



Legislation Text

File #: 110869, Version: 1

110869
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the unimproved alley in the block bounded by North 82nd Street, North 83rd Street, West Nash Street and West Vienna Avenue, in the 5th 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 said unimproved alley is not needed for public purposes.

Whereas, It is proposed that the unimproved alley in the block bounded by North 82nd Street, North 83rd Street, West Nash Street and West Vienna 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:

That part of the 20-foot wide alley, as originally platted, in Block 2 of Hauser Homes Subdivision No. 2, a recorded subdivision, in the Northeast 1/4 of Section 9, Township 7 North, Range 21 East, described as follows: Commencing at the southwest corner of Lot 21 in said Block 2; thence Westerly, along the westerly extension of the south line of Lot 21, to a point in the centerline of said alley; thence North, along said centerline, to a point in the westerly extension of the north line of Lot 29 in said Block 2; thence Easterly, along said westerly extension, to the northwest corner of Lot 29; thence South, along the east line of said alley, 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 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