



## Legislation Text

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**File #: 110612, Version: 1**

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110612  
SUBSTITUTE 1

ALD. WITKOWSKI

Substitute resolution to vacate the unimproved north-south alley in the block bounded by South 17th Street, South 18th Street, West Morgan Avenue and West Wilbur Avenue, in the 13th Aldermanic District.

This substitute resolution vacates the above unimproved alley 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 a Milwaukee Public School was constructed on said unimproved alley.

Whereas, It is proposed that the unimproved north-south alley in the block bounded by South 17th Street, South 18th Street, West Morgan Avenue and West Wilbur Avenue 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 unimproved alley as indicated by Exhibit A and bound and described by:

All that part of the north-south 20-foot wide alley, as originally platted out in Block 6 of M.J. Zalewski and Company's Subdivision No. 2 and Block 6 of M.J. Zalewski and Company's Subdivision No. 3, recorded subdivisions, in the Southeast 1/4 of Section 18, Township 6 North, Range 22 East, lying between the north line of West Wilbur Avenue extended and the easterly extension of the north line of the south 21.00 feet of Lot 12 in Block 6 of said M.J. Zalewski and Company's Subdivision No. 2, 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 alley had not been vacated.

DCD:EAR:ear

12/27/11