



Legislation Details (With Text)

File #: 190652 **Version:** 1
Type: Resolution **Status:** Passed
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On agenda: **Final action:** 11/5/2019
Effective date:

Title: Substitute resolution to vacate the north-south alley, located in the block bounded by North Vel R. Phillips Avenue, West Vine Street, West Walnut Street and North 5th Street, in the 6th Aldermanic District.

Sponsors: THE CHAIR

Indexes: ALLEY VACATIONS

Attachments: 1. Hearing Notice 190652, 2. Hearing notice list 190652, 3. 190652 Exhibit A.pdf, 4. 190652 CPC ltr.pdf

| Date | Ver. | Action By | Action | Result | Tally |
|------------|------|------------------------|---------------------------------------|--------|-------|
| 7/30/2019 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 10/14/2019 | 0 | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT | | |
| 10/21/2019 | 0 | CITY PLAN COMMISSION | RECOMMENDED FOR ADOPTION AND ASSIGNED | Pass | 5:0 |
| 10/23/2019 | 1 | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass | 4:0 |
| 11/5/2019 | 1 | COMMON COUNCIL | ADOPTED | Pass | 13:0 |
| 11/15/2019 | 1 | MAYOR | SIGNED | | |

190652
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the north-south alley, located in the block bounded by North Vel R. Phillips Avenue, West Vine Street, West Walnut Street and North 5th Street, in the 6th Aldermanic District.

This substitute resolution vacates the above public right-of-way 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 Sharon Grinker to allow for the restoration and future maintenance of the original alley pavers while still using it as a public passage between West Walnut Street and West Vine Street.

Whereas, It is proposed that a portion of the north-south alley, located in the block bounded by North Vel R. Phillips Avenue, West Vine Street, West Walnut Street and North 5th Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been 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 Sections 62.73(1) and 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 public right-of-way as indicated in Exhibit A and bound and described by:

All that part of the north-south 20-foot wide alley as originally platted in Block 42 of Sherman's Addition, a recorded subdivision, in the Northeast 1/4 of Section 20, and Block 6 of Plat of the Town of Milwaukee on the West Side of the River, a recorded subdivision, in the Southeast 1/4 of Section 20, Township 7 North, Range 22 East, lying between the north line of West Walnut Street extended and the north line of Lot 5 in said Block 42 extended; 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 Sections 62.73(1) and 66.1005(2), Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto held, acquired by or belonging to any county, school district, town, village or city, or to any utility or person that relate to any underground or overground 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 right-of-way had not been vacated; and, be it

Further Resolved, That the proper City officials, including the Commissioner of Public Works, are authorized to sign any easements or other documents necessary to assert the City of Milwaukee's rights under Section 66.1005(2), Wisconsin Statutes, and cause the same to be recorded in the Milwaukee County Register of Deeds Office.

DCD:Kevin.Kuschel:kmk
10/16/19