



Legislation Details (With Text)

File #: 071178 **Version:** 1

Type: Resolution **Status:** Passed

File created: 12/11/2007 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:** 10/13/2009

Effective date:

Title: Substitute resolution to vacate a portion of the south side of West Keefe Avenue between North Dr. Martin Luther King Jr. Drive and North Port Washington Road and to authorize subsequent conveyance to Shiloh Tabernacle UHCA Church, in the 6th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREET VACATIONS

Attachments: 1. Fiscal Note.pdf, 2. Land Disposition Report.pdf, 3. Exhibit A.pdf, 4. City Plan Commission Letter.pdf, 5. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/11/2007	0	COMMON COUNCIL	ASSIGNED TO		
12/13/2007	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/24/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/25/2009	1	CITY CLERK	DRAFT SUBMITTED		
9/25/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/30/2009	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
10/13/2009	1	COMMON COUNCIL	ADOPTED	Pass	15:0
10/19/2009	1	MAYOR	SIGNED		

071178
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate a portion of the south side of West Keefe Avenue between North Dr. Martin Luther King Jr. Drive and North Port Washington Road and to authorize subsequent conveyance to Shiloh Tabernacle UHCA Church, in the 6th Aldermanic District. This substitute resolution vacates the above portion of 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, and directs conveyance of the property upon reversion to the City of Milwaukee. This vacation was requested by Shiloh Tabernacle UHCA Church to be combined with the property to the south for construction of up to 45 units of senior housing.

Whereas, It is proposed that a portion of the south side of West Keefe Avenue between North Dr. Martin Luther King Jr. Drive and North Port Washington Road 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; and

Whereas, Upon vacation, the vacated right-of-way will revert to the ownership of the City of Milwaukee; and

Whereas, The vacated area adjoins property that the adjacent property owner, Shiloh Tabernacle UHCA Church, plans to develop with affordable senior housing; and

Whereas, Because of the small size and limited utility of the proposed vacated right-of-way, the land is suitable for assemblage with the proposed Shiloh Manor residential development as summarized in a Land Disposition Report, a copy of which is attached to this Common Council File; and

Whereas, The City Plan Commission has determined that the property is surplus to municipal needs; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said portion of right-of-way as indicated by Exhibit A and bound and described by:

That part of West Keefe Avenue in the Southwest 1/4 of Section 8, Township 7 North, Range 22 East, described as follows: Commencing at the northeast corner of Lot 25, as originally platted, in Roehr's Park, a recorded subdivision, in said 1/4 Section; thence South 00°21'32" East, along the east line of Lot 25 as originally platted and parallel to the east line of said 1/4 Section, 97.63 feet to the point of beginning of the land to be described; thence South 66°21'01" West 162.31 feet to a point in the easterly line of North Dr. Martin Luther King Jr., Drive; thence North 23°19'40" West 33.66 feet to a point; thence North 17°52'21" East 6.38 feet to a point; thence North 64°32'34" East 176.93 feet to a point in the east line of Lot 25, as originally platted; thence South 00°21'32" East, along said east line, 47.92 feet to 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 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 right-of-way had not been vacated; and, be it

Further Resolved, That upon reversion of ownership to the City of Milwaukee, the Commissioner of the Department of City Development, or designee, is authorized to execute a quit claim deed to convey the vacated area for the Shiloh Manor residential development for no monetary consideration according to the terms and conditions in the Land Disposition Report.

DCD:AJF:ajf
09/24/09