



## Legislation Text

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**File #: 190177, Version: 1**

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SUBSTITUTE 1

ALD. BAUMAN AND ALD. MURPHY

Substitute resolution to vacate a portion of the north-south alley and to dedicate certain City-owned land for public alley purposes in the block bounded by West Clybourn Street, West St. Paul Avenue, North 28th Street and North 29th Street, in the 4th 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 and dedicates City-owned land for public alley purposes. This vacation was requested by the City of Milwaukee Department of Public Works to consolidate land to develop a City of Milwaukee park and playground on vacant City-owned properties and to maintain alley access to the remaining portion of the north-south alley.

Whereas, It is proposed that a portion of the north-south alley in the block bounded by West Clybourn Street, West St. Paul Avenue, North 28th Street and North 29th Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, To maintain alley access for the adjoining properties due to this vacation, the City will dedicate land for public alley purposes and construct new segment of public alley; 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; and

Whereas, The City Plan Commission has reviewed and approved said vacation and dedication of land for public alley purposes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said portion of public right-of-way as indicated by Exhibit A and bound and described by:

That part of the north-south 14-foot wide alley as platted in Block 8 of Palmer and Company's Addition, a recorded subdivision, in the Southeast 1/4 of Section 25, Township 7 North, Range 21 East, described as follows: Commencing at the northwest corner of Lot 1 in said Block 8; thence Southerly along the west lines of Lots 1, 2 and 3 in said Block 8, to the southwest corner of Lot 3; thence Westerly to the southeast corner of Lot 18 in said Block 8; thence Northerly, along the easterly lines of Lots 18, 19 and 20 in said Block 8, to the northeast corner of Lot 20; thence Easterly to the point of commencement is vacated; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that said portion of City-owned land as indicated by the dedication map and bound and described by:

That part of Lot 17 in Block 8 of Palmer and Company's Addition, a recorded subdivision, in the Southeast 1/4 of Section 25, Township 7 North, Range 21 East, described as follows: Commencing at the southeast corner of Lot 17; thence Northwesterly to a point in the south line of the north 20.00 feet of Lot 17, said point lying 10.00 feet west of, as measured normal to, the east line of Lot 17; thence Westerly, parallel to the north line of Lot 17, to a point in the west line of Lot 17, thence Northerly, along said west line to the northwest corner of Lot 17; thence Easterly, along the north line of Lot 17, to the northeast corner of Lot 17; thence Southerly, along the east line of Lot 17, to the point of commencement is dedicated for public alley purposes; 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 dedication; 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 documents to dedicate land for public alley purposes, as illustrated on the Dedication Map, a copy of which is attached to this Common Council File, and as legally described above; 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

09/05/19