



## Legislation Text

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**File #: 170796, Version: 1**

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170796  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate a the west half of the unimproved north-south alley in the block bounded by East Euclid Avenue, South Kinnickinnic Avenue, South Mabbett Avenue and East Oklahoma Avenue, 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 John Mitola to reflect the existing conditions and to accommodate an expansion of the building at 3116 South Kinnickinnic Avenue.

Whereas, It is proposed that the west half of the unimproved north-south alley in the block bounded by East Euclid Avenue, South Kinnickinnic Avenue, South Mabbet Avenue and East Oklahoma 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 portion of public right-of-way as indicated by Exhibit A and bound and described by:

The west half of the north-south 20-foot-wide alley as platted in Block 3 of Map of a Part of Lot 19 in Kane's Subdivision, a recorded subdivision, in the Northwest 1/4 of Section 15, Township 6 North, Range 22 East, lying between the north line of East Euclid Avenue extended and the present south line of East Oklahoma Avenue extended 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 portion of 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.

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04/19/18