



## Legislation Details (With Text)

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**Title:** Substitute resolution to vacate the unimproved portion of West Barnard Avenue from a point east of South 20th Street east to its terminus, in the 13th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

**Attachments:** 1. 06.29.17 Ltr to S.Todd Farris Cameron Smith (2), 2. City Plan Commission Letter, 3. 161477 Exhibit A.pdf, 4. 161477 Map and Aerial View.pdf, 5. 6-16-17 BCR ltr to Ald. Borkowski (unimproved Barnard Ave. vacation petition), 6. City Attorney Letter

| Date      | Ver. | Action By              | Action                                | Result | Tally |
|-----------|------|------------------------|---------------------------------------|--------|-------|
| 2/7/2017  | 0    | COMMON COUNCIL         | ASSIGNED TO                           |        |       |
| 2/8/2017  | 0    | PUBLIC WORKS COMMITTEE | REFERRED TO                           |        |       |
| 4/10/2017 | 0    | CITY PLAN COMMISSION   | RECOMMENDED FOR ADOPTION AND ASSIGNED | Pass   | 6:0   |
| 6/20/2017 | 1    | COMMON COUNCIL         | PLACED ON FILE                        | Pass   | 13:0  |
| 6/20/2017 | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR PLACING ON FILE       | Pass   | 4:0   |

161477  
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the unimproved portion of West Barnard Avenue from a point east of South 20th Street east to its terminus, in the 13th 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. This vacation was requested by the City of Milwaukee Department of Public Works to reflect existing conditions.

Whereas, It is proposed that the unimproved portion of West Barnard Avenue from a point east of South 20th Street east 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 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:

All that part of West Barnard Avenue, in the Northeast 1/4 of Section 30, Township 6 North, Range 22 East, as originally acquired for the opening, widening and extending of West Barnard Avenue by Warranty Deed recorded as Document No. 3501579 on June 20, 1956, lying westerly of a line described as follows: Commencing at the point of intersection of the west line of said 1/4 Section and the westerly extension of the south line of West Barnard Avenue; thence North 89°57'21" East, along said south line and its extension, 180.00 feet to a point; thence North 00°08'32" East, parallel to said west line, 60.00 to a point in the north line of West Barnard Avenue; thence North 89°57'21" East, along said north line, 78.46 feet to the beginning of the line to be described; thence South 76°10'05" East, 125.09 feet to the terminus of said 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 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 unimproved portion of 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 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  
05/10/17