



Legislation Details (With Text)

**File #:** 101186      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 1/19/2011      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 3/23/2011  
**Effective date:**

**Title:** Substitute resolution to vacate all rights-of-way located on the eastern portion of the Housing Authority of the City of Milwaukee's Westlawn site, bounded by West Silver Spring Drive, North 60th Street, West Custer Avenue and North 64th Street, in the 9th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

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

| Date      | Ver. | Action By              | Action                   | Result | Tally |
|-----------|------|------------------------|--------------------------|--------|-------|
| 1/19/2011 | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 3/3/2011  | 0    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 3/3/2011  | 0    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 3/8/2011  | 0    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 5:0   |
| 3/23/2011 | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 15:0  |
| 3/28/2011 | 1    | MAYOR                  | SIGNED                   |        |       |

101186  
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate all rights-of-way located on the eastern portion of the Housing Authority of the City of Milwaukee's Westlawn site, bounded by West Silver Spring Drive, North 60th Street, West Custer Avenue and North 64th Street, in the 9th Aldermanic District.

This substitute resolution vacates the above rights-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 Housing Authority of the City of Milwaukee to facilitate the redevelopment of the eastern portion of its Westlawn site.

Whereas, It is proposed that all rights-of-way located on the eastern portion of the Housing Authority of the City of Milwaukee's Westlawn site, bounded by West Silver Spring Drive, North 60th Street, West Custer Avenue and North 64th Street, 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 rights-of-way as indicated by Exhibit A and bound and described by:

All those streets as platted in Westlawn, a recorded subdivision, in the Northeast 1/4 of Section 34, Township 8 North, Range 21 East, described as follows: West Birch Avenue lying between the west line of North 61st Street extended and its intersection with North 63rd Street; West Custer Avenue lying between the west line of North 60th Street extended and the east line of North 64th Street extended; West Sheridan Avenue lying between the west line of North 61st Street extended and the east line of North 64th Street extended; the South 30.00 feet of West Silver Spring Drive (service drive) lying between the west line of North 60th Street extended and the east line of North 64th Street extended; North 61st Street lying between the north line of West Custer Avenue extended and the south line of West Silver Spring Drive extended; North 62nd Street lying between the south line of West Custer Avenue extended and the south line of said Westlawn and North 63rd Street lying between the north line of West Custer Avenue extended and its intersection with West Birch Avenue, 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 rights-of-way had not been vacated.

DCD:EAR:ear

03/03/11