Legislation Text

File #: 071399, **Version:** 1

071399
SUBSTITUTE 1

THE CHAIR
Substitute resolution to vacate a portion of excess right-of-way located on the Northeast corner of South 13th Street and West College Avenue, in the 13th Aldermanic District.
This substitute resolution vacates the above portion of excess right-of-way 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 initiated by the Department of City Development, Real Estate Division, to create a marketable parcel of land.
Whereas, It is proposed that a portion of excess right-of-way located on the Northeast corner of South 13th Street and West College Avenue 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 excess right-of-way as indicated by Exhibit A and bound and described by:

All that part of South 13th Street in the Southeast 1/4 of Section 31 and the Southwest 1/4 of Section 32, Township 6 North, Range 22 East, described as follows: Commencing at the most westerly corner of Lot 1 of Certified Survey Map No. 4635; thence South 89° 55'53" East, along the south line of Lot 1 aforesaid, 25.03 feet to a point; thence South 00°00'00" West, along the present easterly line of South 13th Street, 81.00 feet to a point in the present northerly line of West College Avenue; thence North 63°20'07" West 38.57 feet to a point; thence North 15°23'15" West 9.87 feet to a point; thence North 12° 32'40" East 55.53 feet 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 excess right-of-way had not been vacated.
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