



Legislation Details (With Text)

File #: 171381 **Version:** 1
Type: Resolution **Status:** Passed
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On agenda: **Final action:** 5/30/2018
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Title: Substitute resolution to vacate the west 35.00 feet of North 2nd Street between West Wells Street and West Wisconsin Avenue and the east portion of the east-west alley in the block bounded by West Wells Street, West Wisconsin Avenue, North Old World Third Street and North 2nd Street, in the 4th Aldermanic District.

Sponsors: THE CHAIR

Indexes: ALLEYS, STREETS

Attachments: 1. Presentation, 2. 171381 Hearing Notice, 3. Notice Addresses, 4. 171381 Exhibit A.pdf, 5. 171381 City Plan Commission Letter.pdf

Date	Ver.	Action By	Action	Result	Tally
12/19/2017	0	COMMON COUNCIL	ASSIGNED TO		
1/2/2018	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
5/4/2018	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/4/2018	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/7/2018	0	CITY PLAN COMMISSION	RECOMMENDED FOR ADOPTION AND ASSIGNED	Pass	5:0
5/16/2018	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
5/30/2018	1	COMMON COUNCIL	ADOPTED	Pass	12:0
6/8/2018	1	MAYOR	SIGNED		

171381
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the west 35.00 feet of North 2nd Street between West Wells Street and West Wisconsin Avenue and the east portion of the east-west alley in the block bounded by West Wells Street, West Wisconsin Avenue, North Old World Third Street and North 2nd Street, 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. This vacation was requested by the Milwaukee Symphony Orchestra to construct an addition to the existing theater at 212 West Wisconsin Avenue.

Whereas, It is proposed that the west 35.00 feet of North 2nd Street between West Wells Street and West Wisconsin Avenue and the east portion of the east-west alley in the block bounded by West Wells Street, West Wisconsin Avenue, North Old World Third Street and North 2nd 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:

The west 35.00 feet of North 2nd Street in the Northeast 1/4 of Section 29, Township 7 North, Range 22 East, lying between the south line of West Wells Street extended and the north line of West Wisconsin Avenue extended; and

All that part of the east-west 20-foot-wide alley as originally platted in Block 60 of Plat of the Town of Milwaukee on the West Side of the River, a recorded subdivision, in the Northeast 1/4 of Section 29, Township 7 North, Range 22 East, described as follows: Commencing at the southwest corner of Lot 8 in said Block 60; thence Easterly, along the north line of said east-west alley, to the southeast corner of Lot 8; thence Southerly, along the west line of North 2nd Street extended, to the northeast corner of Lot 9 in said Block 60; thence Westerly, along the south line of said east-west alley, to the northwest corner of Lot 9; thence Northerly to the point of commencement are 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 held, acquired by or belonging to any county, school district, town, village or city, or to any utility or person that relate to any underground or overground 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:Amy.Oeth:ao

05/10/18