File #: 171748, **Version:** 2

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171748
SUBSTITUTE 2

THE CHAIR
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Substitute resolution to vacate a portion of East Vine Street between North Commerce Street and North Hubbard Street, in the 6th 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 Carl Tomich to facilitate the reconstruction of an outdoor patio for an existing restaurant.

Whereas, It is proposed that a portion of East Vine Street between North Commerce Street and North Hubbard 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:

That part of East Vine Street in the Northeast 1/4 of Section 20, Township 7 North, Range 22 East, described as follows: Commencing at the southwest corner of Parcel 3 of Certified Survey Map No. 7075; thence Easterly, along the south line of Parcel 3, to a point lying 11.00 feet east of, as measured normal to, the west line of Parcel 3 and the point of beginning of the land to be described; thence continuing Easterly, along said south line of Parcel 3, to the southeast corner of Parcel 3, said point lying on the east line of said Northeast 1/4 Section; thence Southerly, along said east line and the southerly extension of the east line of Parcel 3, to a point lying 24.00 feet south of, as measured normal to, the south line of Parcel 3; thence Westerly, parallel to said south line, to a point lying 11.00 feet east of, as measured normal to, the southerly extension of the west line of Parcel 3; thence Northerly, parallel to said southerly extension, to the point of beginning 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.
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06/01/18