



Legislation Details (With Text)

File #: 170166 **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 western portion of the east-west alley in the block bounded by East Archer Avenue, East Bay Street, South Kinnickinnic Avenue and East Ward Street and to dedicate land for public alley purposes, in the 14th Aldermanic District.

Sponsors: ALD. ZIELINSKI

Indexes: ALLEY VACATIONS

Attachments: 1. Final Exhibit A, 2. Final Dedication Map, 3. Exhibit A.pdf, 4. Dedication Map.pdf, 5. Hearing Notice, 6. List of owners, 7. 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		
6/26/2017	0	CITY PLAN COMMISSION	HELD IN COMMITTEE	Pass	5:0
7/13/2017	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
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		

170166

SUBSTITUTE 1

170164

ALD. ZIELINSKI

Substitute resolution to vacate the western portion of the east-west alley in the block bounded by East Archer Avenue, East Bay Street, South Kinnickinnic Avenue and East Ward Street and to dedicate land for public alley purposes, in the 14th Aldermanic District. This substitute resolution vacates the above portion of 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, and authorizes dedication of land for a new public alley. This vacation was initiated by New Land Enterprises, LLP, to allow for the consolidation of lands to the north and south of the alley for mixed-use residential development.

Whereas, It is proposed that the western portion of the east-west alley in the block bounded by East Archer Avenue, East Bay Street, South Kinnickinnic Avenue and East Ward Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, To maintain alley access for the adjoining properties due to this vacation, the petitioner, New Land Enterprises, LLP, has agreed to construct a new alley at its own expense; and

Whereas, To accommodate the new alley, it is proposed that land be dedicated for public

alley purposes; 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 dedication; 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; and

Whereas, The City Plan Commission has reviewed and approved said vacation and dedication of land for public alley purposes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said portion of alley as indicated by Exhibit A, a copy of which is attached to this Common Council File, and bound and described by:

All of the east-west alley and alley turn-around, as presently laid out in Block 1 of Assessment Subdivision No. 35, a recorded subdivision, in the Southwest 1/4 of Section 4, Township 6 North, Range 22 East, from the southerly extension of a line 15.00 feet west of, as measured normal to, the east line of Lot 21 in said Block 1, westerly to its terminus is vacated; and, be it

Further Resolved, That the vacation is contingent upon the petitioner, New Land Enterprises, LLP, constructing a new north-south, 20.00-foot-wide public alley leg in the block bounded by East Bay Street, East Ward Street, East Archer Avenue and South Kinnickinnic Avenue, said land bound and described by:

That part of Lot 1 in Block 1 of R. Stewart's Subdivision, a recorded subdivision in the Southwest 1/4 of Section 4, Township 6 North, Range 22 East, described as follows: Commencing at the present northwest corner of Lot 1; thence Easterly, along the present north line of Lot 1 to a point lying 5.00 feet east of, as measured normal to, the west line of Lot 1; thence Southerly, and parallel to said west line, to a point lying 10.00 feet north of, as measured normal to, the south line of Lot 1; thence Southeasterly to a point in the south line of Lot 1, said point lying 15.00 feet east of, as measured normal to, said west line; thence Northwesterly, along said south line, to the southwest corner of Lot 1; thence Northerly, along said west line, to the point of commencement is dedicated; and

That part of Lot 21 in Block 1 of Assessment Subdivision No. 35, a recorded subdivision, in the Southwest 1/4 of Section 4, Township 6 North, Range 22 East, described as follows: Commencing at the present northeast corner of Lot 21; thence Southerly, along the east line of Lot 21, to a point in the northerly line of an east-west 15.00-foot-wide alley, as presently laid out in said Block 1, said point also being the southwest corner of Lot 1 in Block 1 of R. Stewart's Subdivision, a recorded subdivision, in said 1/4 Section; thence Northwesterly, along said northerly alley line, to a point lying 15.00 feet west of, as measured normal to, the east line of Lot 21; thence Northerly, parallel to said east line, to a point in the present southerly line of East Bay Street; thence Southeasterly, along said present southerly line, to the point of commencement is dedicated; 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 dedication 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 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 documents to dedicate land for public alley purposes, as illustrated on the Dedication Map, a copy of which is attached to this Common Council File, and as legally described above; 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.

DCD:Yves.LaPierre:ysl

07/12/17