



Legislation Text

File #: 090553, Version: 1

090553
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate an unimproved right-turn lane at the southeast corner of South 76th Street and West Oklahoma Avenue, in the 11th 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 E&K Land LLC and will provide near-term aesthetic control of the corner and additional land for possible future expansion.

Whereas, It is proposed that an unimproved right-turn lane at the southeast corner of South 76th Street and West Oklahoma 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 the public service street, as platted in River's Bend, a recorded subdivision, in the Northwest 1/4 of Section 15, Township 6 North, Range 21 East, described as follows: Commencing at the point of intersection of the south line of West Oklahoma Avenue, as originally platted, and the present easterly line of South 76th Street; thence Southwesterly, along said present easterly line, 135.90 feet to a point in the east line of South 76th Street, as originally platted; thence Northerly, along the east line, 120.00 feet to its point of intersection with the westerly extension of said south line of West Oklahoma Avenue; thence Easterly, along said westerly extension, 60.00 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 unimproved right-turn lane had not been vacated.

DCD:EAR:ear

02/11/11