



Legislation Text

File #: 170794, Version: 1

170794
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate a portion of the unimproved north-south alley in the block bounded by West Thurston Avenue, West Silver Spring Drive, North 41st Street and North 42nd Street, in the 1st 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 Department of City Development to facilitate the redevelopment of the former Carleton School.

Whereas, It is proposed that a portion of the unimproved north-south alley in the block bounded by West Thurston Avenue, West Silver Spring Drive, North 41st Street and North 42nd Street 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 that part of the north-south 14.00-foot-wide alley as originally platted in Block 3 of Reichert Brothers Subdivision No. 1 North Milwaukee and Block 11 of G.A. West & Company's Addition to North Milwaukee, recorded subdivisions, in the Southwest 1/4 of Section 25, Township 8 North, Range 21 East, lying between the easterly extension of the south line of the north 11.00 feet of Lot 6 in said Block 11 and a line drawn between the northwest corner of Lot 12 in said Block 3 and the northeast corner of Lot 27 in said Block 3, said line being the north line of the previously vacated portion of the north-south alley in said Block 3, 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 held, acquired by or belonging to any county, school district, town, village or city, or to any utility or person that relate to any underground or overground 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

11/30/17