



## Legislation Details (With Text)

**File #:** 131771 **Version:** 1

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

**File created:** 4/2/2014 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 6/3/2014

**Effective date:**

**Title:** Substitute resolution to vacate unimproved East Garfield Avenue from North Commerce Street east to its terminus and to vacate unimproved North Riverboat Road from North Commerce Street east to a point, in the 3rd Aldermanic District.

**Sponsors:** ALD. KOVAC

**Indexes:** STREET VACATIONS

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

| Date      | Ver. | Action By              | Action                                | Result | Tally |
|-----------|------|------------------------|---------------------------------------|--------|-------|
| 4/2/2014  | 0    | COMMON COUNCIL         | ASSIGNED TO                           |        |       |
| 4/4/2014  | 0    | PUBLIC WORKS COMMITTEE | REFERRED TO                           |        |       |
| 5/19/2014 | 0    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT                  |        |       |
| 5/19/2014 | 0    | CITY PLAN COMMISSION   | RECOMMENDED FOR ADOPTION AND ASSIGNED | Pass   | 7:0   |
| 5/21/2014 | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION              | Pass   | 4:0   |
| 6/3/2014  | 1    | COMMON COUNCIL         | ADOPTED                               | Pass   | 15:0  |
| 6/12/2014 | 1    | MAYOR                  | SIGNED                                |        |       |

131771  
SUBSTITUTE 1

ALD. KOVAC

Substitute resolution to vacate unimproved East Garfield Avenue from North Commerce Street east to its terminus and to vacate unimproved North Riverboat Road from North Commerce Street east to a point, in the 3rd Aldermanic District.

This substitute resolution vacates the above street rights-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 Rivers II Crest LLC c/o Mandel Group Inc. to consolidate land for development.

Whereas, It is proposed that unimproved East Garfield Avenue from North Commerce Street east to its terminus and unimproved North Riverboat Road from North Commerce Street east to a point 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 street rights-of-way as indicated by Exhibit A and bound and described by:

East Garfield Avenue: All of East Garfield Avenue as originally platted in Certified Survey Map No. 6527, in the Northeast 1/4 of Section 21, Township 7 North, Range 22 East, from the east line of North Commerce Street east to its terminus.

North Riverboat Road: All of North Riverboat Road, as originally platted in Certified Survey Map No. 6527, in the Northeast 1/4 of Section 21, Township 7 North, Range 22 East, described as follows: Commencing at the southwest corner of Parcel 2 of said Certified Survey Map No. 6527; thence Easterly, along the south line of Parcel 2 aforesaid, 223.99 feet to a point in the easterly line of said Certified Survey Map No. 6527; thence Southeasterly, along said easterly line, 126.29 feet to a point; thence Southwesterly, continuing along said easterly line, 64.79 feet to a point in the easterly line of Lot 2 of Certified Survey Map No. 7369; thence Northerly, along said easterly line of Lot 2 aforesaid, 125.45 feet to the northeast corner of Lot 2; thence Westerly, along the north line of Lot 2 aforesaid, 197.64 feet to the northwest corner of Lot 2; thence Northerly, to the point of commencement.

both of which street rights-of-way 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 thereto shall continue as if said rights-of-way had not been vacated.

DCD:Ed.Richardson:ear  
05/15/14