



## Legislation Text

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**File #: 110871, Version: 1**

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110871  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate the unimproved pedestrian way at North Colonial Drive extended and lying between North Menomonee River Parkway and North 98th Street, in the 5th Aldermanic District.

This substitute resolution vacates the above pedestrian 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 Milwaukee Department of Public Works, since said pedestrian way is not needed for public purposes.

Whereas, It is proposed that the unimproved pedestrian way at North Colonial Drive extended and lying between North Menomonee River Parkway and North 98th Street 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 pedestrian way as indicated on Exhibit A and bound and described by:

All of the 20-foot wide Pedestrian Way as platted in Block 1 of Mary Mount, a recorded subdivision, in the Northeast 1/4 of Section 17, Township 7 North, Range 21 East, lying between the easterly line of North Menomonee River Parkway extended and the west line of North 98th Street extended 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 pedestrian way had not been vacated.  
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07/05/12