



## Legislation Details (With Text)

**File #:** 100972      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 11/23/2010      **In control:** COMMON COUNCIL

**On agenda:**      **Final action:** 12/17/2013

**Effective date:**

**Title:** Substitute resolution to vacate the southerly 7 feet of East Thomas Avenue, between North Murray Avenue and North Farwell Avenue, in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** STREET VACATIONS

**Attachments:** 1. Exhibit A.pdf, 2. City Plan Commission Letter.pdf, 3. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
11/23/2010	0	COMMON COUNCIL	ASSIGNED TO		
11/30/2010	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
11/27/2013	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/27/2013	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/4/2013	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
12/17/2013	1	COMMON COUNCIL	ADOPTED	Pass	14:0
12/23/2013	1	MAYOR	SIGNED		

100972  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate the southerly 7 feet of East Thomas Avenue, between North Murray Avenue and North Farwell Avenue, in the 3rd Aldermanic District.

This substitute resolution vacates the above portion of 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 Mercy Housing Lakefront for the purpose of consolidating land for the construction of a multi-unit housing complex.

Whereas, It is proposed that the southerly 7 feet of East Thomas Avenue, between North Murray Avenue and North Farwell Avenue, 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 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; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that said right-of-way as

indicated by Exhibit A and bound and described by:

That part of East Thomas Avenue, as recorded in Murray's Addition, a recorded subdivision, in the Southwest 1/4 of Section 15, Township 7 North, Range 22 East, described as follows: Commencing at the intersection of the east line of North Murray Avenue and the south line of East Thomas Avenue; thence Easterly, along said south line, to its point of intersection with the present westerly line of North Farwell Avenue; thence Northerly, as measured normal to said south line, 7.00 feet to a point north of, as measured normal to said south line; thence Westerly, parallel to said south line, to a point in the northerly extension of the east line of North Murray Avenue; thence Southerly, along said northerly 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 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 right-of-way had not been vacated.

DCD:EAR:ear

02/11/11