



Legislation Details (With Text)

File #: 180166 **Version:** 2

Type: Resolution **Status:** Passed

File created: 5/8/2018 **In control:** COMMON COUNCIL

On agenda: **Final action:** 7/31/2018

Effective date:

Title: Substitute resolution to vacate West Highland Avenue from North 6th Street east to its terminus, in the 4th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREETS

Attachments: 1. 180166 Exhibit A.pdf, 2. 180166 City Plan Commission Letter.pdf, 3. Public Access Easement - Vacated W Highland Ave_

| Date | Ver. | Action By | Action | Result | Tally |
|-----------|------|------------------------|---------------------------------------|--------|-------|
| 5/8/2018 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 5/10/2018 | 0 | PUBLIC WORKS COMMITTEE | REFERRED TO | | |
| 7/13/2018 | 1 | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT | | |
| 7/16/2018 | 0 | CITY PLAN COMMISSION | RECOMMENDED FOR ADOPTION AND ASSIGNED | Pass | 5:0 |
| 7/18/2018 | 2 | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass | 4:0 |
| 7/18/2018 | 1 | PUBLIC WORKS COMMITTEE | SUBSTITUTED | Pass | 4:0 |
| 7/31/2018 | 2 | COMMON COUNCIL | ADOPTED | Pass | 14:0 |
| 8/9/2018 | 2 | MAYOR | SIGNED | | |

180166
Version
SUBSTITUTE 2
Reference

Sponsor
THE CHAIR
Substitute resolution to vacate West Highland Avenue from North 6th Street east to its terminus, in the 4th 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. It also approves a public access easement over the vacated right-of-way. This vacation was requested by the Bradley Center Sports and Entertainment Corporation and the Wisconsin Center District to better accommodate the loading and unloading of trucks at the new arena.
Whereas, It is proposed that West Highland Avenue from North 6th Street east to its terminus be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and
Whereas, The vacation shall be conditioned upon the petitioners, or their successors or assigns, granting a public access easement over the vacated right-of way to be held in

escrow until such time that public right-of-way to be known as North 5th Street is dedicated as required by the Cooperation, Contribution and Development Agreement dated December 22, 2015, related to the development of the new Bucks Arena; 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 public right-of-way as indicated by Exhibit A and bound and described by:

All of West Highland Avenue, in the Northeast 1/4 and Northwest 1/4 of Section 29, Township 7 North, Range 22 East, from the east line of North 6th Street extended easterly to its point of terminus is vacated conditioned upon petitioners, or their successors or assigns, executing a public access easement over the described right-of-way; 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 public right-of-way had not been vacated; and, be it

Further Resolved, That the Public Access Easement attached to this file is approved (subject to minor revisions as determined appropriate by the City Attorney's Office and Department of Public Works) and shall be held in escrow and its recording at the Office of the Register of Deeds delayed until such time that North 5th Street is dedicated as public right-of-way as required by the Cooperation, Contribution and Development Agreement dated December 22, 2015, related to the development of the new Bucks Arena, unless such requirement is waived by City; and be it

Further Resolved, That the recording of this vacation resolution with the Office of the Register of Deeds shall be delayed until after the land transfers contemplated by Sections 229.47(2), 232.05(2)(h) and 229.461(3)(b), Wis. Stats., related to the parcels directly adjacent to the right-of-way to be vacated are completed; and be it

Further Resolved, That the proper City officials, including the Commissioner of Public Works, are authorized to sign the Public Access Easement and any other easements or 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:Amy.Oeth:ao

07/13/18

1050-2014-2970:250907