



Legislation Details (With Text)

**File #:** 070069      **Version:** 1

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

**File created:** 4/17/2007      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 9/25/2007

**Effective date:**

**Title:** Substitute resolution to vacate the right-turn lane of southbound North 11th Street at West Tory Hill, in the 4th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

**Attachments:** 1. Fiscal Note, 2. Exhibit A, 3. City Plan Commission Letter

| Date      | Ver. | Action By              | Action                   | Result | Tally |
|-----------|------|------------------------|--------------------------|--------|-------|
| 4/17/2007 | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 4/18/2007 | 0    | PUBLIC WORKS COMMITTEE | REFERRED TO              |        |       |
| 9/7/2007  | 0    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 9/10/2007 | 1    | CITY CLERK             | DRAFT SUBMITTED          |        |       |
| 9/12/2007 | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 5:0   |
| 9/25/2007 | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 14:0  |
| 10/2/2007 | 1    | MAYOR                  | SIGNED                   |        |       |

070069  
SUBSTITUTE 1

THE CHAIR  
 Substitute resolution to vacate the right-turn lane of southbound North 11th Street at West Tory Hill, in the 4th 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 Marquette University with the intent to landscape and maintain this area. Whereas, It is proposed that the right-turn lane of southbound North 11th Street at West Tory Hill 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 street as indicated by Exhibit A and bound and described by:

That part of North 11th Street in the Southwest 1/4 of Section 29, Township 7 North, Range 22 East, described as follows: Commencing at the northwest corner of said 1/4 Section; thence South 00 deg. 16 min. 34 sec. West, along the west line of said 1/4 Section, 811.72 feet to a point on the present northerly line of West Tory Hill; thence North 83 deg. 14 min. 20 sec. East, along said present northerly line, 54.98 feet to a point of curve; thence Northeasterly, 218.78 feet along said present northerly line and the arc of said curve which has a radius of 544.53 feet with its center lying to the northwest having a central angle of 23 deg. 01 min. 14 sec. and whose chord bears North 71 deg. 43 min. 43 sec. East 217.31 feet to a point; thence North 60 deg. 13 min. 07 sec. East, along said present northerly line, 127.24 feet to the point of beginning of the land to be described; thence North 57 deg. 18 min. 05 sec. East, along said present northerly line, 68.76 feet to a point; thence North 00 deg. 16 min. 33 sec. East, along said present northerly line, 4.00 feet to a point; thence South 89 deg. 44 min. 20 sec. East, along said present northerly line, 6.06 feet to a point in the present westerly line of North 11th Street; thence North 00 deg. 16 min. 33 sec. East, along said present westerly line, 69.00 feet to a point; thence North 28 deg. 15 min. 07 sec. East, along said present westerly line, 72.48 feet to a point; thence North 25 deg. 44 min. 10 sec. East, along said present westerly line, 46.52 feet to a point; thence North 30 deg. 40 min. 58 sec. East, along said present westerly line, 2.40 feet to a point; thence South 89 deg. 16 min. 18 sec. East 5.00 feet to a point; thence South 39 deg. 59 min. 25 sec. East 6.92 feet to a point on a curve; thence Southerly, 126.46 feet along the arc of said curve which has a radius of 196.50 feet with its center to the east having a central angle of 36 deg. 52 min. 25 sec. and whose chord bears South 00 deg. 19 min. 05 sec. East 124.29 feet to a point; thence South 20 deg. 45 min. 18 sec. West 18.91 feet to a point; thence South 60 deg. 14 min. 06 sec. West 142.21 feet to a point on the present northerly line of West Tory Hill and the point of beginning 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 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 street had not been vacated.

DCD:AJF:ajf

09/07/07

9/14/07 and 10/9/07 Clerical corrections made. TJM.