



## Legislation Text

---

**File #: 191561, Version: 1**

---

191561  
SUBSTITUTE 1

ALD. JOHNSON

Substitute resolution to vacate the alley in the block bounded by West Fond du Lac Avenue, West Lancaster Avenue, North 68th Street and North 69th Street, 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 Milwaukee Public Schools to expand the school parking lot at Lancaster School.

Whereas, It is proposed that the alley in the block bounded by West Fond du Lac Avenue, West Lancaster Avenue, North 68th Street and North 69th Street 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:

The 20-foot wide alley in Block 12 of Jefferson Gardens, a recorded subdivision, in the Southwest 1/4 of Section 34, Township 8 North, Range 21 East, and the 20-foot wide alley adjacent to the southeast from the west line of North 68th Street extended westerly and northwesterly to its terminus; 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

05/05/20