



Legislation Details (With Text)

File #: 151446 **Version:** 1

Type: Resolution **Status:** Passed

File created: 1/19/2016 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:** 7/6/2016

Effective date:

Title: Substitute resolution to vacate the east-west alley in the block bounded by West Fond du Lac Avenue, West Walnut Street, North 12th Street and Interstate Highway 43, in the 15th Aldermanic District.

Sponsors: THE CHAIR

Indexes: ALLEYS

Attachments: 1. Exhibit A, 2. City Plan Commission Letter

Date	Ver.	Action By	Action	Result	Tally
1/19/2016	0	COMMON COUNCIL	ASSIGNED TO		
1/21/2016	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
6/13/2016	0	CITY PLAN COMMISSION	RECOMMENDED FOR ADOPTION AND ASSIGNED	Pass	6:0
6/17/2016	1	CITY CLERK	DRAFT SUBMITTED		
6/22/2016	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
7/6/2016	1	COMMON COUNCIL	ADOPTED	Pass	15:0
7/14/2016	1	MAYOR	SIGNED		

151446
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the east-west alley in the block bounded by West Fond du Lac Avenue, West Walnut Street, North 12th Street and Interstate Highway 43, in the 15th Aldermanic District.

This substitute resolution vacates the above alley 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 TJM Holdings, LLC to consolidate land holdings to expand an existing car wash. Whereas, It is proposed that the east-west alley in the block bounded by West Fond du Lac Avenue, West Walnut Street, North 12th Street and Interstate Highway 43 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 alley as indicated by Exhibit A and bound and described by:

All of the remaining portion of the northerly east-west 15-foot-wide alley as platted in Block 96 of Plat of the Town of Milwaukee on the West Side of the River, a recorded subdivision, in the Southwest 1/4 of Section 20, Township 7 North, Range 22 East, from the east line of North 12th Street extended easterly to its terminus 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 66.1005(2), 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 alley had not been vacated; and, be it

Further Resolved, That the proper City officials, including the Commissioner of Public Works, are authorized to sign any easements 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

06/16/16