



# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
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R-2010-0229 Resolution Introduced

Resolution granting a Storm Sewer Easement by Lawrence E Herbst and Barbara J. Herbst, ("Grantors"), to the City of West Allis ("Grantee") for the property shown and described on Engineering Drawing File No. Y-1173, dated September 7, 2010, which is attached hereto as Exhibit "A" and made a part hereof.

Introduced: 10/19/2010

Controlling Body: Public Works Committee

Sponsor(s): Public Works Committee

### COMMITTEE RECOMMENDATION

*Adopt*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>10/19/2010</u>	<input checked="" type="checkbox"/>		Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
		<input checked="" type="checkbox"/>	Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale				
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>5</u>			

### SIGNATURE OF COMMITTEE MEMBER

*Anthony Borczyk*

Chair

Vice-Chair

Member

### COMMON COUNCIL ACTION

**ADOPT**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>OCT 19 2010</u>	<input checked="" type="checkbox"/>		Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>			
			Roadt	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>10</u>			



## **STANDING COMMITTEES OF THE CITY OF WEST ALLIS COMMON COUNCIL**

### **ADMINISTRATION & FINANCE**

Chair: Kurt E. Kopplin  
Vice-Chair: Vincent Vitale  
Thomas G. Lajsic  
Richard F. Narlock  
Rosalie L. Reinke

### **PUBLIC WORKS**

Chair: Gary T. Barczak  
Vice-Chair: Martin J. Weigel  
Michael J. Czaplewski  
Daniel J. Roadt  
James W. Sengstock

### **SAFETY & DEVELOPMENT**

Chair: Thomas G. Lajsic  
Vice-Chair: Richard F. Narlock  
Kurt E. Kopplin  
Rosalie L. Reinke  
Vincent Vitale

### **LICENSE & HEALTH**

Chair: Michael J. Czaplewski  
Vice-Chair: James W. Sengstock  
Gary T. Barczak  
Daniel J. Roadt  
Martin J. Weigel

### **ADVISORY**

Chair: Rosalie L. Reinke  
Vice-Chair: Daniel J. Roadt  
Kurt E. Kopplin  
Richard F. Narlock  
Vincent Vitale





# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2010-0229**

**Final Action:**

**Sponsor(s):** Public Works Committee

OCT 19 2010

Resolution granting a Storm Sewer Easement by Lawrence E. Herbst and Barbara J. Herbst, ("Grantors"), to the City of West Allis ("Grantee") for the property shown and described on Engineering Drawing File No. Y-1173, dated September 7, 2010, which is attached hereto as Exhibit "A" and made a part hereof.

WHEREAS, the Grantee desires to construct, maintain, repair, rebuild, and operate a storm sewer main, catch basin and appurtenances through and along the premises;

WHEREAS, the Grantors are willing to grant an easement therefore on the terms and conditions hereof and the maintenance and operation of said storm sewer main and appurtenances by the Grantee.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the Mayor and the City Administrative Officer, Clerk/Treasurer be and are hereby authorized and directed to execute the Storm Sewer Easement, a copy of which is attached hereto as Exhibit "B", on behalf of the City as adopted and approved.

**ADOPTED**

OCT 19 2010

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

**APPROVED**

10/25/10

Dan Devine, Mayor

## STORM SEWER EASEMENT

Storm Sewer Easement granted by Lawrence E. Herbst and Barbara J. Herbst, husband and wife with right of survivorship, hereinafter referred to as the "Grantors" to the CITY OF WEST ALLIS, a Wisconsin Municipal Corporation, hereinafter referred to as the "Grantee".

**WHEREAS**, the Grantee desires to construct, maintain, repair, rebuild, and operate a storm sewer main, catch basin and appurtenances through and along the premises hereinafter described and owned by the Grantors; and,

**WHEREAS**, the Grantors' property will benefit from the installation of the storm sewer main in that it is reasonably believed that said storm sewer will alleviate flooding problems on Grantors' property; and

**WHEREAS**, the Grantors are willing to grant an easement therefore on the terms and conditions hereof and the maintenance and operation of said storm sewer main and appurtenances by the Grantee.

**NOW, THEREFORE**, in consideration of mutual benefit and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantors for themselves, their heirs, successors and assigns do hereby grant unto the Grantee, its successors and assigns, a perpetual easement over, under, through, along, and upon the lands described as follows:

Part of the Lot 1 in the Kearns and De Lance Subdivision, Block 1, being part of the Southwest  $\frac{1}{4}$  of Section 10, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Commencing at the Northeast corner of said Lot 1: thence Westerly, 10.00 feet, along North line of said Lot 1, said line also being South line of Lot 2: to the point of beginning; thence continue Westerly, 15.00 feet, along North line of said Lot 1; thence Southerly 59.30 feet parallel with the East right-of-way of South 72<sup>nd</sup> Street; thence Easterly 15.00 feet parallel with the North line of Lot 1; thence Northerly, 59.27 feet to the Point of Beginning. Said land contains 889.28 square feet.

