



Legislation Details (With Text)

File #: 111397 **Version:** 1
Type: Resolution **Status:** Passed
File created: 2/7/2012 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:** 5/22/2012
Effective date:

Title: Substitute resolution to vacate the unimproved portion of the north-south alley in the block bounded by South Chase Avenue, West Hayes Avenue, South 3rd Street extended and South 4th Street, in the 14th Aldermanic District.

Sponsors: THE CHAIR

Indexes: ALLEY VACATIONS

Attachments: 1. Exhibit A, 2. City Plan Commission Letter, 3. Hearing Notice List

| Date | Ver. | Action By | Action | Result | Tally |
|-----------|------|------------------------|--------------------------|--------|-------|
| 2/7/2012 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 2/9/2012 | 0 | PUBLIC WORKS COMMITTEE | REFERRED TO | | |
| 5/4/2012 | 0 | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT | | |
| 5/4/2012 | 0 | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT | | |
| 5/9/2012 | 0 | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass | 5:0 |
| 5/22/2012 | 1 | COMMON COUNCIL | ADOPTED | Pass | 11:0 |
| 6/1/2012 | 1 | MAYOR | SIGNED | | |

111397
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the unimproved portion of the north-south alley in the block bounded by South Chase Avenue, West Hayes Avenue, South 3rd Street extended and South 4th Street, in the 14th 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 the north-south alley in the block bounded by South Chase Avenue, West Hayes Avenue, South 3rd Street extended and South 4th 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:

That part of the north-south 10-foot wide alley, as originally platted in G.H. Chase's Subdivision, a recorded subdivision, in the Northeast 1/4 of Section 8, Township 6 North, Range 22 East, lying between the easterly extension of the south line of Lot 12 in said subdivision and the south line of West Hayes 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

05/03/12