



## Legislation Text

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**File #: 040718, Version: 1**

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040718  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate the alley in the block bounded by South 1st Street, South 2nd Street, West Bruce Street and West Pierce Street, in the 12th 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 Mike Sanfelippo to allow for consolidation of land for future expansion of an existing gas station and convenience store known as Walker's Point Landing.

Whereas, It is proposed that the alley in the block bounded by South 1st Street, South 2nd Street, West Bruce Street and West Pierce 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 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 North-South 20-foot alley as platted in Block 28 of Walker's Point (laid out on the southeast part of the Northeast 1/4 of Section 32-7-22), a recorded subdivision, in the Northeast 1/4 of Section 32, Township 7 North, Range 22 East, described as follows:

Commencing at the Northwest corner of Lot 1 in said Block 28, thence South, along the west line of Lots 1 through 4 inclusive in said Block 28, to the Southwest corner of Lot 4; thence Westerly to the Southeast corner of Lot 13 in said Block 28; thence Northerly, along the east line of Lots 13 through 16 inclusive in Block 28, to the Northeast corner of Lot 16; thence Easterly 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 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

11/15/04