Legislation Details (With Text)

File #:	171883 **Version:** 1		
Type:	Resolution	**Status:**	Passed
File created:	3/27/2018	**In control:**	COMMON COUNCIL
On agenda:		**Final action:**	7/10/2018
Effective date:			

Title: Substitute resolution to vacate the unimproved alley in the block bounded by West Auer Avenue, West Concordia Avenue, North 31st Street and the Soo Line Railroad Company Right-of-Way, in the 7th Aldermanic District.

Sponsors: THE CHAIR

Indexes: ALLEYS

Attachments: 1. 171883 Exhibit A.pdf, 2. Soo Line Railroad Company Service 6-27-18, 3. Soo Line Summons 6-27-18, 4. ProTrade Summons, 5. ProTrade Waiver of Service, 6. Soo Line Summons, 7. Soo Line Proof of Service, 8. 171883 City Plan Commission Letter.pdf

Date	Ver.	Action By	Action	Result	Tally
3/27/2018	0	COMMON COUNCIL	ASSIGNED TO		
3/28/2018	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
6/4/2018	0	CITY PLAN COMMISSION	APPROVED CONDITIONALLY	Pass	4:0
6/4/2018	0	CITY PLAN COMMISSION	REFERRED TO	Pass	4:0
6/27/2018	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
7/10/2018	1	COMMON COUNCIL	ADOPTED	Pass	14:0
7/19/2018	1	MAYOR	SIGNED		

171883
SUBSTITUTE 1
171882
THE CHAIR
Substitute resolution to vacate the unimproved alley in the block bounded by West Auer Avenue, West Concordia Avenue, North 31st Street and the Soo Line Railroad Company Right-of-Way, in the 7th 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 City Development to consolidate land for future development.
Whereas, It is proposed that the unimproved alley in the block bounded by West Auer Avenue, West Concordia Avenue, North 31st Street and the Soo Line Railroad Company Right-of-Way 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

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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 east-west 15.00-foot-wide alley in Block 8 of Continuation of Forest Park, a recorded subdivision, in the Southeast 1/4 of Section 12, Township 7 North, Range 21 East, and its easterly extension, lying between the present west line of North 31st Street extended, said line being 20.00 feet east of, as measured normal to, the east line of said Block 8 and the easterly line of the Soo Line Railroad Company Right-of-Way 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 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
06/22/18