



## Legislation Text

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**File #: 081293, Version: 1**

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081293  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate the southernmost 72 feet of alley in the block bounded by North 1st Street, East Garfield Avenue, East North Avenue and North Palmer Street, in the 6th 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 St. Marcus Evangelical Church for the consolidation of lands on the east and west sides of the alley.

Whereas, It is proposed that the southernmost 72 feet of alley in the block bounded by North 1st Street, East Garfield Avenue, East North Avenue and North Palmer 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 20-foot wide alley in Block 3 of Sherman's Addition, a recorded subdivision, in the Northeast 1/4 of Section 20, Township 7 North, Range 22 East, described as follows: Commencing at the northwest corner of Lot 9 in said Block 3; thence Westerly, to the northeast corner of Lot 10 in said Block 3; thence Southerly, along the west line of said alley, to a point in the north line of the south 28.2 feet of Lot 11 in said Block 3; thence Easterly, along the easterly extension of said north line, to a point in the east line of said alley; thence Northerly, along said east 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 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.

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06/18/09