



Legislation Details (With Text)

**File #:** 090537      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 9/1/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 12/1/2009

**Effective date:**

**Title:** Substitute resolution to vacate a portion of the north side of East Locust Street between North Dousman Street and the Milwaukee River, in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

**Attachments:** 1. Fiscal Note.pdf, 2. Exhibit A.pdf, 3. City Plan Commission Letter.pdf, 4. Hearing Notice List

| Date       | Ver. | Action By              | Action                   | Result | Tally |
|------------|------|------------------------|--------------------------|--------|-------|
| 9/1/2009   | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 9/10/2009  | 0    | PUBLIC WORKS COMMITTEE | REFERRED TO              |        |       |
| 11/10/2009 | 0    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 11/10/2009 | 1    | CITY CLERK             | DRAFT SUBMITTED          |        |       |
| 11/18/2009 | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 5:0   |
| 12/1/2009  | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 14:0  |
| 12/9/2009  | 1    | MAYOR                  | SIGNED                   |        |       |

090537  
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate a portion of the north side of East Locust Street between North Dousman Street and the Milwaukee River, in the 3rd Aldermanic District.

This substitute resolution vacates the above portion of right-of-way in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 62.73, Wisconsin Statutes, and Section 308-28, Milwaukee Code of Ordinances. This vacation was requested by KVG Building Corporation/Milwaukee Locust LLC to add a 97-foot long by 42-foot wide undeveloped portion of right-of-way, along the north side of East Locust Street, to the property at 1300 East Locust Street and to align the southerly property line with the property to the west.

Whereas, It is proposed that a portion of the north side of East Locust Street between North Dousman Street and the Milwaukee River be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been directed to prepare a coordinated report estimating all costs and benefit assessments that will be incurred with said vacation; and

Whereas, That as provided by Section 62.73, Wisconsin Statutes, a lis pendens must be filed with the Milwaukee County Register of Deeds; and

Whereas, Said vacation has been reviewed in accordance with Section 308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said portion of right-of-way as indicated by Exhibit A and bound and described by:

That part of East Locust Street in the Northeast 1/4 of Section 16, Township 7 North, Range 22 East, described as follows: Commencing at the point of intersection of the west line of the East 1/2 of vacated North Gordon Place and the north line of East Locust Street, extended; thence Easterly along said north line extended to its point of intersection with the east line of North Gordon Place; thence continuing Easterly, along said north line, 82.46 feet to a point; thence Southerly to a point lying 42.00 feet South of, as measured normal to, said north line; thence Westerly, parallel to said north line and its extension, to a point in the southerly extension of the west line of the East 1/2 of North Gordon Place; thence Northerly, along said southerly extension, to the point of commencement is vacated; and, be it

Further Resolved, That a notice of pendency of said vacation has been recorded at the Milwaukee County Register of Deeds and the Commissioner of the Department of City Development may request a release of the lis pendens without Common Council action if said vacation is not approved; and, be it

Further Resolved, That the Commissioner of Public Works and/or the City Engineer are authorized to implement the actions listed in the coordinated report relating to said vacation and when a money deposit is required, it must be deposited prior to implementing said actions; and, be it

Further Resolved, That as provided by Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground structures, improvements or services, as enumerated or otherwise existing in said description of land above described, both easements and rights and all rights of entrance, maintenance, construction and repair with reference thereto shall continue as if said portion of right-of-way had not been vacated.

DCD:AJF:ajf  
11/10/09