



Legislation Text

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191279
SUBSTITUTE 1

ALD. JOHNSON

Substitute resolution to vacate a portion of the south side of West Silver Spring Drive from North 60th Street west to a point in the block bounded by West Sheridan Avenue, West Silver Spring Drive, North 60th Street and North 62nd 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 the Housing Authority of the City of Milwaukee in order to provide additional parking spaces along the frontage road.

Whereas, It is proposed that a portion of the south side of West Silver Spring Drive from North 60th Street west to a point in the block bounded by West Sheridan Avenue, West Silver Spring Drive, North 60th Street and North 62nd 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 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 in Exhibit A and bound and described by:

All that part of the West Silver Spring Drive service drive as platted in Westlawn East, a recorded subdivision, in the Northeast 1/4 of Section 34, Township 8 North, Range 21 East, described as follows: Commencing at the northeast corner of Lot 2 in Block 2 of said Westlawn East; thence Westerly, along the north line of Lot 2 aforesaid, 152.00 feet to a point; thence Northerly, normal to said north line, 30.00 feet to a point; thence Easterly, parallel to said north line, to its point of intersection with the northerly extension of the east line of Lot 2; thence Southerly, along said 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 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

09/23/20