



Legislation Text

File #: 051458, Version: 2

051458
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the 6.5-foot portion of excess sidewalk area along West Pittsburgh Avenue located between the West Side of South 1st Street and the railroad right-of-way, in the 12th Aldermanic District.

This substitute resolution vacates the above portion of excess sidewalk area 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 Redevelopment Authority of the City of Milwaukee to permit the future sale of land for construction of a 4-story, mixed-use building, development of an outdoor cafe and elimination of a canopy and staircase encroachment.

Whereas, It is proposed that the 6.5-foot portion of excess sidewalk area along West Pittsburgh Avenue located between the West Side of South 1st Street and the railroad right-of-way 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 840.11, 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 excess sidewalk area as indicated by Exhibit A and bound and described by:

That portion of West Pittsburgh Avenue, in the Northeast 1/4 of Section 32, Township 7 North, Range 22 East, described as follows: Commencing at the Southeast corner of Lot 6 in Block 5 of Walker's Point, a recorded subdivision, in said 1/4 Section; thence Westerly, along the south line of Lot 6 aforesaid, 70 feet to a point; thence Southerly, as measured normal to said south line, 6.50 feet to a point; thence Easterly, parallel to said south line, to a point in the southerly extension of the east line of Lot 6; thence Northerly, along said southerly 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 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 upon deposit of the funds required, 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, be it

Further Resolved, That as provided by Section 80.32(4), 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 excess sidewalk area had not been vacated.

DCD:VLK:vlk

05/16/06