



Legislation Details (With Text)

File #: 160472 **Version:** 1
Type: Resolution **Status:** Passed
File created: 7/26/2016 **In control:** COMMON COUNCIL
On agenda: **Final action:** 2/27/2018

Effective date:

Title: Substitute resolution to vacate North 28th Street between West Wells Street and West Wisconsin Avenue, in the 4th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREETS

Attachments: 1. 160472 City Plan Commission Letter.pdf, 2. 160472 Exhibit A.pdf

Date	Ver.	Action By	Action	Result	Tally
7/26/2016	0	COMMON COUNCIL	ASSIGNED TO		
7/28/2016	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
12/5/2016	0	CITY PLAN COMMISSION	RECOMMENDED FOR ADOPTION AND ASSIGNED	Pass	5:0
2/14/2018	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
2/27/2018	1	COMMON COUNCIL	ADOPTED	Pass	14:0
3/8/2018	1	MAYOR	SIGNED		

160472
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate North 28th Street between West Wells Street and West Wisconsin Avenue, in the 4th Aldermanic District.

This substitute resolution vacates the above public 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 Wiegand Investments 2711 LLC to connect the building at 2711 West Wells Street to the parking lot at 2805 West Wells Street.

Whereas, It is proposed that North 28th Street between West Wells Street and West Wisconsin Avenue 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 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 public right-of-way as indicated by Exhibit A and bound and described by:

All of North 28th Street in the Northeast 1/4 of Section 25, Township 7 North, Range 21 East, from the south line of West Wells Street extended to the north line of West Wisconsin Avenue extended 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 Sections 62.73(1) and 66.1005(2), Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto held, acquired by or belonging to any county, school district, town, village or city, or to any utility or person that relate to any underground or overground 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 right-of-way had not been vacated; and, be it

Further Resolved, That the proper City officials, including the Commissioner of Public Works, are authorized to sign any easements or other documents necessary to assert the City of Milwaukee'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

02/07/18