



Legislation Details (With Text)

**File #:** 040467      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 7/27/2004      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 3/16/2005

**Effective date:**

**Title:** Substitute resolution to vacate a portion of street right-of-way located on the North Side of East Hamilton Street and West of North Marshall Street, in the 3rd Aldermanic District.

**Sponsors:** ALD. D'AMATO

**Indexes:** STREET VACATIONS

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

Date	Ver.	Action By	Action	Result	Tally
7/27/2004	0	COMMON COUNCIL	ASSIGNED TO		
7/30/2004		PUBLIC WORKS COMMITTEE	REFERRED TO		
1/13/2005	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/13/2005	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/13/2005	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/13/2005	1	CITY CLERK	DRAFT SUBMITTED		
1/19/2005	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
2/1/2005	1	COMMON COUNCIL	ADOPTED	Pass	15:0
2/1/2005	0	COMMON COUNCIL	RECONSIDERED	Pass	15:0
2/1/2005	1	COMMON COUNCIL	REFERRED TO	Pass	15:0
2/3/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
2/4/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
2/4/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
2/4/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
2/9/2005	1	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
2/24/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
2/24/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
2/24/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/2/2005	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
3/16/2005	1	COMMON COUNCIL	ADOPTED	Pass	15:0
3/24/2005	1	MAYOR	SIGNED		

040467  
SUBSTITUTE 1

ALD. D'AMATO

Substitute resolution to vacate a portion of street right-of-way located on the North Side of East Hamilton Street and West of North Marshall Street, in the 3rd Aldermanic District.

This substitute resolution vacates the above portion of street 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 Siegel Gallagher to eliminate staircase encroachments to support construction of a residential condominium building.

Whereas, It is proposed that a portion of street right-of-way located on the North Side of East Hamilton Street and West of North Marshall Street 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 street as indicated by Exhibit A (attached to this file) and bound and described by:

That part of East Hamilton Street as platted in Hubbard and Pearson's Addition, a recorded subdivision, in the Northwest 1/4 of Section 21, Township 7 North, Range 22 East, described as follows:

Commencing at the Southwest Corner of Lot 10 in Block 3 of said subdivision; thence Westerly, along the south line of said Block 3, to the Southwest Corner of Lot 5 in said Block 3; thence Southerly, as measured normal to, said south line, to a point lying 5 feet South of, as measured normal to, said south line; thence Easterly, parallel to said south line, to a point in the Southerly extension of the east line of said Block 3; thence Northerly, along said Southerly 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 upon deposit of the funds required the Commissioner of Public Works and/or the City Engineer are authorized to implement 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 street not been vacated.

DCD:JRH:vlk  
01/13/05