



## Legislation Details (With Text)

**File #:** 130706 **Version:** 1

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

**File created:** 9/24/2013 **In control:** COMMON COUNCIL

**On agenda:** **Final action:** 4/2/2014

**Effective date:**

**Title:** Substitute resolution to vacate a portion of East Clifford Street from South Greeley Street westward to its terminus, in the 14th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

**Attachments:** 1. Hearing Notice List, 2. Exhibit A, 3. City Plan Commission Letter

Date	Ver.	Action By	Action	Result	Tally
9/24/2013	0	COMMON COUNCIL	ASSIGNED TO	Fail	
9/25/2013	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
3/10/2014	0	CITY PLAN COMMISSION	RECOMMENDED FOR ADOPTION AND ASSIGNED	Pass	5:0
3/13/2014	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/13/2014	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/13/2014	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/13/2014	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/13/2014	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/19/2014	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
4/2/2014	1	COMMON COUNCIL	ADOPTED	Pass	14:0
4/11/2014	1	MAYOR	SIGNED		

130706  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate a portion of East Clifford Street from South Greeley Street westward to its terminus, in the 14th Aldermanic District.

This substitute resolution vacates the above 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 Thomas Kubusek for the purpose of increasing the size of his parcel located at 2549 North Greeley Street.

Whereas, It is proposed that a portion of East Clifford Street from South Greeley Street westward to its terminus 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 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 right-of-way as indicated by Exhibit A and bound and described by:

Parcel A - All that part of East Clifford Street in the Northeast 1/4 of Section 8 and the Northwest 1/4 of Section 9, Township 6 North, Range 22 East, described as follows: Commencing at the point of intersection of the north line of East Clifford Street and the east line of South Greeley Street; thence Southerly, along the southerly extension of said east line, to a point lying 33.00 feet south of, as measured normal to, said north line; thence Westerly, parallel to said north line and its westerly extension, to a point in the easterly line of the Soo Line Railroad Company right-of-way; thence Northeasterly, along said easterly line, to a point in the west line of Block 6 of Dr. E. Chase's Subdivision, a recorded subdivision in said Northwest 1/4 Section; thence Southerly, along said west line, to a point in the north line of East Clifford Street; thence Easterly, along said north line, 123.83 feet to the point of commencement.

Parcel B - All that part of East Clifford Street in the Northeast 1/4 of Section 8 and the Northwest 1/4 of Section 9, Township 6 North, Range 22 East, described as follows: Commencing at the point of intersection of the south line of East Clifford Street and the east line of South Greeley Street; thence Westerly, along said south line and its westerly extension, to a point in the easterly line of the Soo Line Railroad Company right-of-way; thence Northeasterly, along said easterly line, to a point lying 7.00 feet north of, as measured normal to, said south line and its extension; thence Easterly, parallel to said south line and its extension, to a point in the northerly extension of the east line of South Greeley Street; thence Southerly, along said northerly extension, to the point of commencement, are 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 there to shall continue as if said right-of-way had not been vacated.

DCD:EAR:ear

03/13/14