



Legislation Details (With Text)

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**Type:** Resolution      **Status:** Placed On File

**File created:** 11/23/2004      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 5/20/2008

**Effective date:**

**Title:** Substitute resolution to vacate a portion of the north side of West Canal Street located East of North Emmber Lane, in the 12th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

**Attachments:** 1. Fiscal Note.pdf, 2. Exhibit A, 3. CPC letter, 4. 6-23-06 email from DCD

Date	Ver.	Action By	Action	Result	Tally
11/23/2004	0	COMMON COUNCIL	ASSIGNED TO		
11/29/2004	1	PUBLIC WORKS COMMITTEE	REFERRED TO		
6/2/2006	1	CITY CLERK	DRAFT SUBMITTED		
6/2/2006	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/6/2006	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/7/2006	1	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
5/7/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	4:0
5/20/2008	1	COMMON COUNCIL	PLACED ON FILE	Pass	13:0

041050  
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate a portion of the north side of West Canal Street located East of North Emmber Lane, in the 12th Aldermanic District.

This substitute resolution vacates the above portion of street 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 Sigma Environmental Services to allow additional native landscaping adjacent to property located at 1300 West Canal Street.

Whereas, It is proposed that a portion of the north side of West Canal Street located East of North Emmber Lane 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 portion of street as indicated on Exhibit A and bound and described by:

That part of West Canal Street in the Southwest 1/4 of Section 29 and the Southeast 1/4 of Section 30, in Township 7 North, Range 22 East, described as follows:

Commencing at the southeast corner of said Southeast 1/4 Section; thence Northerly, along the east line of said Southeast 1/4 Section, to a point in the present north line of West Canal Street, said point lying 71.00 feet North of, as measured normal to, the south line of said Southeast 1/4 Section, and being the point of beginning of the land to be described; thence South  $88^{\circ}41'31''$  West, along said present north line and parallel to the south line of said Southeast 1/4 Section, 401.59 feet to a point of curve; thence Northwesterly, 107.32 feet along said present north line and the arc of said curve which has a radius of 50.00 feet with its center lying to the Northeast having a central angle of  $122^{\circ}59'00''$  and whose chord bears North  $29^{\circ}48'59''$  West 87.87 feet to a point of tangency, said point lying in the present easterly line of North Emmber Lane; thence South  $31^{\circ}40'31''$  West, along the southwesterly extension of said present easterly line, 10.00 feet to a point of curve; thence Southeasterly, 102.91 feet along the arc of said curve which has a radius of 56.00 feet with its center lying to the Northeast having a central angle of  $105^{\circ}17'11''$  and whose chord bears South  $20^{\circ}58'04.5''$  East 89.03 feet to a point lying 56.00 feet North of, as measured normal to, the south line of said Southeast 1/4 Section; thence South  $88^{\circ}37'39''$  East 213.55 feet to a point lying 46.00 feet North of, as measured normal to, said south line; thence North  $88^{\circ}41'31''$  East, parallel to said south line, 205.65 feet to a point; thence North  $88^{\circ}56'07''$  East, parallel to the south line of said Southwest 1/4 Section, 808.00 feet to a point in the southerly extension of the east line of Lot 1 of Certified Survey Map No. 4703; thence North  $01^{\circ}11'49''$  West, along said southerly extension, 25.00 feet to a point in the present north line of West Canal Street, said point lying 71.00 feet North of, as measured normal to, the south line of said Southwest 1/4 Section; thence South  $88^{\circ}56'07''$  West, along said present north line and parallel to the south line of said Southwest 1/4 Section, 808.00 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 portion of street had not been vacated.

DCD:VLK:vlk  
06/02/06