



Legislation Text

File #: 230046, Version: 2

230046
SUBSTITUTE 2

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Substitute resolution to vacate North Cass Street between East Mason Street north to East Wells Street, in the 4th Aldermanic District.

This proposed 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 Northwestern Mutual to facilitate the renovation and expansion of the new north office building.

Whereas, It is proposed that North Cass Street between East Mason Street north to East Wells 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, that said portion of public right-of-way as indicated by Exhibit A and bound and described by:

All that part of North Cass Street as presently laid out in the Southeast 1/4 of the Northwest Quarter of Section 28, Township 7 North, Range 22 East, lying between the south right-of-way line of East Wells Street and the north right-of-way line of East Mason Street 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 ("DCD") 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; and, be it

Further Resolved, That the Development Agreement between the City and Northwestern Mutual (the "Company") shall provide that the Commissioner of DCD and the Company shall enter into an agreement or agreements that:

1) Allow for public access for pedestrians and dismounted bicyclists for the purpose of traversing to and from Mason Street to Cass Street during the hours that the Company's facilities are generally open for business. The Company shall be permitted to curtail public access due to events or circumstances that in the reasonable judgment of Company could jeopardize the health or safety of the Company's employees or pose a threat to the operations of the Company;

2) Ensure appropriate wayfinding and signage alerting the public to accessibility for pedestrians and dismounted bicyclists as well as alerting the public to alternative routes necessitated by the Cass Street vacation;

3) Grant a reversionary right to vacated Cass Street for the benefit of the City such that title to vacated Cass Street (and all improvements thereon) may revert to City (at no cost to City) in the event that the Company's Downtown Campus remains unoccupied by the Company or any successor in interest or assignee for a period of time to be specified, allowing for notice, cure, and other terms and conditions as the parties mutually agree upon.

DCD:Amy.Oeth:ao

06/28/23