAY IN LALUMIERE SUBDIVISION**

Legal No. 1

Being all of Hillside Drive as shown on the recorded plat of LaLumiere, located in Sections 10 and 11, T7N, R17E, Village of Oconomowoc Lake, Waukesha County, Wisconsin. (See Exhibit 1)

Legal No. 2

Being all of Belleview Place as shown on the recorded plat of LaLumiere, located in Sections 10 and 11, T7N, R17E, Village of Oconomowoc Lake, Waukesha County, Wisconsin. (See Exhibit 1)

Legal No. 3

Being all that part of Breeze Terrace, adjacent to Lots 15, 16, and 17, Block 5, of the recorded plat of LaLumiere, located in Sections 10 and 11, T7N, R17E, Village of Oconomowoc Lake, Waukesha County, Wisconsin. (See Exhibit 1)

Legal No. 4

Being all of Highway Place as shown on the recorded plat of LaLumiere, located in Sections 10 and 11, T7N, R17E, Village of Oconomowoc Lake, Waukesha County, Wisconsin. (See Exhibit 2)

Legal No. 5

Being all of Viewcrest Place as shown on the recorded plat of LaLumiere, located in Sections 10 and 11, T7N, R17E, Village of Oconomowoc Lake, Waukesha County, Wisconsin. (See Exhibit 2)

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Legal No. 6

Being all of Watersmeet Drive as shown on the recorded plat of LaLumiere, located in Sections 10 and 11, T7N, R17E, Village of Oconomowoc Lake, Waukesha County, Wisconsin. (See Exhibit 2)

Legal No. 7

Being all of Sunnyside Place as shown on the recorded plat of LaLumiere, located in Sections 10 and 11, T7N, R17E, Village of Oconomowoc Lake, Waukesha County, Wisconsin. (See Exhibit 3)

Legal No. 8

Being all of the excess road right-of-way, adjacent to Lot 23, Block 4, on the Westerly side of LaLumiere Road, as shown on the recorded plat of LaLumiere, located in Sections 10 and 11, T7N, R17E, Village of Oconomowoc Lake, Waukesha County, Wisconsin. (See Exhibit 3)

Legal No. 9

Being all that part of Sylvan Lane, lying Southeasterly of the extension of the common lot line between Lots 23 and 24, Block 3, as shown on the recorded plat of LaLumiere, located in Sections 10 and 11, T7N, R17E, Village of Oconomowoc Lake, Waukesha County, Wisconsin. (See Exhibit 3)

Legal No. 10

Being all that part of Ravina Drive, lying Easterly of the extension of the common lot line between Lots 12 and 13, Block 2, as shown on the recorded plat of LaLumiere, located in Sections 10 and 11, T7N, R17E, Village of Oconomowoc Lake, Waukesha County, Wisconsin. (See Exhibit 4)

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Legal No. 11

Being all that part of LaLumiere Road (platted as Ridgeway Drive and Lakeview Drive) and all of Cedar Drive along with excess road right-of-way adjacent to Lot 1, Block 10, and Lot 6, Block 1, as shown on the recorded plat of LaLumiere, located in Sections 10 and 11, T7N, R17E, Village of Oconomowoc Lake, Waukesha County, Wisconsin, more fully described as follows;

Beginning at the NW corner of Lot 1, Block 2, of said subdivision; thence Westerly along the Southerly right-of-way line of LaLumiere Road, to the NW corner of Lot 7, Block 2; thence South 30 feet more or less to the North line of Lots 8, 10, 11, and 12, of said Block 2; thence Westerly along said North line, to the NW corner of said Lot 8, Block 2; thence Southerly to the SW corner of Lot 9, Block 2; thence Northwesterly to the NE corner of Lot 3, Block 10; thence Northerly to the Northeast corner of Lot 2, Block 10; thence Northwesterly to the NE corner of Lot 1, Block 10; thence Westerly to the NW corner of Lot 1, Block 10; thence Northerly and Easterly along the platted channel to the NW corner of Lot 6, Block 1; thence Southerly to a point on the Northerly line of Cedar Drive; thence Southeasterly along said Northerly line to the North line of LaLumiere Road; thence Easterly along the Northerly line of LaLumiere Road to a point on the extension of the common lot line between Lots 1 and 2, Block 2; thence due South to the NW corner of Lot 1, Block 2 and the place of beginning. (See Exhibit 4)

Legal No. 12

Being all that part of Crescent Drive (platted as Island Drive), as shown on the recorded plat of LaLumiere, located in Sections 10 and 11, T7N, R17E, Village of Oconomowoc Lake, Waukesha County, Wisconsin, more fully described as follows;

Beginning at the NE corner of Lot 1, Block 7, of said subdivision; thence Westerly on the North line of said Lot 1 to the NW corner of said Lot 1; thence Northeasterly along the platted channel to the SW corner of Lot 12, Block 5; thence Southeasterly along the Southerly line of Lots 10 through 15, Block 5, to the SE corner of Lot 15, Block 5; thence Southwesterly to the NE corner of Lot 1, Block 7, and the place of beginning. (See Exhibit 5)

Legal No. 13

Being all of Tamarack Drive as shown on the recorded plat of LaLumiere, located in Sections 10 and 11, T7N, R17E, Village of Oconomowoc Lake, Waukesha County, Wisconsin. (See Exhibit 6)

EXHIBIT 8

Tax Key Numbers of Parcels Abutting Right-of-Ways to be Discontinued

OCLV	0613 003 002
OCLV	0613 187 002
OCLV	0613 001 001
OCLV	0613 309
OCLV	0613 019 002
OCLV	0613 017
OCLV	0613 033 001
OCLV	0613 034 001
OCLV	0618 999 001
OCLV	0613 307
OCLV	0613 180
OCLV	0613 308
OCLV	0613 061 002
OCLV	0613 063 001
OCLV	0613 252 001
OCLV	0613 162 005
OCLV	0613 176 001
SUMT	0613 997
OCLV	0613 159 001
OCLV	0613 142

OCLV	0613 118 003
OCLV	0613 118 002
OCLV	0613 223 002
OCLV	0613 234
OCLV	0613 227
OCLV	0613 224 002
OCLV	0613 266 001
OCLV	0613 255 001
OCLV	0613 285
OCLV	0613 270
OCLV	0613 037 002
OCLV	0618 017

STATE OF WISCONSIN)
)
COUNTY OF WAUKESHA)

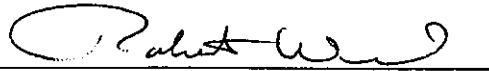
AFFIDAVIT OF POSTING

Resolution 106
Discontinue portions road right-of-way

The undersigned, being first duly sworn, on oath deposes and states that on May 19, 2003, at the direction of the Clerk of the Village of Oconomowoc Lake, he posted copies of the foregoing proceedings of the Village Board in the following public places in said Village:

to-wit:

- (1) Opposite the entrance to the Oconomowoc Lake Club on the northern side of the road in front of the Club;
- (2) At the entrance to the Village Hall on West Pabst Road;
- (3) At the Village Boat Launch located at 35622 E. Wisconsin Avenue.



Posting Officer

Subscribed and sworn to before me

This 19th day of May, 2003

Barbara Steer

Notary Public, Waukesha County, Wisconsin
My Commission expires: 4-15-07