



Legislation Details (With Text)

**File #:** 080147      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 5/20/2008      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 9/22/2009

**Effective date:**

**Title:** Substitute resolution to vacate a portion of East Iron Street, northerly side, from South Shore Drive northeasterly to its terminus, in the 14th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

**Attachments:** 1. Fiscal Note.pdf, 2. City Plan Commission Letter.pdf, 3. Exhibit A.pdf, 4. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
5/20/2008	0	COMMON COUNCIL	ASSIGNED TO		
5/21/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
7/9/2008	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
7/16/2008	0	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
9/3/2009	1	CITY CLERK	DRAFT SUBMITTED		
9/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/4/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/10/2009	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
9/22/2009	1	COMMON COUNCIL	ADOPTED	Pass	14:0
10/1/2009	1	MAYOR	SIGNED		

080147  
SUBSTITUTE 1

THE CHAIR  
 Substitute resolution to vacate a portion of East Iron Street, northerly side, from South Shore Drive northeasterly to its terminus, in the 14th Aldermanic District. This substitute resolution vacates the above 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 initiated by the abutting property owner to construct a driveway approach and workable turn radii into the existing, attached garage and for the side and rear yards to be properly graded. Whereas, It is proposed that a portion of East Iron Street, northerly side, from South Shore Drive northeasterly to its terminus 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 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 right-of-way as indicated by Exhibit A and bound and described by:

That part of East Iron Street in the Northwest 1/4 of Section 10, Township 6 North, Range 22 East, described as follows: Commencing at the point of intersection of the easterly line of South Shore Drive and the northerly line of East Iron Street, said point also being the southerly corner of Certified Survey Map No. 6791; thence Northeasterly, along said northerly line, to the easterly corner of said certified survey map; thence Southeasterly, along the southeasterly extension of the northeasterly line of said certified survey map, to a point lying 8.00 feet southeasterly of, as measured normal to, said northerly line; thence Southwesterly, parallel to said northerly line, to a point in the southeasterly extension of the easterly line of South Shore Drive; thence Northwesterly, along said southeasterly extension, to the point of commencement, 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 portion of street had not been vacated.

DCD:AJF:ajf  
09/03/09