



Legislation Details (With Text)

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

**File created:** 7/26/2016      **In control:** COMMON COUNCIL

**On agenda:**      **Final action:** 11/22/2016

**Effective date:**

**Title:** Substitute resolution to vacate a portion of the unimproved alley in the block bounded by East Pleasant Street, North Jackson Street and North Water Street, in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** ALLEY VACATIONS

**Attachments:** 1. 160473 Exhibit A.pdf, 2. 160473 City Plan Commission Letter.pdf, 3. Objection to Vacation, 4. proof of service

Date	Ver.	Action By	Action	Result	Tally
7/26/2016	0	COMMON COUNCIL	ASSIGNED TO		
7/28/2016	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/17/2016	0	CITY PLAN COMMISSION	RECOMMENDED FOR ADOPTION AND ASSIGNED	Pass	4:1
11/9/2016	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:1
11/22/2016	1	COMMON COUNCIL	ADOPTED	Pass	15:0
12/2/2016	1	MAYOR	SIGNED		

160473  
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate a portion of the unimproved alley in the block bounded by East Pleasant Street, North Jackson Street and North Water Street, in the 3rd 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 GET Jackson, LLC to accommodate a proposed development.

Whereas, It is proposed that a portion of the unimproved alley in the block bounded by East Pleasant Street, North Jackson Street and North Water 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 alley as

indicated by Exhibit A and bound and described by:

That part of the north-south alley as platted in Block E of Hathaway's Subdivision, a recorded subdivision, in the Southwest 1/4 of Section 21, Township 7 North, Range 22 East, from the westerly extension of the south line of the north 25.00 feet of Lot 13 in said Block E north to its terminus 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 Sections 62.73(1) and 66.1005(2), 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; 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:Kyle.Gast:kcg

10/26/16