



Legislation Details (With Text)

File #: 141507 **Version:** 1
Type: Resolution **Status:** Passed
File created: 1/21/2015 **In control:** COMMON COUNCIL
On agenda: **Final action:** 10/13/2015
Effective date:

Title: Substitute resolution to vacate a portion of the north-south alley in the block bounded by North Palmer Street, East Pleasant Street, East Vine Street and North 1st Street, in the 6th Aldermanic District.

Sponsors: THE CHAIR

Indexes: ALLEYS

Attachments: 1. 141507 Exhibit A.pdf, 2. 141507 City Plan Commission Letter.pdf, 3. Hearing Notices Sent

| Date | Ver. | Action By | Action | Result | Tally |
|------------|------|------------------------|---------------------------------------|--------|-------|
| 1/21/2015 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 1/23/2015 | 0 | PUBLIC WORKS COMMITTEE | REFERRED TO | | |
| 9/21/2015 | 0 | CITY PLAN COMMISSION | RECOMMENDED FOR ADOPTION AND ASSIGNED | Pass | 5:0 |
| 9/24/2015 | 0 | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT | | |
| 9/30/2015 | 1 | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass | 4:0 |
| 10/13/2015 | 1 | COMMON COUNCIL | ADOPTED | Pass | 15:0 |
| 10/19/2015 | 1 | MAYOR | SIGNED | | |

141507
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate a portion of the north-south alley in the block bounded by North Palmer Street, East Pleasant Street, East Vine Street and North 1st Street, in the 6th 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 Rick Wiegand to consolidate land holdings.

Whereas, It is proposed that a portion of the north-south alley in the block bounded by North Palmer Street, East Pleasant Street, East Vine Street and North 1st 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, The applicant has agreed to grant an easement to the City of Milwaukee ("City") for public access through the vacated portion of said alley; 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:

That part of the north-south 20-foot-wide alley as platted in Block 2 of Plat of the Town of Milwaukee on the West Side of the River, a recorded subdivision, in the Southeast 1/4 of Section 20, Township 7 North, Range 22 East, lying between the north line of East Pleasant Street extended and the north line of said subdivision 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 the City Engineer will prepare an easement for public access for the vacated portion of said alley; 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 hereby authorized to sign any easement or other documents necessary to assert the City'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:Kyle.Gast:kcg

09/24/15