Legislation Details (With Text)

File #:	180062 **Version:** 1		
Type:	Resolution	**Status:**	Passed
File created:	4/17/2018	**In control:**	COMMON COUNCIL
On agenda:		**Final action:**	7/10/2018
Effective date:			
Title:	Substitute resolution to vacate South 5th Street from West Harrison Avenue south to its terminus and the east-west alley in the block south of West Harrison Avenue between vacated South 4th Street and South 5th Street, in the 14th Aldermanic District.		
Sponsors:	ALD. ZIELINSKI		
Indexes:	STREETS		
Attachments:	1. 180062 City Plan Commission Letter.pdf, 2. 180062 Exhibit A.pdf		

Date	Ver.	Action By	Action	Result	Tally
4/17/2018	0	COMMON COUNCIL	ASSIGNED TO		
4/18/2018	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		

180062
SUBSTITUTE 1

ALD. ZIELINSKI
Substitute resolution to vacate South 5th Street from West Harrison Avenue south to its terminus and the east-west alley in the block south of West Harrison Avenue between vacated South 4th Street and South 5th 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 AEE Inc. to consolidate land for future development.
Whereas, It is proposed that South 5th Street from West Harrison Avenue south to its terminus and the east-west alley in the block south of West Harrison Avenue between vacated South 4th Street and South 5th 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

powered by Legistar™

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 South 5th Street, in the Northeast 1/4 of Section 8, Township 6 North, Range 22 East, lying between the south line of West Harrison Avenue extended and the westerly extension of the south line of the east-west alley as platted in Block 3 of Clifford Chase's Subdivision No. 1, a recorded subdivision, in said 1/4 Section; and

All of the remaining east-west 14.00-wide-alley as platted in Block 3 of Clifford Chase's Subdivision No. 1, a recorded subdivision, in the Northeast 1/4 of Section 8, Township 6 North, Range 22 East, described as follows: Commencing at the southwest corner of Lot 10 in said Block 3, thence Easterly, along the north side of said alley, to a point lying 11.00 feet west of, as measured along said north line, the southeast corner of Lot 1 in said Block 3; thence Southeasterly, to a point in the south line of said alley, said point lying 9.00 feet westerly of, as measured along said south line, the northeast corner of Lot 20 in said Block 3; thence Westerly, along said south line, to a point in the southerly extension of the west line of Lot 10; thence Northerly, along said southerly extension, 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 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