

3013



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2004-0230

Resolution

In Committee

Resolution Granting a Privilege for Encroachment (Major) to New Owner Robert Mücke for property located at 9418 West Schlenger Avenue.

Introduced: 8/3/2004

Controlling Body: Public Works Committee

COMMITTEE RECOMMENDATION

~~ADOPT~~ **ADOPT**

ACTION

DATE:

9-21-04

~~8-3-04~~

MOVER

SECONDER

Barczak

Czaplewski

Dobrowski

Kopplin

Lajsic

Narlock

Reinke

Sengstock

Vitale

Weigel

AYE

NO

PRESENT

EXCUSED

TOTAL

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

adopt

ACTION

DATE:

9-21-04

MOVER

SECONDER

Barczak

Czaplewski

Dobrowski

Kopplin

Lajsic

Narlock

Reinke

Sengstock

Vitale

Weigel

AYE

NO

PRESENT

EXCUSED

TOTAL

Attorney

**STANDING COMMITTEES OF THE
CITY OF WEST ALLIS COMMON COUNCIL
2004**

ADMINISTRATION & FINANCE

Chair: Michael J. Czaplewski
Vice-Chair: Martin J. Weigel
Gary T. Barczak
Thomas G. Lajsic
Rosalie L. Reinke

PUBLIC WORKS

Chair: Richard F. Narlock
Vice-Chair: Linda A. Dobrowski
Kurt E. Kopplin
Vincent Vitale
James W. Sengstock

SAFETY & DEVELOPMENT

Chair: Thomas G. Lajsic
Vice-Chair: Vincent Vitale
Gary T. Barczak
Martin J. Weigel
Rosalie L. Reinke

LICENSE & HEALTH

Chair: Kurt E. Kopplin
Vice-Chair: James W. Sengstock
Linda A. Dobrowski
Richard F. Narlock
Michael J. Czaplewski

ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Gary T. Barczak
Linda A. Dobrowski
Vincent Vitale
Martin J. Weigel



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2004-0230

Final Action:
SEP 21 2004

Resolution Granting a Privilege for Encroachment (Major) to New Owner Robert Miicke for property located at 9418 West Schlinger Avenue.

WHEREAS, by Resolution No. 27251, adopted December 3, 2002, the City of West Allis granted to Debra Lindner a certain Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of landscaping and parking stalls encroaching over the public sidewalk along West Schlinger Avenue and South 94th Place, said property located at 9418 West Schlinger Avenue, West Allis, WI (the "Privilege"); and,

WHEREAS, the property has now changed ownership to Robert Miicke, who desires to retain the Privilege.

NOW, THEREFORE, BE IT RESOLVED that the City of West Allis grants to Robert Miicke the Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of landscaping and parking stalls located at 9418 West Schlinger Avenue.

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-Miicke

ADOPTED

September 23, 2004
Paul M. Ziehler

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

APPROVED

September 24, 2004
Jeannette Bell

Jeannette Bell, Mayor

PRIVILEGE FOR ENCROACHMENT
Major

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

Robert Miicke, owner(s) of property located at 9418 West Schlinger Avenue, West Allis, hereinafter "Grantee(s)", desire to maintain an encroachment extending beyond the lot line and within the public street right-of-way, per Plan Commission's approval dated April 24, 2002, consisting of landscaping and parking stalls on that portion of the right-of-way of West Schlinger Avenue and South 94th Place adjoining all of the subject lands, being a part of the Northeast ¼ of Section 32, Township 7 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin, more particularly described as follows:

Commencing at a point in the South line of said ¼ Section, said point being 868.56 feet West of the Southeast corner of said ¼ Section; thence N 1° 43' 47" W 33.00 feet to the Southwest corner of said lot and the point of beginning; thence N 88° 20' 21" E along the Northerly right-of-way line of said West Schlinger Avenue 55.56 feet; thence N 1° 43' 47" W along the Westerly right-of-way line of said South 94th Place 120.00 feet; thence N 88° 20' 21" E 9.60 feet; thence S 1° 43' 47" E and parallel with said Westerly line 110.40 feet; thence S 43° 16' 13" W 13.58 feet to the Southeast corner of said lot; thence S 43° 21' 21" W 8.48 feet; thence S 88° 20' 21" W and parallel with the Northerly right-of-way line of said West Schlinger Avenue 49.56 feet; thence N 1° 43' 47" W to said Northerly line 6.00 feet to the point of beginning. Tax Key No. 416-9998-000.

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 Common Council of the City of West Allis 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. I hereby 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 landscaping will consist of grass, trees and low growing shrubs.

6. The parking stall encroachment will consist of five (5) stalls approximately 8½ feet wide by 18 feet deep. Cars that are parked in the parking stalls shall not extend into the street at any time.

7. City to plow as if curb is in place. Grantee(s) is responsible for clearing snow in designated parking stalls as a result of the City's snow plowing activities.

8. No snow storage in designated parking areas. Snow storage shall be located in designated landscape areas by Grantee(s).

9. Plans and specifications of any repair/alterations being performed in the public right-of-way for which this privilege is granted, other than the landscaping and parking stalls as provided herein, shall require submission to, and final approval of, the City Engineer of the City of West Allis.

10. 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.

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

12. This privilege shall be in force and have effect only upon payment of the required fee and filing of the Certificate of Insurance and 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.

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

Dated at West Allis, WI, this 24 day of September, 2004.

IN PRESENCE OF:

CITY OF WEST ALLIS

BY: Don Mading

BY: Jeannette Bell
Jeannette Bell, Mayor

BY: Don Mading

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

IN PRESENCE OF:

ACCEPTED BY:

Deborah L. Nance

BY: Robert Miicke
Robert Miicke

Date: 7/9/04

Approved as to form this 12 day
of July, 2004.

Scott Post
City Attorney

C/Enclprimajor-Miicke