



Legislation Details (With Text)

File #: 080262 **Version:** 1

Type: Resolution **Status:** Passed

File created: 6/10/2008 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:** 7/30/2008

Effective date:

Title: Substitute resolution to vacate an 8-foot portion of right-of-way parallel to the existing curb alignment along South Alexander Street and West Nicholas Street between South 5th Street and South 6th Street, in the 12th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREET VACATIONS

Attachments: 1. Fiscal Note.pdf, 2. Hearing notice list, 3. Exhibit A.pdf, 4. City Plan Commission Letter.pdf

Date	Ver.	Action By	Action	Result	Tally
6/10/2008	0	COMMON COUNCIL	ASSIGNED TO		
6/11/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
7/9/2008	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
7/11/2008	1	CITY CLERK	DRAFT SUBMITTED		
7/16/2008	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
7/30/2008	1	COMMON COUNCIL	ADOPTED	Pass	12:0
8/6/2008	1	MAYOR	SIGNED		

080262
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate an 8-foot portion of right-of-way parallel to the existing curb alignment along South Alexander Street and West Nicholas Street between South 5th Street and South 6th Street, in the 12th 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 resolution vacates an 8-foot strip of land and allows for a proposed retaining wall to be constructed within the applicant's property line.

Whereas, It is proposed that 8 feet of right-of-way parallel to the existing curb alignment along South Alexander Street and West Nicholas Street between South 5th Street and South 6th 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, The owner shall maintain and keep in good condition, the retaining wall abutting and supporting the adjacent City right-of-way, and also the owner will be held liable for any loss, damage, injury or liability to or on the City right-of-way from failure to properly construct, install and maintain the retaining wall; 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 South Alexander Street and West Nicholas Street in the Northeast 1/4 of Section 32, Township 7 North, Range 22 East, described as follows: Commencing at the southeast corner of Lot 6 in Block 13 of Walker's Point, a recorded subdivision, in said 1/4 Section; thence South 00°00'06" West, along the present west line of South 5th Street, 41.42 feet to its point of intersection with the present northerly line of West Nicholas Street and the point of beginning of the land to be described; thence South 58°56'50" West, along said present northerly line, 95.87 feet to a point of curve; thence Southwesterly and Northwesterly, 82.91 feet along the present northerly line of West Nicholas Street and the present northerly line of South Alexander Street and the arc of said curve which has a radius of 67.67 feet with its center lying to the north having a central angle of 70°12'10" and whose chord bears North 85°57'05" West 77.82 feet to a point of tangency; thence North 50°51'00" West, along said present northerly line, 65.54 feet to a point of curve; thence Northwesterly, 33.43 feet along said present northerly line and the arc of said curve which has a radius of 37.67 feet with its center lying to the northeast having a central angle of 50°51'06" and whose chord bears North 25°25'27" West 32.34 feet to a point of tangency; thence North 00°00'06" East 15.68 feet to a point in the south line of Lot 7 in Block 13 of said Walker's Point; thence North 89°46'24" West, along said south line, 5.53 feet to the present southwest corner of Lot 7; thence South 00°00'06" West, along the southerly extension of the present west line of Lot 7 aforesaid, 40.07 feet to a point; thence South 50°51'00" East 83.66 feet to a point of curve; thence Southeasterly and Northeasterly, 95.24 feet along the arc of said curve which has a radius of 76.17 feet with its center lying to the north having a central angle of 71°38'36" and whose chord bears South 86°40'18" East 89.16 feet to a point of tangency; thence North 57°30'24" East 90.24 feet to a point in the southerly extension of the west line of South 5th Street; thence North 00°00'06" East, along said southerly extension, 7.25 feet 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:AJF:ajf

07/11/08