Legislation Text

File #: 071396, **Version:** 1

071396
SUBSTITUTE 1

THE CHAIR
Substitute resolution to vacate a portion (East side) of the North-South alley in the block bounded by West Chambers Street, West Locust Street, North 24th Place and North 24th Street, in the 7th 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 Milwaukee Habitat for Humanity to vacate an unimproved 5 foot by 53 foot portion of said alley, which will increase the lot area of two residential properties.
Whereas, It is proposed that a portion (East side) of the North-South alley in the block bounded by West Chambers Street, West Locust Street, North 24th Place and North 24th 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:

That part of the North-South alley as presently laid out in Block 13 of A. K. Mayhew's Subdivision No. 2, a recorded subdivision, in the Northwest 1/4 of Section 18, Township 7 North, Range 22 East, described as follows: Commencing at the southwest corner of Lot 1 in said Block 13; thence Easterly, along the south line of Lot 1, to the present northwest corner of Lot 2 in said Block 13, said point lying 5.00 feet east of, as measured normal to, the southerly extension of the west line of Lot 1; thence Southerly, parallel to said southerly extension, to a point in the north line of Lot 4 in said Block 13; thence Westerly, along said north line, to the northwest corner of Lot 4; thence Northerly 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 portion of alley had not been vacated.

DCD:AJF:kdc
05/01/08