



## Legislation Details (With Text)

**File #:** 170165 **Version:** 1  
**Type:** Resolution **Status:** Passed  
**File created:** 5/9/2017 **In control:** COMMON COUNCIL  
**On agenda:** **Final action:** 7/31/2017  
**Effective date:**

**Title:** Substitute resolution to vacate the southerly east-west alley in the block bounded by South Howell Avenue, South Kinnickinnic Avenue, East Lincoln Avenue and East Smith Street, in the 14th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** ALLEY VACATIONS

**Attachments:** 1. 170165 Exhibit A.pdf, 2. 170165 City Plan Commission Letter.pdf

Date	Ver.	Action By	Action	Result	Tally
5/9/2017	0	COMMON COUNCIL	ASSIGNED TO		
5/10/2017	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
7/17/2017	0	CITY PLAN COMMISSION	RECOMMENDED FOR ADOPTION AND ASSIGNED	Pass	5:0
7/19/2017	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
7/31/2017	1	COMMON COUNCIL	ADOPTED	Pass	15:0
8/9/2017	1	MAYOR	SIGNED		

170165  
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the southerly east-west alley in the block bounded by South Howell Avenue, South Kinnickinnic Avenue, East Lincoln Avenue and East Smith Street, in the 14th 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 Russell Chicks to consolidate land holdings.

Whereas, It is proposed that the southerly east-west alley in the block bounded by South Howell Avenue, South Kinnickinnic Avenue, East Lincoln Avenue and East Smith Street 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 of the southerly east-west 15.00-foot-wide alley as platted in Block 2 of Uriel B. Smith's Subdivision, a recorded subdivision, in the Northwest 1/4 of Section 9, Township 6 North, Range 22 East, described as follows: Commencing at the northwest corner of Lot 17 in said Block 2, thence Easterly, along the north line of Lots 17, 18, 19 and 20 in Block 2 aforesaid, 91.20 feet to a point in the westerly line of the northwest-southeast 20.00-foot-wide alley; thence Northwesterly, along said westerly line, to the southeast corner of Lot 22 in said Block 2; thence Westerly, along the south line of Lot 22 aforesaid, 81.00 feet to the southwest corner of Lot 22; thence Southerly 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 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 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  
07/12/17