



## Legislation Details (With Text)

**File #:** 051564 **Version:** 1

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

**File created:** 3/23/2006 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 11/14/2006

**Effective date:**

**Title:** Substitute resolution to vacate the North-South alley located in the block bounded by West Fairmount Avenue, North 37th Street and the railroad right-of-way, in the 1st Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** ALLEY VACATIONS

**Attachments:** 1. Fiscal Note.pdf, 2. Exhibit A, 3. CPC letter

Date	Ver.	Action By	Action	Result	Tally
3/23/2006	0	COMMON COUNCIL	ASSIGNED TO		
3/24/2006	1	CITY CLERK	REFERRED TO		
9/28/2006	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/28/2006	1	CITY CLERK	DRAFT SUBMITTED		
10/4/2006	0	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
10/26/2006	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/26/2006	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/31/2006	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
11/14/2006	1	COMMON COUNCIL	ADOPTED	Pass	15:0
11/21/2006	1	MAYOR	SIGNED		

051564  
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the North-South alley located in the block bounded by West Fairmount Avenue, North 37th Street and the railroad right-of-way, in the 1st 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 of the Milwaukee Code of Ordinances. This vacation was requested by PAK Technologies to consolidate land ownership.

Whereas, It is proposed that the North-South alley located in the block bounded by West Fairmount Avenue, North 37th Street and the railroad right-of-way 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 alley as indicated by Exhibit A and bound and described by:

All that part of the 30-foot wide alley as platted in Block 2 of North Milwaukee Subdivision No. 2, a recorded subdivision, in the Southwest 1/4 of Section 36, Township 8 North, Range 21 East, lying between the north line of West Fairmount Avenue extended and a line 28.00 feet South of and parallel to the westerly extension of the north line of Lot 19 in said Block 2, 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 alley had not been vacated.

DCD:VLK:ajf

09/28/06