

38.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2009-0139	Resolution	Introduced
Resolution Granting a Privilege for Encroachment (Major) to Teamtam LLC (Tammy Dopp, sole member, and d/b/a Dopp's Bar & Grill) for property located at 1753 South 68th Street.		
Introduced: 6/2/2009		Controlling Body: Public Works Committee
Sponsor(s): Public Works Committee		

COMMITTEE RECOMMENDATION Adopt

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>6-2-09</u>			Barczak	✓			
			Czaplewski	✓			
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
			Roadt	✓			
		✓	Sengstock	✓			
			Vitale				
	✓		Weigel	✓			
			TOTAL	<u>5</u>	<u>-</u>		<u>-</u>

SIGNATURE OF COMMITTEE MEMBER

Tammy Dopp _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION **ADOPT**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUN 02 2009</u>	✓		Barczak	✓			
			Czaplewski	✓			
		✓	Kopplin	✓			
			Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Roadt	✓			
			Sengstock	✓			
			Vitale				✓
			Weigel	✓			
			TOTAL	<u>9</u>			<u>1</u>

PRIVILEGE FOR ENCROACHMENT

Beyond Lot Line and Within a Public Street Right-of-Way

Teamtam, LLC (d/b/a Dopp's Bar & Grill), owner(s) of property located at 1753 South 68th Street, West Allis, hereinafter "Grantee(s)", desire to maintain an encroachment extending beyond the lot line and on the City's right-of-way consisting of an existing sign, mansard roof and a railroad tie enclosed planter for the property on that portion of the Right-of-Way on South 68th Street adjoining Lots 13, 14 and 15 in Block 10 in the Gross West Allis Addition subdivision in the West ½ of Section 3, Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin. Tax Key No. 453-0752-002.

The Board of Public Works is satisfied that the granting of this privilege is not adverse to the public interest.

NOW, THEREFORE, Pursuant to the authority contained in Section 66.0425 of the Wisconsin Statutes, the Board of Public Works does hereby grant the above-described privilege, subject to the following terms and conditions:

1. Upon acceptance hereof, the Grantee(s) shall become primarily liable for damages to persons or property by reason of the granting of this privilege; and the Grantee(s) agree to hold the City harmless for any damage to their property resulting from snow plowing or snow removal operations.
2. The Grantee(s) shall be obligated to remove the encroachment upon ten (10) days notice by the State of Wisconsin or City of West Allis, and shall be entitled to no damages for removal of the encroachment. Grantee(s) grant permission to the City of West Allis to remove the encroachment if it is not removed pursuant to Sec. 66.0425(2), Wisconsin Statutes, the cost of which shall be at Grantee's expense.

3. The Grantee(s), by acceptance hereof, waives any right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes.

4. Any third parties whose rights are interfered with by the granting of this privilege shall have a right of action against the Grantee(s) only.

5. The four foot by eight foot (4' x 8') fluorescent sign shall be constructed of plexiglas and aluminum, secured to the front wall of the building with anti-rust anchors and no part shall extend over the sidewalk below a height of ten feet (10') and no part of the sign shall extend farther from the face of the building than four feet (4') over the public right-of-way of South 68th Street nor a maximum of four feet (4') from the lot line.

6. No part of the mansard roof shall extend over the sidewalk below a height of nine feet (9'); and no part of the mansard roof shall extend farther from the face of the building than eighteen inches (18") over the public right-of-way of South 68th Street.

7. The mansard roof shall extend from the south end of the building a distance of thirty-three feet ten inches (33' 10"), thereby covering only the addition to the original building. Furthermore, three (3) soffit lights have been installed in the underside of the mansard roof.

8. The mansard roof consisting of aluminum shingles over metal framing shall be constructed and maintained in a manner to safeguard the public and shall specifically comply with the West Allis Municipal Code.

9. The planter shall consist of railroad ties set on end at heights varying between a foot and two (2) feet above sidewalk grade. They shall be abutting the inside face of the city sidewalk for the same distance as the mansard roof (33' 10"), with the ends enclosed the three (3) feet to the building. The planter shall contain small bushes or shrubs, but they shall be the type without thorns.

