



Legislation Text

File #: 990510, **Version:** 1

990510
SUBSTITUTE 1
990523
ALD. D'AMATO

Substitute resolution to vacate North Astor Street from a point North of East Land Place to East Kane Place and to release a deed restriction at 1013 East Kane Place, in the 3rd Aldermanic District.

- Analysis -

This substitute resolution vacates a portion of street in accordance with vacation proceedings under power granted to the City of Milwaukee by Section 66.297(1), Wisconsin Statutes, and Section 81-308-28, Milwaukee Code of Ordinances. This vacation is necessary to enhance development of the site by New Land Enterprises as long as public access and infrastructure are maintained. Further, a release of a deed restriction at 1013 East Kane Place is needed to allow development to proceed.

Whereas, In File No. 990523 adopted on July 29, 1999, the Common Council of the City of Milwaukee ("Council") authorized the sale of Redevelopment Authority of the City of Milwaukee ("Authority") land in the vicinity of North Water Street and East Kane Place to New Land Enterprises for condominium development; and

Whereas, An unimproved section of North Astor Street bisects the site and inhibits optimal development; and

Whereas, The Authority has requested that North Astor Street from a point North of East Land Place to East Kane Place be vacated pursuant to the provisions of Section 66.297(1), Wisconsin Statutes, to enhance site development on the condition that public access and municipal infrastructure be maintained in this area; and

Whereas, New Land Enterprises has proposed to construct a sidewalk and stairway in the proposed vacated area that would be open to the public; and

Whereas, A pedestrian easement has been drafted by the City Attorney that specifies that the sidewalk and stairway be constructed and maintained at no cost to the City of Milwaukee ("City") and that the improvements would remain open to the public at all times; and

Whereas, The City Engineer also will draft the necessary easements for municipal infrastructure; and

Whereas, The sewer lateral for the property located at 1871-1875 North Astor Street must be relocated and the City will have the authority to write the easement or convey the sewer; and

Whereas, This proposed vacation has been reviewed in accordance with Section 81-308-28, Milwaukee Code of Ordinances; and

Whereas, The proposed development is further restricted by a City deed restriction that prohibits construction of a major structure and block subdivision on the property at 1013 East Kane Place that is to be acquired by New Land Enterprises; now, therefore, be it

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

That part of North Astor Street as platted in Hubbard and Pearson's Addition, a recorded subdivision, in the Northwest 1/4 of Section 21, Township 7 North, Range 22 East, described as follows: Commencing at the Northwest corner of Lot 6 in Block 1 of said subdivision; thence Southerly along the west line of Lot 6 to the Southwest corner of Lot 6; thence Westerly to the Southeast corner of Lot 1 in Block 2 of said subdivision; thence Northerly along the east line of Block 2 to the Northeast corner of Block 2; thence Northeasterly to the point of commencement, is vacated; and, be it

Further Resolved, That the City Attorney is directed to finalize the pedestrian easement and is authorized to make any non-substantive changes that may be necessary; and, be it

Further Resolved, That as provided by Section 80.32(4), Wisconsin Statutes, such 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 of entrance, maintenance, construction and repair with reference thereto shall continue as if such portion of street had not been vacated; and, be it

Further Resolved, That the City Engineer is directed to prepare the appropriate easements for municipal infrastructure; and, be it

Further Resolved, That the sewer lateral for the property located at 1871-1875 North Astor Street be relocated and that the City will have the

authority to write the easement or convey the sewer; and, be it

Further Resolved, That the proper City officials are authorized and directed to execute a pedestrian easement to ensure public access to the vacated area and to execute the necessary easements for municipal infrastructure that will be drafted by the City Engineer; and, be it

Further Resolved, That the proper City officials are authorized to execute a Release of Deed Restriction for the property at 1013 East Kane Place upon acquisition of the property by New Land Enterprises.

DCD:JRH:vlk
10/04/99