



## Legislation Text

---

**File #: 141870, Version: 1**

---

141870  
SUBSTITUTE 1

ALD. MURPHY

Substitute resolution to vacate a portion of South 44th Street from the City limits north to a point, in the 10th Aldermanic District.

This substitute resolution vacates the above street 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 the Southeast Wisconsin Professional Baseball Park District to allow for the consolidation of land.

Whereas, It is proposed that a portion of South 44th Street from the City limits north to a point 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 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 street right-of-way as indicated by Exhibit A and bound and described by:

All that part of South 44th Street in the Northeast 1/4 of Section 35, Township 7 North, Range 21 East, described as lying between the City limits line and the southerly line of the Wisconsin Department of Natural Resources property, formerly known as the Soo Line Railroad Company right-of-way; and

All that part of South 44th Street in the Northeast 1/4 of Section 35, Township 7 North, Range 21 East, described as lying between the northerly line of the Wisconsin Department of Natural Resources property, formerly known as the Soo Line Railroad Company right-of-way, and a line 481.00 feet south of and parallel to the north line of said Northeast 1/4 Section 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 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 easement 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

06/03/15