



## Legislation Text

---

**File #: 151549, Version: 2**

---

151549  
SUBSTITUTE 2

### THE CHAIR

Substitute resolution to vacate a portion of the alley in the block bounded by West Appleton Avenue, West Capitol Drive, West Perkins Place and North 76th Street, in the 2nd 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 Park Bank for the purpose of implementing a plan to improve the security for customers and employees.

Whereas, It is proposed that a portion of the alley in the block bounded by West Appleton Avenue, West Capitol Drive, West Perkins Place and North 76th 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 portion of alley as indicated by Exhibit A and bound and described by:

The westerly north-south alley as presently laid out in Block 3 of Capitol Center, a recorded subdivision, in the Southwest 1/4 of Section 3, Township 7 North, Range 21 East, described as follows: Commencing at the northwest corner of Lot 25 in said Block 3; thence Southeasterly, along the westerly line of Lot 25 to the southwest corner of Lot 25; thence Westerly, along the easterly extension of the south line of Lot 24 in Block 3 aforesaid, 30.00 feet to a point; thence Northwesterly to a point in the north line of Lot 24, said point lying 20.00 feet west of the northwest corner of Lot 25; thence Easterly, along the easterly extension of said north line, 20.00 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 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 portion of alley had not been vacated; and, be it

Further Resolved, That the proper City officials, including the Commissioner of Public Works, are authorized to sign any easements 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

05/25/16