



## Legislation Details (With Text)

**File #:** 110330      **Version:** 1

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

**File created:** 7/6/2011      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 9/20/2011

**Effective date:**

**Title:** Substitute resolution to vacate the east-west alley leg in the block bounded by West Barnard Avenue, West Layton Avenue, South 13th Street and South 14th Street, in the 13th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** ALLEY VACATIONS

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

Date	Ver.	Action By	Action	Result	Tally
7/6/2011	0	COMMON COUNCIL	ASSIGNED TO		
7/13/2011	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/7/2011	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/13/2011	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
9/20/2011	1	COMMON COUNCIL	ADOPTED	Pass	14:0
9/29/2011	1	MAYOR	SIGNED		

110330  
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the east-west alley leg in the block bounded by West Barnard Avenue, West Layton Avenue, South 13th Street and South 14th Street, in the 13th Aldermanic District.

This substitute resolution vacates the above 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. This vacation was requested by the Maria Sommers Revocable Trust to vacate said alley so that it may be consolidated with the abutting property to the north.

Whereas, It is proposed that the east-west alley leg in the block bounded by West Barnard Avenue, West Layton Avenue, South 13th Street and South 14th 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 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 alley as indicated by Exhibit A and bound and described by:

All of the east-west alley leg as presently laid out in the Northeast 1/4 of Section 30, Township 6 North, Range 22 East, described as follows: Commencing at the northeast corner of Lot 14 in Block A of Layton Acres, a recorded subdivision, in said 1/4 Section; thence due North 30.00 feet to a point; thence North 89°57'34" East, parallel to the north line of said Block A, 142.00 feet to a point in the west line of South 13th Street; thence due South, along said west line, 20.00 feet to a point; thence South 89°57'34" West, parallel to the north line of said Block A, 112.00 feet to a point; thence Southwesterly 14.15 feet to the northwest corner of Lot 1 in said Block A; thence South 89°57'34" West, along said north line, 20.00 feet 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 alley had not been vacated.

DCD:EAR:ear

09/08/11