



Legislation Details (With Text)

**File #:** 990651      **Version:** 2

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

**File created:** 7/29/1999      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 12/17/1999

**Effective date:**

**Title:** Substitute resolution to vacate a portion of North 36th Street between West Meinecke Avenue and West North Avenue and portions of the North-South alleys in the blocks bounded by West North Avenue, North 35th Street, West Meinecke Avenue and North 37th Street, in the 17th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** ALLEY VACATIONS, STREET VACATIONS

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
7/29/1999	0	COMMON COUNCIL	ASSIGNED TO		
8/6/1999	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
11/16/1999	1	CITY CLERK	DRAFT SUBMITTED		
12/1/1999	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/8/1999	2	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
12/8/1999	2	CITY CLERK	DRAFT SUBMITTED		
12/17/1999	2	COMMON COUNCIL	ADOPTED	Pass	16:0
12/29/1999	2	MAYOR	SIGNED		

990651  
SUBSTITUTE 2

THE CHAIR

Substitute resolution to vacate a portion of North 36th Street between West Meinecke Avenue and West North Avenue and portions of the North-South alleys in the blocks bounded by West North Avenue, North 35th Street, West Meinecke Avenue and North 37th Street, in the 17th Aldermanic District.

- Analysis -

This substitute resolution vacates portions of said street and alleys in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 66.297(1), Wisconsin Statutes, and Section 81-308-28, Milwaukee Code of Ordinances. This vacation is necessary for the Redevelopment Authority of the City of Milwaukee to sell said land for redevelopment.

Whereas, It is proposed that a portion of North 36th Street between West Meinecke Avenue and West North Avenue and portions of the North-South alleys in the blocks bounded by West North Avenue, North 35th Street, West Meinecke Avenue and North 37th Street, be vacated pursuant to the provisions of Section 66.297, Wisconsin Statutes; and

Whereas, In File No. 990330 adopted on July 13, 1999, the Common Council of the City of Milwaukee ("Council") authorized the sale of Redevelopment Authority of the City of Milwaukee ("Authority") land in the vicinity of West North Avenue and North 35th Street to American Stores Properties, Inc. for development of a combination grocery/drug store; and

Whereas, The Developer has agreed to grant an easement to the City of Milwaukee for public access through the vacated portions of North 36th Street; and

Whereas, The Developer has agreed to maintain vacated and public portions of North 36th Street from West North Avenue to West Meinecke Avenue; and

Whereas, The City Engineer also will draft the necessary easements for municipal infrastructure; and

Whereas, The Department of Public Works will design and identify costs of the private improvements to accommodate the connection of the public right-of-way and vacated portions of North 36th Street; and

Whereas, This proposed vacation has been reviewed in accordance with Section 81-308-28, Milwaukee Code of Ordinances; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that said portions of street and alleys, as shown in Exhibit "A" and bound and described by:

All that part of North 36th Street in Steger's Subdivision, a recorded subdivision, in the Southwest 1/4 of Section 13, Township 07 North, Range 21 East, described as follows: Commencing at the point of intersection of the present south line of West Meinecke Avenue and the west line of Lot 41 in Block 1 of said subdivision; thence Southerly along the west line of said Block 1 to the Southwest corner of Lot 28 in said Block 1; thence Westerly to the Southeast corner of Lot 14 in Block 2 of said subdivision; thence Northerly along the east line of said Block 2 to a point on the present south line of West Meinecke Avenue; thence Easterly to the point of commencement.

That part of the North-South 20 foot wide alley in Block 1 of Steger's Subdivision, a recorded subdivision, in the Southwest 1/4 of Section 13, Township 07 North, Range 21 East, described as follows: Commencing at the point of intersection of the present south line of West Meinecke Avenue and the west line of Lot 1 in said Block 1; thence Southerly along the west line of Lots 1 through 14 inclusive in said Block 1 to the Southwest corner of Lot 14; thence Westerly to the Southeast corner of Lot 28 in said Block 1; thence Northerly along the east line of Lots 28 through 41 inclusive in said Block 1 to a point on the present south line of West Meinecke Avenue; thence Easterly to the point of commencement.

That part of the North-South 15 foot wide alley in Block 2 of Steger's Subdivision, a recorded subdivision, in the Southwest 1/4 of Section 13, Township 07 North, Range 21 East, described as follows: Commencing at the point of intersection of the present south line of West Meinecke Avenue and the west line of Lot 1 in said Block 2; thence Southerly along the west line of Lots 1 through 15 inclusive in said Block 2 to the Southwest corner of Lot 15; thence Westerly to the Southeast corner of Lot 23 in said Block 2; thence Northerly along the east line of Lots 23 through 37 inclusive in said Block 2 to a point on the present south line of West Meinecke Avenue; thence Easterly to the point of commencement, is vacated; and, be it

Further Resolved, That the City Engineer will prepare an easement for public access for the vacated portions of North 36th Street; and, be it

Further Resolved, That the City Engineer will prepare a Maintenance Agreement for the vacated portion of North 36th Street and a separate Maintenance Agreement will be prepared for the portion of North 36th Street that will remain a public right-of-way; and, be it

Further Resolved, That the City Engineer is directed to prepare the appropriate easements for municipal infrastructure; and, be it

Further Resolved, That the vacation of North 36th Street and alleys is effective January 31, 2000 unless the Commissioner of the Department of Public Works certifies to the City Clerk that the funds for the required deposits have not been made; in that case the vacation of North 36th Street will be null and void; and, be it

Further Resolved, That the Commissioner of the Department of Public Works is allowed to extend the deadline by 30 days; and, be it

Further Resolved, That as provided by Section 80.32(4), Wisconsin Statutes, such 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 of entrance, maintenance, construction and repair with reference thereto shall continue as if said portions of street and alleys had not been vacated.

DCD:JRH:vlk  
12/8/99