



## Legislation Text

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**File #: 191795, Version: 1**

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191795  
SUBSTITUTE 1

ALD. BAUMAN

Substitute resolution to vacate a portion of the south side of West Michigan Street from North 24th Street west to a point in the block bounded by West Michigan Street, West Wisconsin Avenue, North 24th Street and North 25th Street, in the 4th 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 Eagles Auditorium, Inc. in order to access their building from Michigan Street for entry and building repair.

Whereas, It is proposed that a portion of the south side of West Michigan Street from North 24th Street west to a point in the block bounded by West Michigan Street, West Wisconsin Avenue be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works ("DPW") 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 ("Common Council"), that said portion of public right-of-way as indicated in Exhibit A and bound and described by:

That part of West Michigan Street in the Southwest 1/4 of Section 30, Township 7 North, Range 22 East, described as follows: Commencing at the southwest corner of Lot 18 in Block 2 of Mariner's Addition, a recorded subdivision, in said 1/4 Section; thence Easterly, along the north line of West Michigan Street, to the southeast corner of Lot 20 in said Block 2; thence Southerly, along the southerly extension of the east line of Lot 20 aforesaid, 7.00 feet to a point; thence Southwesterly to a point lying 7.00 feet west of, as measured normal to, said southerly extension, and 11.60 feet south of, as measured normal to, said north line of West Michigan Street; thence Westerly, parallel to said north line, to a point in the southerly extension of the west line of Lot 18; thence Northerly, along said southerly extension, to the point of commencement; 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 DPW 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 DPW, 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

05/04/20