



Legislation Text

File #: 080616, Version: 1

080616
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate a portion of West Lisbon Avenue, north side, between North 39th Street and North 40th Street and a portion of North 39th Street, west side, from West Lisbon Avenue north to a point, in the 15th Aldermanic District. This substitute resolution vacates the above 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 will facilitate the construction of a mixed-use development consisting of community space and 24 housing units. The developer is United Methodist Children's Services of Wisconsin and the development is part of a catalytic project in the Washington Park Neighborhood Area Plan.

Whereas, It is proposed that a portion of West Lisbon Avenue, north side, between North 39th Street and North 40th Street and a portion of North 39th Street, west side, from West Lisbon Avenue north to a point 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, The applicant needs additional time to secure and provide the required deposit, but approval of said vacation is necessary to secure Wisconsin Housing and Economic Development Authority tax credit funding; 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 right-of-way as indicated by Exhibit A and bound and described by:

That part of West Lisbon Avenue in the Northwest 1/4 of Section 24, Township 7 North, Range 21 East, described as follows: Commencing at the southeast corner of Lot 8 in Block 5 of Lisbon Avenue Park, a recorded subdivision, in said 1/4 Section; thence Westerly, along the southerly line of Lot 8 aforesaid, 9.17 feet to a point of beginning of the land to be described; thence Northwesterly, along the southwesterly line of Lots 8 through 17 in said Block 5, also being the northerly line of West Lisbon Avenue, to a point in the east line of North 40th Street; thence Southerly, along the southerly extension of said east line, to a point lying 3.00 feet Southwesterly of, as measured normal to, the northerly line of West Lisbon Avenue, thence Southeasterly, parallel to said northerly line, to a point in the westerly extension of the southerly line of Lot 8; thence Easterly, along said westerly extension, to the point of beginning; and

That part of North 39th Street in the Northwest 1/4 of Section 24, Township 7 North, Range 21 East, described as follows: Commencing at the intersection of the northerly line

of West Lisbon Avenue and the west line of North 39th Street; thence Northerly, along said west line, 221.88 feet to a point; thence Easterly, normal to said west line, 6.00 feet to a point; thence Southerly, parallel to said west line, 221.88 feet to a point; thence Westerly, normal to said west line, 6.00 feet 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 if the full money deposit is not received on or by December 15, 2008, this Common Council File will be referred back to the Public Works Committee for reconsideration once the full deposit is received; 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 right-of-way had not been vacated.

DCD:AJF:ajf

11/25/08