



Legislation Text

File #: 070066, Version: 1

070066
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate a portion of North 11th Street between West Wells Street and West Wisconsin Avenue, in the 4th Aldermanic District.

This substitute resolution vacates the above portion of street 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 Marquette University to develop a pedestrian mall. Said portion of North 11th Street has been relocated to the east as part of the Marquette Interchange Reconstruction Project.

Whereas, It is proposed that a portion of North 11th Street between West Wells Street and West Wisconsin 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 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 street as indicated by Exhibit A and bound and described by:

That part of North 11th Street in the Northwest 1/4 of Section 29, Township 7 North, Range 22 East, described as follows: Commencing at the point of intersection of the south line of West Wells Street and the west line of North 11th Street; thence South 00°32'38" West, along said west line, 87.45 feet to a point on a curve and the point of beginning of the land to be described; thence Southeasterly 21.63 feet along the arc of said curve which has a radius of 100.00 feet with its center lying to the northeast having a central angle of 12°23'39" and whose cord bears South 28°17'18" East 21.59 feet to a point; thence South 34°29'06" East 103.82 feet to a point on the east line of North 11th Street; thence South 00°32'38" West along said east line, 239.64 feet to its point of intersection with the present north line of West Wisconsin Avenue; thence South 63°15'12" West 78.77 feet to the point of intersection of the present north line of West Wisconsin Avenue and the west line of North 11th Street; thence North 00°32'38" East, along said west line, 379.68 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 portion of street 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

07/08/16