



## Legislation Text

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**File #: 130991, Version: 1**

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130991  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate a portion of the alley in the block bounded by vacated West Plainfield Avenue, West Waterford Avenue, vacated South 4th Street and South 5th Street, in the 13th 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 the Department of Public Works to support an alley realignment in conjunction with the Wisconsin Department of Transportation North-South Freeway Project.

Whereas, It is proposed that a portion of the alley in the block bounded by vacated West Plainfield Avenue, West Waterford Avenue, vacated South 4th Street and South 5th 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 portion of alley as indicated by Exhibit A and bound and described by:

That part of the north-south 20-foot-wide alley as platted in Block 22 of Howell Avenue Park, a recorded subdivision, in the Northeast 1/4 of Section 20, Township 6 North, Range 22 East, described as follows: Commencing at the northeast corner of Lot 3 in said Block 22; thence Southerly, along the east line of Lot 3 aforesaid, 75.01 feet to the point of beginning of the land to be described; thence Easterly, as measured normal to said east line, to a point in the west line of Lot 2 in said Block 22; thence Southerly, along said west line, to a point 181 feet north of the north line of vacated West Plainfield Avenue; thence Westerly, as measured normal to said west line, to a point in the east line of Lot 3; thence Northerly, along said east line, 44.00 feet to the point of beginning 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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