Part of Tax Key No. 515-0126-000

Part of 7128 West Kinnickinnic River Parkway, West Allis, Wisconsin

Per Engineering Drawing File No. Y-1173 ("Exhibit A" attached)

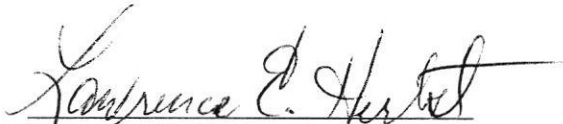
Granting to the Grantee the right, permission, and authority to construct, maintain, operate, repair and rebuild a storm sewer extension, catch basin and appurtenances through, under and along the aforesaid lands.

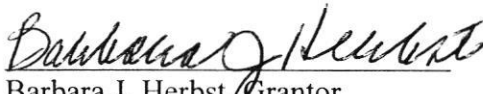
Grantee and its agents shall have the right to enter the aforesaid lands for the purpose of exercising the rights herein acquired, but the Grantee agrees to restore or cause to have restored, the surface of the aforesaid lands, as nearly as is reasonable possible, to the condition existing prior to such entry by the Grantee or its agent.

In granting this Easement, Grantors reserves to themselves, their successors and assigns the right to make use of the surface of the easement area, as will not injure the aforesaid storm sewer main, catch basin and appurtenances or prevent ingress or egress thereto for the purposes of constructing, operating, repairing, maintaining, improving, or rebuilding the same; provided, however, that no building or structure of any kind shall be erected upon any part of said Easement without prior permit from the Grantee.

This grant of Easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Dated this 6<sup>th</sup> day of October 2010.


  
Lawrence E. Herbst, Grantor

  
Barbara J. Herbst, Grantor

State of Wisconsin     )  
                                      ) ss  
Milwaukee County     )

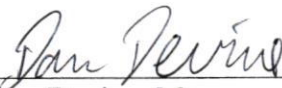
Personally came before me this 6<sup>th</sup> day of October 2010, the above-named, Lawrence E. Herbst and Barbara J. Herbst, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

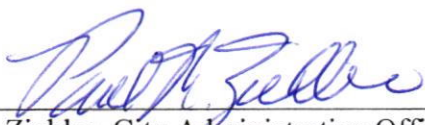


  
Delbert H. Dettmann  
Notary Public, State of Wisconsin  
My Commission Expires: June 29, 2014

(SIGNATURES CONTINUED ON NEXT PAGE)


**CITY OF WEST ALLIS, Grantee**

By:   
Dan Devine, Mayor

Attest:   
Paul M. Ziehler, City Administrative Officer,  
Clerk/Treasurer

State of Wisconsin    )  
                                  ) ss  
Milwaukee County    )

Personally came before me this 27 day of October, 2010, the above-named Dan Devine and Paul M. Ziehler, to me known to be the Mayor and City Administrative Officer, Clerk/Treasurer of the City of West Allis, a Wisconsin Municipal Corporation, and the person(s) who executed the foregoing instrument on behalf of the City and acknowledged the same.

  
Notary Public, State of Wisconsin  
My Commission Expires: 9-14-14

This Easement approved and accepted by the City of West Allis Common Council Resolution No. R-2010-0229, adopted October 19, 2010, and approved on October 25, 2010.

This instrument was drafted by:  
Scott E. Post, City Attorney  
City of West Allis  
7525 West Greenfield Avenue  
West Allis, WI 53214

