



Legislation Text

File #: 021260, Version: 2

021260
SUBSTITUTE 2

THE CHAIR

Substitute resolution vacating the East-West leg of alley in the block bounded by South Layton Boulevard, West Mineral Street, West National Avenue and South 26th Street and dedicating land for alley purposes, in the 8th 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 and dedicates land for public alley purposes. This vacation was requested by the Redmond Group to support construction of a Walgreens store.

Whereas, It is proposed that the East-West leg of alley in the block bounded by South Layton Boulevard, West Mineral Street, West National Avenue and South 26th Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes, contingent on the petitioner executing its offers to purchase and obtaining title to all affected properties; and

Whereas, It is proposed that land is dedicated to the City of Milwaukee for alley purposes to allow public access to properties to the South of the proposed commercial development; 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 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 East-West 20.00-foot wide alley and the North-South 20.00-foot wide alley as platted in Block 21 of Subdivision of Blocks 7, 8 and 21 in Clark's Addition, a recorded subdivision, in the Southwest 1/4 of Section 31, Township 7 North, Range 22 East, described as follows:

Commencing at the Southeast corner of Lot 1 in said Block 21; thence Westerly, along the south line of Lots 1 through 6 inclusive in said Block 21, to the present Southwest corner of Lot 6; thence Southerly to the present Northwest corner of Lot 7 in said Block 21; thence Easterly, along the north line of Lot 7, to the Northeast corner of Lot 7; thence Southerly, along the east line of Lot 7, to a point in the westerly extension of the north line of the South 5.00 feet of Lot 18 in said Block 21; thence Easterly, along said westerly extension, to a point in the west line of Lot 18; thence Northerly, along said west line, to the Northwest corner of Lot 18; thence Easterly, along the north line of Lot 18, to the Northeast corner of Lot 18; thence Northerly to the point of commencement, is vacated, contingent on the petitioner executing its offers to purchase

and obtaining title to all affected properties; and, be it

Further Resolved, That said property to be acquired for opening an east-west 20.00-foot wide public alley in the block bounded by South Layton Boulevard, West Mineral Street, West National Avenue and South 26th Street, described as follows:

The North 15.00 feet of Lot 17 and the South 5.00 feet of Lot 18 in Block 21 of Subdivision of Blocks 7, 8 and 21 in Clark's Addition, a recorded subdivision, in the Southwest 1/4 of Section 31, Township 7 North, Range 22 East, is dedicated for alley purposes, contingent on the petitioner executing its offers to purchase and obtaining title to all affected properties; 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 upon deposit of the funds required, the Commissioner of Public Works and/or the City Engineer are authorized to implement actions listed in the coordinated report relating to said vacation; and, be it

Further Resolved, That as provided by Section 80.32(4), 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.

DCD:JRH:vlk
04/19/05