



Legislation Details (With Text)

File #: 090917 **Version:** 1
Type: Resolution **Status:** Passed
File created: 11/3/2009 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:** 10/12/2010
Effective date:

Title: Substitute resolution to vacate the eastern portion of an east-west alley, between South 42nd Street and the railroad right-of-way, in the block bounded by South 42nd Street, South 43rd Street, West Orchard Street and West Greenfield Avenue, in the 8th Aldermanic District.

Sponsors: THE CHAIR

Indexes: ALLEY VACATIONS

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

Date	Ver.	Action By	Action	Result	Tally
11/3/2009	0	COMMON COUNCIL	ASSIGNED TO		
11/4/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/24/2010	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/24/2010	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/24/2010	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/27/2010	1	CITY CLERK	DRAFT SUBMITTED		
9/29/2010	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
10/12/2010	1	COMMON COUNCIL	ADOPTED	Pass	15:0
10/21/2010	1	MAYOR	SIGNED		

090917
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the eastern portion of an east-west alley, between South 42nd Street and the railroad right-of-way, in the block bounded by South 42nd Street, South 43rd Street, West Orchard Street and West Greenfield Avenue, in the 8th 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 initiated by Orchard Street, LLC to consolidate lands owned on the north and south sides of this portion of the alley.

Whereas, It is proposed that the eastern portion of an east-west alley, between South 42nd Street and the railroad right-of-way, in the block bounded by South 42nd Street, South 43rd Street, West Orchard Street and West Greenfield 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 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 portion of alley as indicated by Exhibit A and bound and described by:

That part of the east-west 20-foot wide alley, as originally platted in Block 4 of Juneau Heights, a recorded subdivision, in the Northwest 1/4 of Section 1, Township 6 North, Range 21 East, described as follows: Commencing at the southeast corner of Lot 1 in said Block 4; thence Westerly, along the north line of said east-west alley, 120 feet to the southwest corner of Lot 4 in said Block 4; thence Southerly to the northwest corner of Lot 17 in said Block 4; thence Easterly, along the south line of said east-west alley, 120 feet to the northeast corner of Lot 20 in said Block 4; thence Northerly, 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 alley had not been vacated.

DCD:VLK:ear
09/24/10