



## Legislation Text

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**File #: 111179, Version: 1**

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SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate a portion of the east-west alley located east of South Barclay Street, between East Mineral Street and East Washington Street, in the 12th 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. This vacation was requested by Mill Valley Recycling LLC for the consolidation of land on the north and south sides of the alley.

Whereas, It is proposed that a portion of the east-west alley located east of South Barclay Street, between East Mineral Street and East Washington Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been authorized and 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 portion of alley as indicated by Exhibit A and bound and described by:

All that part of the east-west alley as presently laid out in the block east of South Barclay Street between East Mineral Street and East Washington Street in the Southeast 1/4 of Section 32, Township 7 North, Range 22 East, lying between its easterly terminus and a line described as follows: commencing at the point of intersection of the present east line of South Barclay Street and the north line of East Washington Street; thence Easterly, along said north line, to a point lying 28 feet east of, as measured normal to, said present east line and its point of beginning; thence Northerly, parallel to said present east line, to a point in the south line of Certified Survey Map No. 8409 and its point of terminus 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 alley had not been vacated.

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05/18/12