Legislation Details (With Text)

File #:	201558 **Version:** 1		
Type:	Resolution	**Status:**	Passed
File created:	3/23/2021	**In control:**	COMMON COUNCIL
On agenda:		**Final action:**	7/7/2021
Effective date:			

Title: Substitute resolution to vacate a portion of West Juneau Avenue and a portion of North Vel R. Phillips Avenue in the block bound by West Juneau Avenue, West McKinley Avenue, North Vel R. Phillips Avenue and North 5th Street, in the 6th Aldermanic District.

Sponsors: THE CHAIR

Indexes: STREET VACATIONS

Attachments: 1. Exhibit A, 2. Hearing Notice, 3. vacation notice list, 4. 201558 City Plan Commission Letter.pdf

Date	Ver.	Action By	Action	Result	Tally
3/23/2021	0	COMMON COUNCIL	ASSIGNED TO		
3/24/2021	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
6/16/2021	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/21/2021	0	CITY PLAN COMMISSION	RECOMMENDED FOR ADOPTION AND ASSIGNED	Pass	5:0
6/23/2021	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
7/7/2021	1	COMMON COUNCIL	ADOPTED	Pass	15:0
7/15/2021	1	MAYOR	SIGNED		

201558
SUBSTITUTE 1

THE CHAIR
Substitute resolution to vacate a portion of West Juneau Avenue and a portion of North Vel R. Phillips Avenue in the block bound by West Juneau Avenue, West McKinley Avenue, North Vel R. Phillips Avenue and North 5th Street, in the 6th 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 Milwaukee DD Lodging Investors, LLC on behalf of Milwaukee County to assist in the unencumbered development of the parcel.
Whereas, It is proposed that a portion of West Juneau Avenue and a portion of North Vel R. Phillips Avenue in the block bound by West Juneau Avenue, West McKinley Avenue, North Vel R. Phillips Avenue and North 5th Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works ("DPW") 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 ("Common Council"), that said portion of public right-of-way is vacated as indicated in Exhibit A and bound and described by:

Commencing at the northeast corner of Lot 2 of Certified Survey Map No. 9319; thence S. 00°27'42" W., along the east line of Lot 2 aforesaid, 80.83 feet to the point of beginning of the land to be described; thence continuing S. 00°27'42" W., along the southerly extension of said east line, 12.69 feet to a point in the easterly extension of the south line of said Lot 2; thence S. 89°29'10" W., along said easterly extension, 8.50 feet to a point; thence N. 33°58'08" E., along the southeasterly line of Lot 2 aforesaid, 15.39 feet to the point of beginning.; 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 DPW 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 portion of 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:Kevin.Kuschel:kmk
06/16/21