KEARNS AND DE LANCE SUBDIVISION  
BLOCK 1

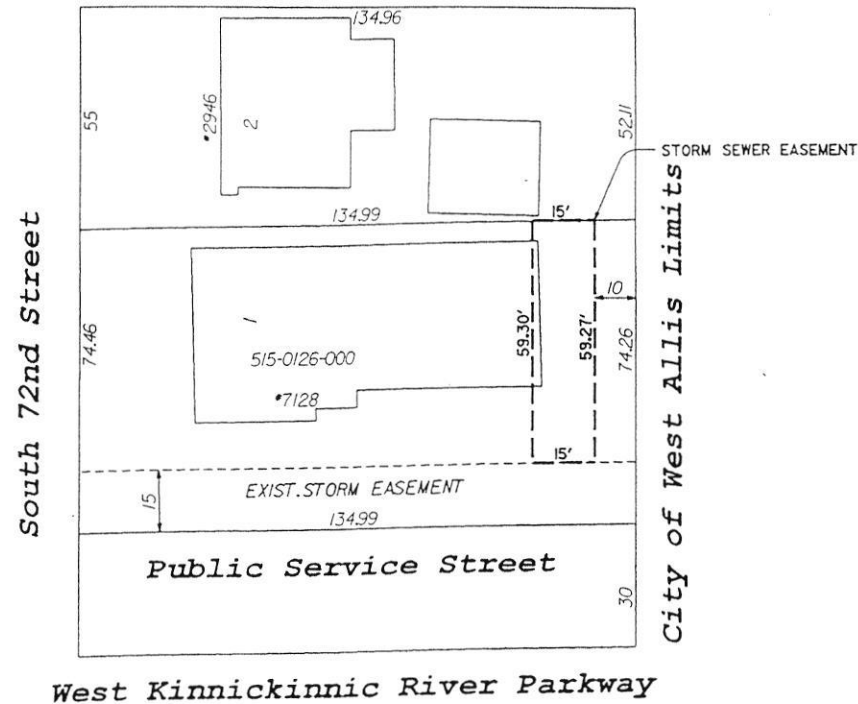


EXHIBIT A

**STORM SEWER EASEMENTS**

OWNER: Lawrence E. & Barbara J. Herbst  
ADDRESS: 7128 West Kinnickinnic River Parkway  
TAX KEY: 515-0126-000

Part of Lot 1 in the Kearns and De Lance Subdivision, Block 1, being part of the Southwest 1/4 of Section 10, Township 6 North, Range 21 East in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Commencing at the Northeast corner of said Lot 1; thence Westerly, 10.00 feet, along North line of said Lot 1, said line also being South line of Lot 2; to the point of beginning; thence continue Westerly, 15.00 feet, along North line of said Lot 1; thence Southerly, 59.30 feet parallel with East right-of-way line of South 72nd Street; thence Easterly, 15.00 feet parallel with the North line of said Lot 1; thence Northerly, 59.27 feet to the Point of Beginning.  
Said land contains 889.28 square feet.

DOCUMENT NO.	REEL	IMAGE	ACQUIRED
SCALE 1"=30'	CTR. SEC. NO. 515	City of West Allis	
DRAWN BY AMJ	CHECKED BY	Engineering Department	
DESCRIPTION BY Leo Kos		STORM EASEMENT	
SURVEY		West Kinnickinnic River Parkway	
	REVISIONS	Between City of West Allis Limits and S. 72nd St.	
		APPROVED: <i>James M. Banta</i>	
		DATE 9-7-10 FILE NO. Y-1173	
REQUEST	RELOC. ORDER	KEY NO.	P.W.D. FILE NO.



DOC.# 09936261

Document Number

Document Title

### STORM SEWER EASEMENT

Storm Sewer Easement granted by Lawrence E. Herbst and Barbara J. Herbst, husband and wife with right of survivorship, to the City of West Allis

Address: Part of 7128 West Kinnickinnic River Parkway

Recording Area

Name and Return Address

City Attorney's Office  
City of West Allis  
7525 West Greenfield Avenue  
West Allis, WI 53214

Part of Tax Key No. 515-0126-000  
Parcel Identification Number

SEE ATTACHED STORM SEWER EASEMENT

This instrument should be returned to:

Scott E. Post, Esq.  
City Attorney  
7525 West Greenfield Avenue  
West Allis, WI 53214

RECEIVED

NOV 29 2010

WEST ALLIS  
CITY ATTORNEY



## **STORM SEWER EASEMENT**

Storm Sewer Easement granted by Lawrence E. Herbst and Barbara J. Herbst, husband and wife with right of survivorship, hereinafter referred to as the "Grantors" to the CITY OF WEST ALLIS, a Wisconsin Municipal Corporation, hereinafter referred to as the "Grantee".

**WHEREAS**, the Grantee desires to construct, maintain, repair, rebuild, and operate a storm sewer main, catch basin and appurtenances through and along the premises hereinafter described and owned by the Grantors; and,

**WHEREAS**, the Grantors' property will benefit from the installation of the storm sewer main in that it is reasonably believed that said storm sewer will alleviate flooding problems on Grantors' property; and

**WHEREAS**, the Grantors are willing to grant an easement therefore on the terms and conditions hereof and the maintenance and operation of said storm sewer main and appurtenances by the Grantee.