10. Since the planter is abutting the existing sidewalk, which makes it very difficult for the repair or replacement of the sidewalk, the City and its contractor will make every reasonable

effort to not damage the planter during any work performed on the sidewalk or the adjacent are of the sidewalk; and, the City and its contractor will not be held responsible for repairs or replacement of any portion of the planter.

11. Any modification in the above-described encroachment shall require approval of the Board of Public Works of the City of West Allis.

12. It is understood that Grantee(s), their heirs, successors and assigns, shall file a Bond with the City Clerk/Treasurer in the amount of One Thousand Dollars (\$1,000) and a Certificate of Insurance in the amount of at least Ten Thousand Dollars (\$10,000.00), in a form approved by the City Attorney, for damages to person or property by reason of the granting of this privilege. The City of West Allis shall be named as an additional insured, as its interest may appear, on the certificate of insurance. The insurance certificate shall further provide that ten (10) day written notice to the City of West Allis shall be provided in the event of any material change, or cancellation of insurance coverage.

13. Grantee(s) shall pay to the City of West Allis as compensation for this privilege the sum of Fifty Dollars (\$50.00).

14. This privilege shall be in force and have effect only upon payment of the required fee and filing of the Certificate of Insurance and Performance Bond referred to above. This privilege shall cease upon the lapse or cancellation of the said insurance coverage. New application and new payment shall then be required to extend grant of privilege.


15. This privilege shall be binding upon and inure to the benefit of the Grantee(s), their respective heirs, successors and assigns.

SIGNATURES ON NEXT PAGE

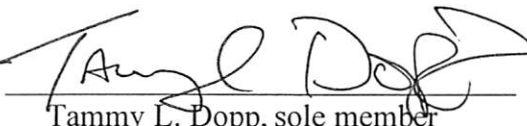
Dated at West Allis, Wisconsin, this 8th day of June, 2009.

CITY OF WEST ALLIS

BY: 
Dan Devine, Mayor

BY: 
Paul M. Ziebler
CAO, City Clerk/Treasurer

ACCEPTED BY:
TEAMTAM, LLC (d/b/a Dopp's Bar & Grill)

By: 
Tammy L. Dopp, sole member

Date: 5-18-09

Approved as to form this 26 day
of May, 2009.


City Attorney

C/Encroachment/Encrmajor/Tammy Dopp



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2009-0139

Final Action:

Sponsor(s): Public Works Committee

Resolution Granting a Privilege for Encroachment (Major) to Teamtam LLC (Tammy Dopp, sole member, and d/b/a Dopp's Bar & Grill) for property located at 1753 South 68th Street.

WHEREAS, by Resolution No. 24793, adopted September 5th, 1995, the City of West Allis granted to Richard and Leanne Wright (d/b/a Duke's) a certain Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of a mansard roof, sign and a railroad tie enclosed planter on said property located at 1753 South 68th Street, in the City of West Allis, WI (the "Privilege"); and,

WHEREAS, the property has now changed ownership to Teamtam LLC (Tammy Dopp, sole member, and d/b/a Dopp's Bar & Grill), who desires to retain the Privilege.

NOW, THEREFORE, BE IT RESOLVED that the City of West Allis grants to Teamtam LLC (Tammy Dopp, sole member, and d/b/a Dopp's Bar & Grill) the Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of a mansard roof, sign and a railroad tie enclosed planter on said property located at 1753 South 68th Street, in the City of West Allis, WI.

BE IT FURTHER RESOLVED that additional improvements on said area must require prior approval of the Board of Public Works.

BE IT FURTHER RESOLVED that the Mayor and City Administrative Officer, Clerk/Treasurer of the City of West Allis are hereby authorized and directed to execute and deliver the aforesaid Privilege on behalf of the City of West Allis.

ATTR-Encroachment-Dopps Bar&Grill

ADOPTED JUN 02 2009

Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED 6/8/09

Dan Devine, Mayor