



Legislation Text

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160717
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate the unimproved street and alley in the block bounded by East Becher Street, South Robinson Avenue, East Ward Street and the Soo Line Railroad Company Right-of-Way, in the 14th Aldermanic District.

This substitute resolution vacates the above public 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 Cobb Real Estate Holdings, LLC to create a site for new development.

Whereas, It is proposed that the unimproved street and alley in the block bounded by East Becher Street, South Robinson Avenue, East Ward Street and the Soo Line Railroad Company Right-of-Way be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been 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 public right-of-way as indicated by Exhibit A and bound and described by:

All of South Austin Street, originally platted as Alexander Avenue, in Robinson's Subdivision, a recorded subdivision, in the Southwest 1/4 of Section 4, Township 6 North, Range 22 East, lying between the southerly line of said subdivision and the west line of said subdivision; and

All of the Northwest-Southeast 15-foot-wide alley, as originally platted, in Block 2 of Robinson's Subdivision, a recorded subdivision, in the Southwest 1/4 of Section 4, Township 6 North, Range 22 East, lying between the southerly line of said subdivision and the west line of said subdivision are 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 unimproved street and 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

01/19/17