**NOW, THEREFORE**, in consideration of mutual benefit and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantors for themselves, their heirs, successors and assigns do hereby grant unto the Grantee, its successors and assigns, a perpetual easement over, under, through, along, and upon the lands described as follows:

Part of the Lot 1 in the Kearns and De Lance Subdivision, Block 1, being part of the Southwest  $\frac{1}{4}$  of Section 10, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

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Part of Tax Key No. 515-0126-000

Part of 7128 West Kinnickinnic River Parkway, West Allis, Wisconsin

Per Engineering Drawing File No. Y-1173 ("Exhibit A" attached)

1000 1000  
1000 1000



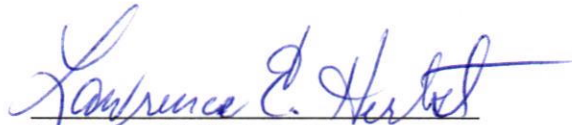
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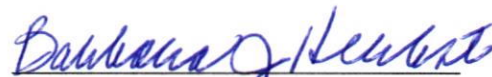
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This grant of Easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Dated this 6<sup>th</sup> day of October 2010.


  
Lawrence E. Herbst, Grantor

  
Barbara J. Herbst, Grantor

State of Wisconsin    )  
                                  ) ss  
Milwaukee County    )

Personally came before me this 6<sup>th</sup> day of October 2010, the above-named, Lawrence E. Herbst and Barbara J. Herbst, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.



  
Delbert H. Dettmann  
Notary Public, State of Wisconsin  
My Commission Expires: June 29, 2014

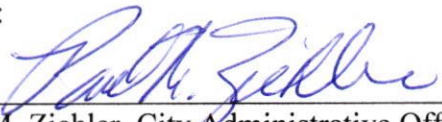
(SIGNATURES CONTINUED ON NEXT PAGE)





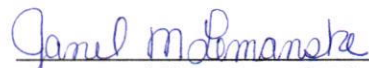
**CITY OF WEST ALLIS, Grantee**

By:   
Dan Devine, Mayor

Attest:   
Paul M. Ziehler, City Administrative Officer,  
Clerk/Treasurer

State of Wisconsin    )  
                                  ) ss  
Milwaukee County    )

Personally came before me this 27 day of October, 2010, the above-named Dan Devine and Paul M. Ziehler, to me known to be the Mayor and City Administrative Officer, Clerk/Treasurer of the City of West Allis, a Wisconsin Municipal Corporation, and the person(s) who executed the foregoing instrument on behalf of the City and acknowledged the same.

  
Notary Public, State of Wisconsin  
My Commission Expires: 9-14-14  
Janel M Lemanske

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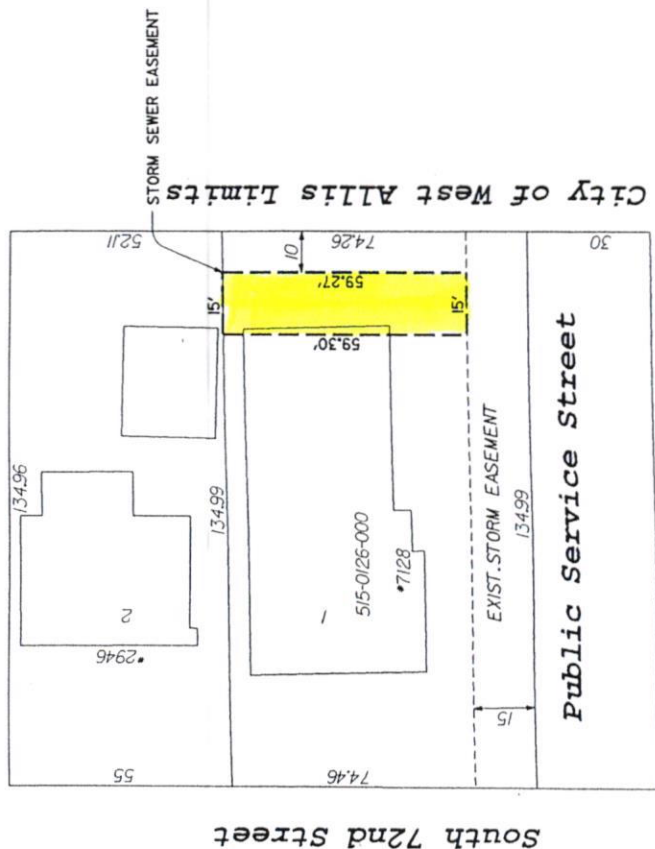
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Said land contains 889.28 square feet.

EXHIBIT A



West Kinnickinnic River Parkway

DOCUMENT NO.	REEL	IMAGE	ACQUIRED
SCALE: 1"=30' CTR. SEC. NO. 515			
DRAWN BY: AMJ	CHECKED BY: Leo Kos		
DESCRIPTION BY: SURVEY			
REVISIONS		STORM EASEMENT	
CITY OF THE CENTER WEST ALLIS		West Kinnickinnic River Parkway	
Between City of West Allis Limits and S. 72nd St.		APPROVED: [Signature] CITY ENGINEER	
DATE: 9-7-10	FILE NO. Y-1173	P.W.D. FILE NO.	