



## Legislation Text

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**File #: 230329, Version: 2**

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230329

SUBSTITUTE 2

230328, 230449, 231134

ALD. ZAMARRIPA

Substitute resolution to vacate the west leg of the east-west alley in the block bound by West Burnham Street, West Rogers Street, South 23rd Street and South 24th Street, in the 8th Aldermanic District.

This 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 facilitate the establishment of a pedestrian mall in South 24th Street.

Whereas, It is proposed that the west leg of the east-west alley in the block bound by West Burnham Street, West Rogers Street, South 23rd Street and South 24th Street be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The vacation shall be conditioned upon execution of a lease and maintenance agreement between the City of Milwaukee and the Milwaukee Board of School Directors, or their successors or assigns, related to the construction and maintenance of improvements on the South 24<sup>th</sup> Street Pedestrian Mall; 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 is vacated as indicated in Exhibit A and bound and described by:

That portion of the 15-foot-wide alley lying between the east right-of-way line of South 24th Street and the west right-of-way line of a 20-foot-wide north-south public alley located in Block 2, Muskego Avenue Heights, as located in the Northwest Quarter of the Southwest Quarter of Section 6, Township 6 North, Range 22 East, City of Milwaukee, Milwaukee County, Wisconsin; 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 recording of this vacation resolution with the Office of the Register of Deeds shall be delayed until the execution of the lease and maintenance agreement between the City of Milwaukee and the Milwaukee Board of School Directors related to the South 24<sup>th</sup> Street Pedestrian Mall; 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:Kyle.Gast:kcg

1/04/2024