Legislation Details (With Text)

File #:	221691 **Version:** 1		
Type:	Resolution	**Status:**	Passed
File created:	2/28/2023	**In control:**	COMMON COUNCIL
On agenda:		**Final action:**	5/9/2023
Effective date:			
Title:	Substitute resolution to vacate the alley in the block bound by West Clybourn Street, North Plankinton Avenue, West St. Paul Avenue and the Milwaukee River, in the 4th Aldermanic District.		
Sponsors:	ALD. BAUMAN		
Indexes:	ALLEY VACATIONS		
Attachments:	1. Exhibit A, 2. 221691 Labels, 3. 221691 Notice, 4. 221691 Presentation, 5. 221691 City Plan Commission Letter.pdf		

Date	Ver.	Action By	Action	Result	Tally
2/28/2023	0	COMMON COUNCIL	ASSIGNED TO		
4/18/2023	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/24/2023	0	CITY PLAN COMMISSION	RECOMMENDED FOR ADOPTION AND ASSIGNED	Pass	5:0
4/26/2023	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
5/9/2023	1	COMMON COUNCIL	ADOPTED	Pass	15:0
5/16/2023	1	MAYOR	SIGNED		

221691
SUBSTITUTE 1

ALD. BAUMAN
Substitute resolution to vacate the alley in the block bound by West Clybourn Street, North Plankinton Avenue, West St. Paul Avenue and the Milwaukee River, 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 Foxtown MKE, LLC to facilitate development.
Whereas, It is proposed that the alley in the block bound by West Clybourn Street, North Plankinton Avenue, West St. Paul Avenue and the Milwaukee River 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

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:

All of the east-west 20-foot wide alley in Block 87 of Plat of the Town of Milwaukee on the West Side of the River, a recorded subdivision, in the Southeast 1/4 of Section 29, Township 7 North, Range 22 East, and the accrued lands adjacent to the east, lying between the east line of North Plankinton Avenue extended and the dock line of the right bank of the Milwaukee River, established per Ordinance No. 65, Common Council File No. 69-11, adopted on May 6, 1969; 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 DPW, 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
04/18/23