



Legislation Details (With Text)

File #: 100360 **Version:** 1
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File created: 7/7/2010 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:** 9/21/2010
Effective date:

Title: Substitute resolution to vacate the western portion of the east-west alley in the block bounded by North 29th Street, North 30th Street, West Clarke Street and West Wright Street and to accept a quit claim deed to dedicate land for alley purposes, in the 15th Aldermanic District.

Sponsors: THE CHAIR

Indexes: ALLEY VACATIONS

Attachments: 1. City Plan Commission Letter, 2. Exhibit A, 3. Fiscal Note, 4. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/7/2010	0	COMMON COUNCIL	ASSIGNED TO		
7/12/2010	0	ZONING, NEIGHBORHOODS & DEVELOPMENT COMMITTEE	REFERRED TO		
9/2/2010	1	CITY CLERK	DRAFT SUBMITTED		
9/7/2010	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/9/2010	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
9/21/2010	1	COMMON COUNCIL	ADOPTED	Pass	14:0
9/24/2010	1	MAYOR	SIGNED		

100360
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the western portion of the east-west alley in the block bounded by North 29th Street, North 30th Street, West Clarke Street and West Wright Street and to accept a quit claim deed to dedicate land for alley purposes, in the 15th Aldermanic District.

This substitute resolution vacates the above portion of alley 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 and authorizes acceptance of a quit claim deed to dedicate land for a new public alley exit. This vacation was initiated by D4BMJCM Limited Partnership, on behalf of The Next Door Foundation, to allow for the consolidation of lands to the north and south of the alley.

Whereas, It is proposed that the western portion of the east-west alley in the block bounded by North 29th Street, North 30th Street, West Clarke Street and West Wright Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, To maintain alley access for adjoining property after vacation, the petitioner, D4BMJCM Limited Partnership, has offered to convey land to the City of Milwaukee ("City") for dedication for public alley purposes and to construct the alley at its cost; 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

dedication; and

Whereas, That as provided by Section 62.73, 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; and

Whereas, The City Plan Commission has approved acquisition and dedication of land for public alley purposes; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said portion of alley as indicated by Exhibit A and bound and described by:

That part of a variable width east-west alley in the Southeast 1/4 of Section 13, Township 7 North, Range 21 East, lying between the east line of North 30th Street extended and the southerly extension of the east line of the West 4.00 feet of Lot 4 in Block 4 of Blocks 2 and 3 and Parts of Blocks 4, 5 and 6, Germania Park, a recorded subdivision, in said 1/4 Section is vacated; and, be it

Further Resolved, That the vacation is contingent upon the petitioner, D4BMJCM Limited Partnership, conveying property to the City by quit claim deed to dedicate a new north-south, 20.00-foot wide public alley in the block bounded by North 29th Street, North 30th Street, West Clarke Street and West Wright Street, described as follows:

The East 20.00 feet of the West 24.00 feet of Lot 4 in Block 4 of Blocks 2 and 3 and Parts of Blocks 4, 5 and 6, Germania Park, a recorded subdivision, in the Southeast 1/4 of Section 13, Township 7 North, Range 21 East; 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 Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground 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 alley had not been vacated; and, be it

Further Resolved, That the City is authorized to accept a quit claim deed from D4BMJCM Limited Partnership and to dedicate the land for public alley purposes as illustrated on Exhibit A and as legally described above.

DCD:VLK:ear
09/02/10