



Legislation Details (With Text)

File #: 150039 **Version:** 1

Type: Resolution **Status:** Passed

File created: 4/21/2015 **In control:** COMMON COUNCIL

On agenda: **Final action:** 9/22/2015

Effective date:

Title: Substitute resolution to vacate a portion of South 1st Street, west side, between East Seeboth Street and the Milwaukee River, in the 12th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREETS

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

Date	Ver.	Action By	Action	Result	Tally
4/21/2015	0	COMMON COUNCIL	ASSIGNED TO		
4/22/2015	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
7/13/2015	0	CITY PLAN COMMISSION	RECOMMENDED FOR ADOPTION AND ASSIGNED	Pass	5:0
9/3/2015	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/9/2015	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
9/22/2015	1	COMMON COUNCIL	ADOPTED	Pass	15:0
9/29/2015	1	MAYOR	SIGNED		

150039
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate a portion of South 1st Street, west side, between East Seeboth Street and the Milwaukee River, 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 vacation was requested by 100 East Seeboth LLC for the purpose of consolidating land holdings.

Whereas, It is proposed that a portion of South 1st Street, west side, between East Seeboth Street and the Milwaukee River 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 Sections 62.73(1) and 840.11, 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:

All that part of South 1st Street as presently laid out in the Northeast 1/4 of Section 32, Township 7 North, Range 22 East, lying westerly of a line 85.00 feet westerly of, as measured normal to, the present easterly line of South 1st Street as laid out by Common Council File No. 030016, adopted on May 25, 2004 and described as follows: Commencing at the southeast corner of Lot 10 in Block 1 of Walker's Point, a recorded subdivision, in said 1/4 Section; thence South 89°21'14" West, along the north line of East Seebboth Street, 23.00 feet to a point; thence South 69°29'55" West, along the present north line of East Seebboth Street, 19.14 feet to a point; thence South 89°21'14" West, continuing along said present north line, 20.27 feet to a point of curve; thence Northwesterly and Northeasterly, 22.68 feet along said present north line and the arc of said curve, which has a radius of 11.00 feet with its center lying to the northeast having a central angle of 118°06'30" and whose chord bears North 31°35'31" West, 18.87 feet to a point of tangency and the point of beginning of the line to be described; thence North 27°27'44" East, along the present easterly line of South 1st Street, 98.90 feet to the terminus of the described line 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 Sections 62.73(1) and 840.11, 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; and, be it

Further Resolved, That the proper City officials, including the Commissioner of Public Works, are hereby authorized to sign any easement or other documents necessary to assert the City of Milwaukee's rights under Section 66.1005(2), Wisconsin Statutes, and cause the same to be recorded in the Milwaukee County Register of Deeds Office.

DCD:Kyle.Gast:kcg

09/03/15