



Legislation Text

File #: 201672, Version: 1

201672
SUBSTITUTE 1

Ald. Stamper

Substitute resolution to vacate a portion of the southwest side of West Fond du Lac Avenue from a point northwest of West Cypress Street northwest to a point in the block bounded by West Cypress Street, West Fond du Lac Avenue, West Medford Avenue and West Tamarack Street, in the 15th 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 the City of Milwaukee to ensure that the right-of-way matches the surrounding area.

Whereas, It is proposed that a portion of the southwest side of West Fond du Lac Avenue from a point northwest of West Cypress Street northwest to a point in the block bounded by West Cypress Street, West Fond du Lac Avenue, West Medford Avenue and West Tamarack Street 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 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, that said portion of public right-of-way is vacated as indicated in Exhibit A and bound and described by:

That part of excess West Fond du Lac Avenue being a portion of Lots 7 and 8, Block 235 of Dahlman and Kilian's Subdivision, a recorded subdivision, in the Southwest 1/4 of Section 18, Township 7 North, Range 22 East, described as follows: Commencing at the most northerly corner of Lot 7 in said Block 235; thence Southeasterly, along the northeasterly line of Lot 7, 40.00 feet to the point of beginning of the land to be described; thence Southeasterly along the northeasterly line of Lots 7 and 8 in Block 235, 30.00 feet; Thence Southwesterly, parallel to the southeasterly line of Lot 7, 54.00 feet; thence Northwesterly, parallel to the northeasterly lines of Lots 7 and 8, 30.00 feet; thence Northeasterly, parallel to the southeasterly line of Lot 7, 54.00 feet to the point of beginning; 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 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 Public Works, 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

07/07/21