



Legislation Text

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220168
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the alley between West McKinley Avenue and North 6th Street in the block bound by West McKinley Avenue, North Vel R. Phillips Avenue, West Vliet Street, and North 6th Street, in the 6th Aldermanic District.

This substitute resolution vacates the above public 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 Historic Haymarket Milwaukee, Inc. to facilitate the construction of a new museum.

Whereas, It is proposed that the alley between West McKinley Avenue and North 6th Street in the block bound by West McKinley Avenue, North Vel R. Phillips Avenue, West Vliet Street, and North 6th Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works ("DPW") 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 ("Common Council"), that said portion of public right-of-way is vacated as indicated in Exhibit A and bound and described by:

All of the east-west 20-foot wide alley and southerly portion of the north-south 20-foot alley as platted in Block 36 in Plat of the Town of Milwaukee on the West Side of the River, a recorded subdivision, in the Southwest 1/4 of Section 20, Township 7 North, Range 22 East, described as follows: Commencing the southeast corner of Lot 8 in said Block 36; thence North, along the east line of Lots 5 through 8 in Block 36 aforesaid, 200 feet to the northeast corner of Lot 5; thence West, along the north line of Lot 5 aforesaid, 101.89 feet to a point in the present east line of North 6th Street; thence Northeasterly, along said east line extended, to a point in the south line of Lot 4 in said Block 36; thence East, along the south line of Lot 4 and its easterly extension, to a point in the east line of said 1/4 Section; thence South, along said east line, to a point in the north line of West McKinley Avenue; thence West, along said north line extended, to the point of commencement; 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 DPW 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 held, acquired by or belonging to any county, school district, town, village or city, or to any utility or person that relate to any underground or overground 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 right-of-way had not been vacated; and, be it

Further Resolved, That the proper City officials, including the Commissioner of DPW, are authorized to sign any easements 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:Kevin.Kuschel:kmk

10/11/22