

**PRIVILEGE FOR ENCROACHMENT  
(MAJOR)**

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

Diane & John Knecht, owner(s) of property located at 5801-03 West National Avenue/1331 South 58<sup>th</sup> 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 the installation of east side entrance stairs on that portion of the right-of-way on South 58<sup>th</sup> Street adjoining Lot 1 in Bracken Brae subdivision, Block 3, being a subdivision of the Southwest ¼ of Section 35, Township 7 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Beginning at the Southeast corner of said Lot 1; thence Northerly, 125.00 feet, along the West right-of-way line of said South 58<sup>th</sup> Street; thence Easterly, 3.00 feet; thence Southerly, 125.00 feet, parallel with said West right-of-way line; thence Westerly, 4.00 feet to the Point of Beginning of this description. Tax Key No. 438-0448-000.

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 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. The cost of removal by the City shall be charged to Grantee and, if unpaid after thirty (30) days, assessed as a special charge under Sec. 66.0701, Wisconsin Statutes.

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 stairway shall be constructed and maintained in a manner to safeguard the public and shall specifically comply with the West Allis Municipal Code.

6. Plans and specifications of any construction being performed in the public right-of-way, for which this privilege is granted, other than the stairway as provided herein, shall require submission to, and final approval of, the City Engineer of the City of West Allis.

7. It is understood that Grantee(s), their heirs, successors and assigns, shall file a Bond with the City Clerk/Treasurer in the amount of Ten Thousand Dollars (\$10,000) and a Certificate of Insurance in the amount of at least One Million Dollars (\$1,000,000.00), 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 and endorsements. The insurance certificate and endorsement 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.

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

9. 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.

10. 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, Wisconsin, this 15th day of June, 2021.

CITY OF WEST ALLIS

BY: *Dan Devine*  
Dan Devine, Mayor

Approved as to form this 7 day  
of June, 2021.

*[Signature]*  
Assistant City Attorney 1088914

BY: *Rebecca Grill*  
Rebecca Grill, City Clerk

ACCEPTED BY:  
DIANE & JOHN KNECHT

By: *Diane Knecht*  
By: *John Knecht*  
Date: 6-6-21