



## Legislation Text

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**File #: 141872, Version: 1**

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141872  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate the unimproved alley in the block bounded by West Custer Avenue, vacated West Rohr Avenue, vacated North 32nd Street and North 33rd Street, in the 1st Aldermanic District.

This substitute resolution vacates the above 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 5300 North 33rd Street, LLC for the purpose of consolidating land holdings.

Whereas, It is proposed that the unimproved alley in the block bounded by West Custer Avenue, vacated West Rohr Avenue, vacated North 32nd Street and North 33rd 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 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 alley as indicated by Exhibit A and bound and described by:

All of the 15.00-foot-wide east-west alley and remainder of the 15.00-foot-wide north-south alley as presently laid out in Block H of Paynes 3rd Addition to North Milwaukee, a recorded subdivision, in the Northeast 1/4 of Section 36, Township 8 North, Range 21 East, described as follows: Commencing at the southwest corner of Lot 26 in said Block H; thence Easterly, along the south line of Lot 26 to the southeast corner of Lot 26; thence Northerly, along the east line of Lot 26, to the northeast corner of Lot 26; thence Easterly to the northwest corner of Lot 15 in said Block H; thence Southerly, along the west line of Lots 15 and 16 in said Block H, to a point in the easterly extension of the south line of the north 15.00 feet of Lot 25 in said Block H; thence Westerly, along said south line and its westerly extension, to a point in the west line of Lot 25; thence Northerly 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 Sections 62.73(1) and 66.1005(2), 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; and, be it

Further Resolved, That the proper City officials, including the Commissioner of Public Works, are authorized to sign any easement 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:Kyle.Gast:kcg

06/03/15