



## Legislation Details (With Text)

**File #:** 111613 **Version:** 1

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

**File created:** 3/20/2012 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 6/12/2012

**Effective date:**

**Title:** Substitute resolution to vacate the unimproved portion of alley in the block bounded by West Bolivar Avenue, West Plainfield Avenue, South 5th Place and South 6th Street, in the 13th Aldermanic District.

**Sponsors:** ALD. WITKOWSKI

**Indexes:** ALLEY VACATIONS

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

Date	Ver.	Action By	Action	Result	Tally
3/20/2012	0	COMMON COUNCIL	ASSIGNED TO		
3/22/2012	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
5/24/2012	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/24/2012	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/24/2012	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/30/2012	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
6/12/2012	1	COMMON COUNCIL	ADOPTED	Pass	15:0
6/21/2012	1	MAYOR	SIGNED		

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SUBSTITUTE 1

ALD. WITKOWSKI

Substitute resolution to vacate the unimproved portion of alley in the block bounded by West Bolivar Avenue, West Plainfield Avenue, South 5th Place and South 6th Street, in the 13th 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 the Milwaukee Department of Public Works, since said portion of alley is not needed for public purposes.

Whereas, It is proposed that the unimproved portion of alley in the block bounded by West Bolivar Avenue, West Plainfield Avenue, South 5th Place and South 6th 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 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:

All that part of the north-south 20.00-foot wide alley, as platted in Block 25 of Howell Avenue Park, a recorded subdivision, in the Northeast 1/4 of Section 20, Township 6 North, Range 22 East, lying between a line 333 feet north of and parallel to the north line of West Bolivar Avenue, as originally platted, and the south line of West Plainfield 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 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:EAR:ear

05/21/12