



Legislation Text

File #: 151429, Version: 1

151429
SUBSTITUTE 1
141003
THE CHAIR

Substitute resolution to vacate a portion of the alley in the block bounded by East Corcoran Avenue, East Erie Street, North Milwaukee Street and North Young Street, in the 4th Aldermanic District.

This substitute resolution vacates the above 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 Young Street Development Partners, LLC for the purpose of consolidating land holdings for development.

Whereas, On February 10, 2015, the Common Council of the City of Milwaukee adopted File No. 141003 to vacate a portion of the alley in the block bounded by East Corcoran Avenue, East Erie Street, North Milwaukee Street and North Young Street; and

Whereas, Subsequent to the Common Council's approval, it was determined that proper legal notice was not provided by the City of Milwaukee; and

Whereas, It is proposed that a portion of the above alley 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 alley as indicated by Exhibit A and bound and described by:

All that part of the 14.00-foot-wide alley as presently laid out in the block bounded by East Corcoran Avenue, East Erie Street, North Milwaukee Street and North Young Street, in the Northwest 1/4 of Section 33, Township 7 North, Range 22 East, described as follows: Commencing at the southwest corner of Lot 4 in Block 156 of Survey & Subdivision of Lots 1 & 2, a recorded subdivision, in said 1/4 Section; thence Southwesterly to the northwest corner of Lot 5 in said Block 156; thence Northwesterly, along the southwesterly line of said alley as presently laid out, to its point of intersection with the southeasterly line of North Young Street; thence Northeasterly, along said southeasterly line extended to its point of intersection with the northeasterly line of said alley as presently laid out; thence Southeasterly, along said present northeasterly alley line, to the point of commencement 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 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 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; and, be it

Further Resolved, That Common Council File No. 141003 is rescinded.

DCD:Ed.Richardson:ear

03/15/16