



## Legislation Details (With Text)

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

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**On agenda:** **Final action:** 11/22/2016

**Effective date:**

**Title:** Substitute resolution to vacate a portion of West McKinley Avenue in the block bounded by West Juneau Avenue, West McKinley Avenue, North Old World Third Street and the Milwaukee River, in the 6th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

**Attachments:** 1. Fiscal Note.pdf, 2. 080817 Exhibit A.pdf, 3. 080817 City Plan Commission Letter.pdf

Date	Ver.	Action By	Action	Result	Tally
10/7/2008	0	COMMON COUNCIL	ASSIGNED TO		
10/8/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
11/7/2016	0	CITY PLAN COMMISSION	RECOMMENDED FOR ADOPTION AND ASSIGNED	Pass	6:0
11/9/2016	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
11/22/2016	1	COMMON COUNCIL	ADOPTED	Pass	15:0
12/2/2016	1	MAYOR	SIGNED		

080817  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate a portion of West McKinley Avenue in the block bounded by West Juneau Avenue, West McKinley Avenue, North Old World Third Street and the Milwaukee River, in the 6th Aldermanic District.

This substitute resolution vacates the above portion of 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 Milwaukee River Hotel, LLC to reflect existing conditions.

Whereas, It is proposed that a portion of West McKinley Avenue in the block bounded by West Juneau Avenue, West McKinley Avenue, North Old World Third 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 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 portion of right-of-

way as indicated by Exhibit A and bound and described by:

That part of West McKinley Avenue in the Southeast 1/4 of Section 20, Township 7 North, Range 22 East, described as follows: Commencing at the northwest corner of Lot 1 in Block 5 of Park East on the West Side of the Milwaukee River, a recorded subdivision, in said 1/4 Section; thence South 89°21'24" East, along the northerly line of Lot 1 aforesaid, 24.25 feet to the point of beginning of the land to be described; thence continuing South 89°21'24" East 13.85 feet to a point on a curve; thence Southeasterly, 40.23 feet along the arc of said curve, which has a radius of 51.98 feet, with its center lying to the southwest, having a central angle of 44°20'44" and whose chord bears South 66°27'27" East 39.23 feet to a point; thence South 42°07'09" East 19.84 feet to a point in the northerly line of Lot 1; thence North 64°10'44" West, along said northerly line, 70.12 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 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 portion of right-of-way 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

11/03/16