Legislation Details (With Text)

File #:	161322 **Version:** 1		
Type:	Resolution	**Status:**	Passed
File created:	1/18/2017	**In control:**	COMMON COUNCIL
On agenda:		**Final action:**	3/28/2017
Effective date:			

Title: Substitute resolution to vacate a portion of the alley in the block bounded by North Broadway, East Mason Street, North Water Street and East Wells Street and to terminate an air space lease, in the 4th Aldermanic District.

Sponsors: THE CHAIR

Indexes: ALLEY VACATIONS

Attachments: 1. Termination of Airspace Lease Executed, 2. Exhibit A.pdf, 3. City Plan Commission Letter.pdf, 4. Termination of Lease as of 3-2-17.pdf, 5. PW Summons

Date	Ver.	Action By	Action	Result	Tally
1/18/2017	0	COMMON COUNCIL	ASSIGNED TO		
1/19/2017	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
2/13/2017	0	CITY PLAN COMMISSION	RECOMMENDED FOR ADOPTION AND ASSIGNED	Pass	5:0
3/8/2017	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
3/28/2017	1	COMMON COUNCIL	ADOPTED	Pass	15:0
4/6/2017	1	MAYOR	SIGNED		

161322
SUBSTITUTE 1

THE CHAIR
Substitute resolution to vacate a portion of the alley in the block bounded by North Broadway, East Mason Street, North Water Street and East Wells Street and to terminate an air space lease, in the 4th Aldermanic District.
This substitute resolution vacates the above public 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, and it terminates an air space lease, since it is no longer necessary. This vacation was requested by BMO Harris Bank NA to accommodate a new development.
Whereas, It is proposed that a portion of the alley in the block bounded by North Broadway, East Mason Street, North Water Street and East Wells Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, In 1966, the City of Milwaukee ("City") approved an air space lease ("Lease") over said alley, recorded at the Milwaukee County Register of Deeds as Document No. 4256418; and

Whereas, BMO Harris Bank NA is the successor Lessee under the Lease and fee title owner of the properties abutting the alley; and

Whereas, If the alley is vacated, the underlying fee ownership reverts to BMO Harris Bank NA, as the owner of the abutting properties, and the Lease will no longer be necessary,

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therefore, the City and BMO Harris Bank NA wish to terminate the Lease; 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 public right-of-way as indicated by Exhibit A and bound and described by:

That part of the 14.00-foot-wide north-south alley platted in Block 10 of Plat of Milwaukee, a recorded subdivision, in the Northeast 1/4 of Section 29, Township 7 North, Range 22 East, lying between the south line of East Wells Street extended and a line drawn from the southwest corner of Lot 4 in said Block 10 and the southeast corner of Lot 9 in said Block 10 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 public 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’s rights under Section 66.1005(2), Wisconsin Statutes, and cause the same to be recorded in the Milwaukee County Register of Deeds Office; and, be it

Further Resolved, That the proper City officials are authorized to execute a Termination of Lease in substantially the same form as the copy of which is attached to this Common Council File.

DCD:Kyle.Gast:kcg

03/02/17