



## Legislation Text

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**File #: 070687, Version: 1**

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070687  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate an approximate 3 foot by 4 foot triangular portion of street at the intersection of North Downer Avenue and East Bellevue Place, in the 3rd Aldermanic District.

This substitute resolution vacates the above portion of street 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 resolution eliminates a minimal building encroachment at the corner of North Downer Avenue and East Bellevue Place.

Whereas, It is proposed that a 3 foot by 4 foot triangular area at the corner of North Downer Avenue and East Bellevue Place 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 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 portion of street as indicated by Exhibit A and bound and described by:

That part of North Downer Avenue in the Southeast 1/4 of Section 15, Township 7 North, Range 22 East, described as follows: Commencing at the most northerly corner of Lot 30 in Block 5 of Gilman's Subdivision, a recorded subdivision, in said 1/4 Section; thence Southwesterly, along the northwesterly line of Lot 30 aforesaid, 5.21 feet to a point in the west line of Lot 30; thence Northerly, along the northerly extension of said west line, to its point of intersection with the northwesterly extension of the northerly line of Lot 30; thence Southeasterly, along said northwesterly extension, 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 the actions listed in the coordinated report relating to said vacation; 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 portion of street had not been vacated.

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09/28/07