



Legislation Text

File #: 090789, Version: 1

090789
SUBSTITUTE 1

THE CHAIR

Substitute resolution to vacate a 150-foot by 50-foot public service street in the block bounded by North 76th Street, North 77th Street, West Winfield Avenue and West Mill Road, in the 2nd Aldermanic District.

This substitute resolution vacates the above 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 County of Milwaukee and O'Reilly Auto Parts for combination of the above land with existing land for development of the site for commercial use.

Whereas, It is proposed that a 150-foot by 50-foot public service street in the block bounded by North 76th Street, North 77th Street, West Winfield Avenue and West Mill Road be vacated pursuant to the provisions of Section 62.73, Wisconsin Statutes; and

Whereas, The Department of Public Works has been authorized and 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 Section 62.73, 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 right-of-way as indicated by Exhibit A and bound and described by:

All that part of the public service street in the Northeast 1/4 of Section 28, Township 8 North, Range 21 East, described as follows: Commencing at the northeast corner of Parcel A in Block 45 of Menomonee River Hills South Addition, a recorded subdivision, in said 1/4 Section; thence Easterly, along the northerly line of said subdivision, 50.01 feet to a point in the southerly extension of the present west line of North 76th Street; thence Southerly, along said west line extended, 30.09 feet to a point in the easterly extension of the north line of West Winfield Avenue; thence Westerly, along said north line extended, 50.01 feet to a point in the southeast corner of said Parcel A; thence Northerly, along the east line of said Parcel A, 30.09 feet to the point of commencement 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 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 Section 62.73, Wisconsin Statutes, said vacation shall not terminate the easements and rights incidental thereto acquired by or belonging to any county, town, village or city, or to any utility or person in any underground 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 right-of-way had not been vacated.

DCD:VLK:ear

07/09/10