



## Legislation Details (With Text)

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

**File created:** 9/2/2008 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 12/16/2008

**Effective date:**

**Title:** Substitute resolution to vacate a portion of North Palmer Street, east side, from East Abert Place south to its terminus, in the 6th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

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

Date	Ver.	Action By	Action	Result	Tally
9/2/2008	0	COMMON COUNCIL	ASSIGNED TO		
9/2/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
11/26/2008	1	CITY CLERK	DRAFT SUBMITTED		
11/26/2008	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/3/2008	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
12/16/2008	1	COMMON COUNCIL	ADOPTED	Pass	14:0
12/22/2008	1	MAYOR	SIGNED		

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SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate a portion of North Palmer Street, east side, from East Abert Place south to its terminus, in the 6th 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 initiated by Heider & Bott Company to allow for the continued location of a fence currently within the right-of-way along the east side of North Palmer Street and to facilitate site ingress and egress for semi-trailers. The fence has been in its current location for over 40 years.

Whereas, It is proposed that a portion of North Palmer Street, east side, from East Abert Place south 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:

That part of North Palmer Street in the Northeast 1/4 of Section 8, Township 7 North, Range 22 East, described as follows: Commencing at the point of intersection of the south line of East Abert Place and the east line of North Palmer Street; thence Southerly, along said east line, to a point in the south line of Island Avenue Land Company's Subdivision No. 1, a recorded subdivision in said 1/4 Section; thence Westerly, along said south line, to a point 17.00 feet West of, as measured normal to, said east line; thence Northerly, parallel to said east line, to a point in the westerly extension of the south line of East Abert Place; thence Easterly, along said westerly extension, to the point of commencement 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

11/25/08