



## Legislation Text

---

**File #: 190880, Version: 1**

---

190880  
SUBSTITUTE 1

ALD. JOHNSON

Substitute resolution to vacate a portion of the west side of North 91st Street from West Silver Spring Drive north to a point and to vacate a portion of the north side of West Silver Spring Drive from North 91st Street west to a point, in the 2nd 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 Mazen Property, LLC to allow for more efficient internal traffic flow around upcoming updated pump islands, and to move the property line to align with nearby properties.

Whereas, It is proposed that a portion of the west side of North 91st Street from West Silver Spring Drive north to a point and a portion of the north side of West Silver Spring Drive from North 91st Street west 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, 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:

Those parts of West Silver Spring Drive and North 91st Street in the Southeast 1/4 of Section 29, Township 8 North, Range 21 East, described as follows: Commencing at the southwest corner of Lot 10 in Block 28 of Prospect Heights Addition, a recorded subdivision, in said 1/4 Section; thence Easterly along the south line of said Block, to the southeast corner of Lot 7 in said Block; thence Northerly, along the east line of said Block to the northeast corner of Lot 7; thence Easterly, along the easterly extension of the north line of Lot 7, to a point lying 10.00 feet east of, as measured normal to, said east line; thence Southerly, parallel to said east line, to a point lying 10.00 feet south of, as measured normal to, the south line of said Block 28; thence Westerly, parallel to said south line, to a point in the southerly extension of the west line of Lot 10; thence Northerly, along said extension, 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 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.

DCD:Kevin.Kuschel:kmk

03/20/20