



Legislation Details (With Text)

**File #:** 041580      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 3/16/2005      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 7/6/2005  
**Effective date:**

**Title:** Substitute resolution to vacate portions of North Broadway (East Side) at North Water Street, East Lyon Street (South Side) at North Water Street and North Milwaukee Street (West Side) between East Lyon Street and East Ogden Avenue within the Park East Redevelopment Plan Area, in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

**Attachments:** 1. Fiscal Note.pdf, 2. Exhibit A.PDF, 3. CPC letter.pdf

Date	Ver.	Action By	Action	Result	Tally
3/16/2005		PUBLIC WORKS COMMITTEE	REFERRED TO		
3/16/2005	0	COMMON COUNCIL	ASSIGNED TO		
6/17/2005	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/17/2005	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/20/2005	1	CITY CLERK	DRAFT SUBMITTED		
6/22/2005	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
7/6/2005	1	COMMON COUNCIL	ADOPTED	Pass	15:0
7/15/2005	1	MAYOR	SIGNED		

041580  
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate portions of North Broadway (East Side) at North Water Street, East Lyon Street (South Side) at North Water Street and North Milwaukee Street (West Side) between East Lyon Street and East Ogden Avenue within the Park East Redevelopment Plan Area, in the 3rd Aldermanic District.

This substitute resolution vacates the above portions 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 the Milwaukee County Real Estate Section to create development parcels for future requests for proposals issued by Milwaukee County.

Whereas, It is proposed that portions of North Broadway (East Side) at North Water Street, East Lyon Street (South Side) at North Water Street and North Milwaukee Street (West Side) between East Lyon Street and East Ogden Avenue within the Park East Redevelopment Plan Area 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 Section 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 portions of right-of-way as indicated by Exhibit A and bound and described by:

Parcel A

North Broadway: That part of North Broadway in the Southeast 1/4 of Section 20, Township 7 North, Range 22 East, described as follows:

Commencing at the Southeast Corner of said Southeast 1/4 Section; thence North 00 deg. 54 min. 22 sec. East, along the east line of said Southeast 1/4 Section, 920.41 feet to a point in the present north line of East Ogden Avenue; thence North 89 deg. 40 min. 56 sec. West, along said present north line, 81.04 feet to its point of intersection with the present east line of North Broadway; thence North 00 deg. 08 min. 09 sec. East, along said present east line, 65.90 feet to the point of beginning of the land to be described; thence continuing North 00 deg. 08 min. 09 sec. East, along said present east line, 190.06 feet to its point of intersection with the present easterly line of North Water Street; thence South 55 deg. 16 min. 01 sec. West, along the southwesterly extension of said present easterly line, 104.45 feet to a point; thence South 33 deg. 11 min. 15 sec. East 156.00 feet to the point of beginning; and

Parcel B

East Lyon Street: That part of East Lyon Street in the Southwest 1/4 of Section 21, Township 7 North, Range 22 East, described as follows:

Commencing at the Southwest Corner of said Southwest 1/4 Section; thence North 00 deg. 54 min. 22 sec. East, along the west line of said Southwest 1/4 Section, 920.41 feet to a point in the present north line of East Ogden Avenue; thence South 89 deg. 40 min. 56 sec. East, along said present north line and its easterly extension, 176.10 feet to a point lying 80.00 feet West of, as measured normal to the present east line of North Milwaukee Street; thence North 00 deg. 32 min. 32 sec. East, parallel to said present east line, 363.40 feet to a point in the easterly extension of the present south line of East Lyon Street and the point of beginning of the land to be described; thence North 89 deg. 46 min. 16 sec. West, along said present south line and its extension, 123.77 feet to a point on a curve, said curve also being the present easterly line of North Water Street; thence Northeasterly, 20.00 feet along said present easterly line and the arc of said curve which has a radius of 917.00 feet with its center lying to the Northwest having a central angle of 01 deg. 15 min. 00 sec. and whose chord bears North 46 deg. 12 min. 34 sec. East 20.00 feet to a point of tangency; thence North 45 deg. 35 min. 04 sec. East, continuing along said present easterly line, 88.61 feet to a point; thence South 43 deg. 57 min. 48 sec. East 52.39 feet to a point of curve; thence Southeasterly, 27.19 feet along the arc of said curve which has a radius of 35.00 feet with its center lying to the Southwest having a central angle of 44 deg. 30 min. 20 sec. and whose chord bears South 21 deg. 42 min. 38 sec. East 26.51 feet to a point of tangency; thence South 00 deg. 32 min. 32 sec. West 14.01 feet to the point of beginning, 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 upon deposit of the funds required, 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, be it

Further Resolved, That as provided by Section 80.32(4), 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 portions of right-of-way had not been vacated.

DCD:JRH:vlk

06/17/05