



Legislation Text

File #: 170502, Version: 1

170502
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate West Birch Avenue from North 64th Street to North 67th Street, West Custer Avenue from North 64th Street to North 67th Street, West Sheridan Avenue from North 64th Street to North 68th Street, a portion of West Silver Spring Drive (service drive south side) between North 64th Street and North 68th Street and North 67th Street from West Sheridan Avenue to a point south of West Custer Avenue, in the 2nd 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 the Housing Authority of the City of Milwaukee to facilitate the redevelopment of the western portion of Westlawn Gardens.

Whereas, It is proposed that West Birch Avenue from North 64th Street to North 67th Street, West Custer Avenue from North 64th Street to North 67th Street, West Sheridan Avenue from North 64th Street to North 68th Street, a portion of West Silver Spring Drive (service drive south side) between North 64th Street and North 68th Street and North 67th Street from West Sheridan Avenue to a point south of West Custer Avenue 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 West Birch Avenue, as platted in Westlawn, a recorded subdivision, in the Northeast 1/4 of Section 34, Township 8 North, Range 21 East, lying between the west line of North 64th Street extended and the easterly line of North 67th Street extended; and

All of West Custer Avenue, as platted in Westlawn, a recorded subdivision, in the Northeast 1/4 of Section 34, Township 8 North, Range 21 East, lying between the west line of North 64th Street extended and the easterly line of North 67th Street extended; and

All of West Sheridan Avenue, as platted in Westlawn, a recorded subdivision, in the Northeast 1/4 of Section 34, Township 8 North, Range 21 East, lying between the west line of North 64th Street extended and the east line of North 68th Street extended; and

The south 30.00 feet of West Silver Spring Drive (service drive), as platted in Westlawn, a recorded subdivision, in the Northeast 1/4 of Section 34, Township 8 North, Range 21 East, lying between the west line of North 64th Street extended and the east line of

North 68th Street extended; and

All of North 67th Street, as presently laid out, in the Northeast 1/4 of Section 34, Township 8 North, Range 21 East, lying between the south line of West Sheridan Avenue and the south line of Westlawn, a recorded subdivision, in said 1/4 Section 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 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

10/19/17