



Legislation Text

File #: 090551, Version: 1

090551
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate a portion of South 16th Street, west side, between West Halsey Avenue and West Vogel Avenue, in the 13th 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 the City of Milwaukee, Department of Public Works, as part of the I-94 North-South Freeway Reconstruction Project.

Whereas, It is proposed that a portion of South 16th Street, west side, between West Halsey Avenue and West Vogel Avenue 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 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 right-of-way as indicated by Exhibit A and bound and described by:

That part of South 16th Street, as presently laid out, in the Northeast 1/4 of Section 30, Township 6 North, Range 22 East, described as follows: Commencing at the northwest corner of Lot 12 in Block 4 of Rayleen Acres, a recorded subdivision, in said 1/4 Section; thence North 89°27'20" West, along the north line of said subdivision, 47.00 feet to the point of beginning of the land to be described; thence South 01°40'32" West 690.84 feet to the point of intersection of the present south line of West Vogel Avenue and the present west line of South 16th Street; thence North 00°34'00" East, along said west line, 360.58 feet to a point in the south line of said Rayleen Acres; thence North 00°37'49" East, continuing along said west line, 330.13 feet to a point in the north line of said subdivision; thence South 89°27'20" East, along said north line, 13.00 feet to the point of beginning 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 right-of-way had not been vacated.

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10/15/09