



## Legislation Details (With Text)

**File #:** 130389      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 7/2/2013      **In control:** COMMON COUNCIL

**On agenda:**      **Final action:** 9/24/2013

**Effective date:**

**Title:** Substitute resolution to vacate the unimproved alleys in the block bounded by West Bernhard Place, North Sherman Boulevard, West Townsend Street and North 42nd Street, in the 7th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** ALLEY VACATIONS

**Attachments:** 1. City Plan Commission Letter, 2. Exhibit A

Date	Ver.	Action By	Action	Result	Tally
7/2/2013	0	COMMON COUNCIL	ASSIGNED TO		
7/9/2013	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
8/19/2013	0	CITY PLAN COMMISSION	APPROVED	Pass	5:0
9/6/2013	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/11/2013	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
9/24/2013	1	COMMON COUNCIL	ADOPTED	Pass	15:0
9/27/2013	1	MAYOR	SIGNED		

130389  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate the unimproved alleys in the block bounded by West Bernhard Place, North Sherman Boulevard, West Townsend Street and North 42nd Street, in the 7th Aldermanic District.

This substitute resolution vacates the above alleys 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 Department of Public Works, since said unimproved alleys are not needed for public purposes.

Whereas, It is proposed that the unimproved alleys in the block bounded by West Bernhard Place, North Sherman Boulevard, West Townsend Street and North 42nd 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 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 alleys as indicated by Exhibit A and bound and described by:

All of the 18.00-foot-wide and 14.00-foot-wide north-south alleys and the 20.00-foot-wide east-west alley as platted in Block 2 of Gesell's Subdivision, Block 2 of Musfeldt's Subdivision and Block 3 of Woelky Subdivision, all recorded subdivisions, in the Southwest 1/4 of Section 12, Township 7 North, Range 21 East 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 alleys had not been vacated.

DCD:EAR:ear

09/05/13