



## Legislation Details (With Text)

**File #:** 130977 **Version:** 1

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

**File created:** 11/5/2013 **In control:** COMMON COUNCIL

**On agenda:** **Final action:** 2/11/2014

**Effective date:**

**Title:** Substitute resolution to vacate a portion of East Holt Avenue between South Illinois Avenue and the eastern city limits, in the 14th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

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

Date	Ver.	Action By	Action	Result	Tally
11/5/2013	0	COMMON COUNCIL	ASSIGNED TO		
11/7/2013	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
1/24/2014	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/24/2014	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/27/2014	0	CITY PLAN COMMISSION	APPROVED	Pass	6:0
1/29/2014	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
2/11/2014	1	COMMON COUNCIL	ADOPTED	Pass	13:0
2/12/2014	1	MAYOR	SIGNED		

130977  
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate a portion of East Holt Avenue between South Illinois Avenue and the eastern city limits, 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 Sebastien Francois for the purpose of increasing the size of his lot located at 3374 South Illinois Avenue.

Whereas, It is proposed that a portion of East Holt Avenue between South Illinois Avenue and the eastern city limits 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:

That part of East Holt Avenue (north side) in the Northeast 1/4 of Section 15, Township 6 North, Range 22 East, described as follows: Commencing at the point of intersection of the east line of South Illinois Avenue and the north line of East Holt Avenue; thence Easterly, along said north line, 10.00 feet to the point of beginning of the land to be described; thence Southerly, as measured normal to, said north line, to a point lying 15.00 feet south of, as measured normal to, said north line; thence Easterly, parallel to said north line, to a point in the City of Milwaukee limits line; thence Northerly, along said city limits line, to a point in the north line of East Holt Avenue; thence Westerly, along said north line, to the point of beginning 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 right-of-way had not been vacated.

DCD:EAR:ear

01/23/14