



Legislation Details (With Text)

**File #:** 140724      **Version:** 1  
**Type:** Resolution      **Status:** Placed On File  
**File created:** 9/3/2014      **In control:** COMMON COUNCIL  
**On agenda:**      **Final action:** 11/2/2015

**Effective date:**

**Title:** Substitute resolution to vacate the North-South alley in the block bounded by North Plankinton Avenue, West Wells Street, West Wisconsin Avenue and North 2nd Street, in the 4th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:**

**Attachments:** 1. City Plan Commission Letter, 2. Exhibit A

| Date       | Ver. | Action By              | Action                                | Result | Tally |
|------------|------|------------------------|---------------------------------------|--------|-------|
| 9/3/2014   | 0    | COMMON COUNCIL         | ASSIGNED TO                           |        |       |
| 9/4/2014   | 0    | PUBLIC WORKS COMMITTEE | REFERRED TO                           |        |       |
| 12/8/2014  | 0    | CITY PLAN COMMISSION   | RECOMMENDED FOR ADOPTION AND ASSIGNED | Pass   | 4:0   |
| 1/7/2015   | 0    | PUBLIC WORKS COMMITTEE | HELD TO CALL OF THE CHAIR             | Pass   | 5:0   |
| 10/21/2015 | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR PLACING ON FILE       | Pass   | 5:0   |
| 11/2/2015  | 1    | COMMON COUNCIL         | PLACED ON FILE                        | Pass   | 14:0  |

140724  
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the North-South alley in the block bounded by North Plankinton Avenue, West Wells Street, West Wisconsin Avenue and North 2nd Street, in the 4th Aldermanic District.

This substitute resolution vacates the above alley 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 Mo Street Development, LLC to improve access to its property.

Whereas, It is proposed that the North-South alley in the block bounded by North Plankinton Avenue, West Wells Street, West Wisconsin Avenue and North 2nd Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been authorized and 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 Sections 62.73(1) and 840.11, 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 alley as indicated by Exhibit A and bound and described by:

The remainder of the North-South 20.00-foot-wide alley as platted in Block 59 of the Plat of the Town of Milwaukee on the West Side of the River, a recorded subdivision, in the Northeast 1/4 of Section 29, Township 7 North, Range 22 East, lying between the north line of West Wisconsin Avenue extended and a line 80.00 feet south of and parallel to the westerly extension of the north line of Lot 5 in said Block 59 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 Sections 62.73(1) and 66.1005(2), 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 alley had not been vacated; and, be it

Further Resolved, That the proper City officials, including the Commissioner of Public Works, are authorized to sign any easement or other documents necessary to assert the City of Milwaukee's rights under Section 66.1005(2), Wisconsin Statutes, and cause the same to be recorded in the Milwaukee County Register of Deeds Office.

DCD:Ed.Richardson:ear

12/23/14