



## Legislation Text

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**File #: 080392, Version: 1**

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080392  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate the easterly leg of the East-West alley in the block bounded by North 39th Street, North 40th Street, West Brown Street and West Lisbon Avenue, in the 15th Aldermanic District.

This substitute resolution vacates the above leg 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 initiated by the Department of City Development to accommodate the United Methodist Children's Services expansion, including a community center and 24 housing units.

Whereas, It is proposed that the easterly leg of the East-West alley in the block bounded by North 39th Street, North 40th Street, West Brown Street and West Lisbon 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 Section 62.73, 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 leg of alley as indicated by Exhibit A and bound and described by:

That part of the east leg of the East-West 14-foot wide alley as platted in Block 5 of Lisbon Avenue Park, a recorded subdivision, in the Northwest 1/4 of Section 24, Township 7 North, Range 21 East, described as follows: Commencing at the northeasterly corner of Lot 10 in said Block; thence Northwesterly, along the northerly line of Lots 10 through 15 inclusive, to the northwesterly corner of Lot 15; thence Easterly to the southwest corner of Parcel 3 of Certified Survey Map No. 7966; thence Southeasterly, along the southerly line of Parcel 3, to the southeast corner of Parcel 3; thence Southerly 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 Section 62.73, 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 leg of alley had not been vacated.

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09/18/08