



## Legislation Details (With Text)

**File #:** 051340      **Version:** 2

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

**File created:** 2/7/2006      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 6/20/2006

**Effective date:**

**Title:** Substitute resolution to vacate the North 30 feet of the North-South alley in the block bounded by South 6th Street, South 7th Street, West Hayes Avenue and West Lincoln Avenue, in the 12th Aldermanic District.

**Sponsors:** James N. Witkowiak

**Indexes:** ALLEY VACATIONS

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

Date	Ver.	Action By	Action	Result	Tally
2/7/2006	0	COMMON COUNCIL	ASSIGNED TO		
2/8/2006	1	PUBLIC WORKS COMMITTEE	REFERRED TO		
6/2/2006	1	CITY CLERK	DRAFT SUBMITTED		
6/2/2006	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/6/2006	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/7/2006	1	PUBLIC WORKS COMMITTEE	SUBSTITUTED	Pass	5:0
6/7/2006	2	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
6/7/2006	2	CITY CLERK	DRAFT SUBMITTED		
6/20/2006	2	COMMON COUNCIL	ADOPTED	Pass	15:0
6/29/2006	2	MAYOR	SIGNED		

051340  
PROPOSED SUBSTITUTE

### ALD. WITKOWIAK

Substitute resolution to vacate the North 30 feet of the North-South alley in the block bounded by South 6th Street, South 7th Street, West Hayes Avenue and West Lincoln Avenue, in the 12th Aldermanic District.

This substitute resolution vacates the above portion of 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 St. Josaphat Basilica to consolidate land for parking expansion at St. Josaphat Basilica.

Whereas, It is proposed that the North 30 feet of the North-South alley in the block bounded by South 6th Street, South 7th Street, West Hayes Avenue and West Lincoln Avenue 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 portion of alley as indicated on Exhibit A and bound and described by:

That part of the North-South 24.00-foot wide alley as platted in Block 1 of Wanda Subdivision, a recorded subdivision, in the Northwest 1/4 of Section 8, Township 6 North, Range 22 East, described as follows:

Commencing at the northwest corner of Lot 9 in said Block 1; thence Southerly, along the west line of Lot 9, to the southwest corner of Lot 9; thence Westerly to the southeast corner of Lot 18 in said Block 1; thence Northerly, along the east line of Lot 18, to the northeast corner of Lot 18; thence Easterly 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 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 portion of alley had not been vacated.

DCD:VLK:vlk

06/05/06