



## Legislation Text

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**File #: 001541, Version: 1**

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001541  
SUBSTITUTE 1

ALD. WADE

Substitute resolution to vacate portions of West Congress Street, North 36th Street, North 38th Street, North 39th Street, North 40th Street, North 41st Street, North 42nd Street, North 42nd Place and alleys in the area bounded by the northerly and southerly West Congress Streets, North Sherman Boulevard and North 35th Street, in the 7th Aldermanic District.

This substitute resolution vacates the above portions of streets and alleys 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 Milwaukee Metropolitan Sewerage District for the construction of Lincoln Creek watercourse improvements.

Whereas, It is proposed that portions of West Congress Street, North 36th Street, North 38th Street, North 39th Street, North 40th Street, North 41st Street, North 42nd Street, North 42nd Place and alleys in the area bounded by the northerly and southerly West Congress Streets, North Sherman Boulevard and North 35th 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 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 portions of streets and alleys as indicated by Exhibit A and bound and described by:

Those parts of West Congress Street, North 36th Street, North 38th Street, North 39th Street, North 40th Street, North 41st Street, North 42nd Street, North 42nd Place and alleys in the Northwest 1/4 and Southwest 1/4 of Section 1, Township 7 North, Range 21 East, bounded on the north by a line 34.58 feet southerly of, as measured normal to, the northerly line of the northerly West Congress Street; on the east by a line 50.00 feet west of, as measured normal to, the east line of said Southwest 1/4 Section; on the south by a line 34.58 feet northerly of, as measured normal to, the southerly line of the southerly West Congress Street and on the west by a line 60.00 feet east of, as measured normal to, the west lines of said Northwest 1/4 Section and said Southwest 1/4 Section, are 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 portions of streets and alleys had not been vacated.

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02/13/09