



## Legislation Text

---

**File #: 150183, Version: 1**

---

150183  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate a portion of West Cleveland Avenue between South 4th Street and South 6th Street; South 4th Street from West Cleveland Avenue north to a point; South 5th Street from West Cleveland Avenue north to a point; South 5th Place from West Harrison Avenue south to a point; the alley in the block bounded by West Cleveland Avenue, West Harrison Avenue, South 5th Street and South 5th Place and the north-south alley in the block bounded by West Cleveland Avenue, West Harrison Avenue, South 5th Place and South 6th Street, in the 14th Aldermanic District.

This substitute resolution vacates the above 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 AEE, LLC for the purpose of consolidating land for a future development project. Whereas, It is proposed that a portion of West Cleveland Avenue between South 4th Street and South 6th Street; South 4th Street from West Cleveland Avenue north to a point; South 5th Street from West Cleveland Avenue north to a point; South 5th Place from West Harrison Avenue south to a point; the alley in the block bounded by West Cleveland Avenue, West Harrison Avenue, South 5th Street and South 5th Place and the north-south alley in the block bounded by West Cleveland Avenue, West Harrison Avenue, South 5th Place and South 6th Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been 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 right-of-way as indicated by Exhibit A and bound and described by:

All that part of West Cleveland Avenue, in the Northeast 1/4 of Section 8, Township 6 North, Range 22 East, lying between the southerly extension of the east line of South 4th Street, as originally platted in C.G. Chase's Subdivision No. 1, a recorded subdivision in said 1/4 Section, and the easterly line of the Kinnickinnic River, as laid out in Continuation of Sobieski Park, a recorded subdivision, in said 1/4 Section; and

All that part of South 4th Street, in the Northeast 1/4 of Section 8, Township 6 North, Range 22 East, described as follows: Commencing at the point of intersection of the north line of West Cleveland Avenue and the west line of South 4th Street; thence Northerly, along said west line, to a point lying 51.00 feet south of, as measured along said west line, the south line of vacated West Klondike Place; thence Easterly, as measured normal to said west line, 50.00 feet to a point; thence Southerly, parallel to said west line, 120.00 feet to a point; thence Southeasterly to the point of intersection of the east

line of South 4th Street, as originally platted, and the north line of West Cleveland Avenue extended; thence Westerly to the point of commencement; and

All that part of South 5th Street, in the Northeast 1/4 of Section 8, Township 6 North, Range 22 East, lying between the north line of West Cleveland Avenue extended and the westerly extension of the centerline of vacated West Klondike Place; and

All that part of South 5th Place, in the Northeast 1/4 of Section 8, Township 6 North, Range 22 East, lying between the south line of West Harrison Avenue extended and the easterly extension of the south line of Lot 3 in Block 3 of Continuation of Sobieski Park, a recorded subdivision, in said 1/4 Section; and

All the remaining portion of the north-south 12.00-foot-wide alley, as platted in Block 4 of Continuation of Sobieski Park, a recorded subdivision, in the Northeast 1/4 of Section 8, Township 6 North, Range 22 East, lying between the south line of West Harrison Avenue extended and a line drawn between the northwest corner of Lot 4 in said Block 4 and the northeast corner of Lot 43 in said Block 4; and

The remaining portion of the north-south 12.00-foot-wide alley, as platted in Block 3 of Continuation of Sobieski Park, a recorded subdivision, in the Northeast 1/4 of Section 8, Township 6 North, Range 22 East, from the south line of West Harrison Avenue south 90.00 feet to a point 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 hereby 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  
09/24/15