



## Legislation Text

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**File #: 212002, Version: 1**

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212002  
SUBSTITUTE 1

### THE CHAIR

Substitute resolution to vacate a portion of North 29th Street from a point north of West Vienna Avenue to its terminus, in the 7th 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 MKE Parks to allow for the expansion of a city-owned park facility, in conjunction with parcel consolidation and elimination of a public parking lot.

Whereas, It is proposed that a portion of North 29th Street from a point north of West Vienna Avenue to its terminus 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 is vacated as indicated in Exhibit A and bound and described by:

That part of North 29th Street, as platted in Garden Acre Continuation, a recorded subdivision in the Northeast 1/4 of Section 12, Township 7 North, Range 21 East, lying between the westerly extension of the south line of the north 21 feet of Lot 16 in Block 5, of said subdivision, and the westerly extension of a line 8.00 feet northerly of the southwest corner of Lot 18 in said Block 5, as measured along the west line of said Lot 18, and parallel to the south line of said Lot 18; 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  
05/12/22

Technical Correction  
Laurie Phillip  
5/19/2022