



## Legislation Text

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**File #: 141642, Version: 1**

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141642  
SUBSTITUTE 1

ALD. ZIELINSKI

Substitute resolution to vacate excess street right-of-way in the area bounded by South Allis Street, East Brunk's Lane and East Ward Street and also a portion of East Brunk's Lane between South Allis Street and East Ward Street, in the 14th Aldermanic District. This substitute resolution vacates the above 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 requested by the City of Milwaukee for the purpose of constructing a parking lot.

Whereas, It is proposed that excess street right-of-way in the area bounded by South Allis Street, East Brunk's Lane and East Ward Street and also a portion of East Brunk's Lane between South Allis Street and East Ward 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 Sections 62.73(1) and 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 right-of-way as indicated by Exhibit A and bound and described by:

That part of the Southwest 1/4 of Section 4, Township 6 North, Range 22 East, described as follows: Commencing at the southeast corner of said 1/4 Section; thence South 88° 07'35" West, along the south line of said 1/4 Section, 1356.37 feet to a point in the southerly extension of the west line of South Allis Street; thence North 00°54'58" West, along said west line and its southerly extension, 730.65 feet to the northeast corner of Lot 40 in Block 2 of Assessment Subdivision No. 35, a recorded subdivision, in said 1/4 Section, and the point of beginning of the land to be described; thence South 89°11'06" West, along the north line of Lot 40 aforesaid, 120.09 feet to the northwest corner of Lot 40; thence North 00°56'59" West, along the northerly extension of the west line of Lot 40 aforesaid, 10.89 feet to a point; thence North 47°37'28" East 71.29 feet to a point; thence North 43°55'44" East 86.25 feet to a point; thence South 06°58'32" East 55.38 feet to a point in the northerly extension of the west line of South Allis Street; thence South 00°54'58" East, along said northerly extension, 64.39 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 Sections 62.73(1) and 66.1005(2), 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 right-of-way had not been vacated; and, be it

Further Resolved, That the proper City officials, including the Commissioner of Public Works, are hereby authorized to sign any easement or other documents necessary to assert the City of Milwaukee's rights under Section 66.1005(2), Wisconsin Statutes, and cause the same to be recorded in the Milwaukee County Register of Deeds Office.

DCD:Kyle.Gast:kcg

09/03/15