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City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2004-0211	Resolution	In Committee
Resolution Granting a Privilege for Encroachment (Major) to New Owners Vincent R. and Kristie K. Milne (d/b/a That New Staffing Company LLC) for property located at 5908-5910 West Burnham Street.		
Introduced: 7/6/2004		Controlling Body: Public Works Committee

COMMITTEE RECOMMENDATION

Approved & ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>7-6-04</u>	✓		Barczak				
			Czaplewski				
			Dobrowski	✓			
			Kopplin	✓			
			Lajsic				
			Narlock	✓			
			Reinke				
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel				
			TOTAL	<u>5</u>	<u>0</u>		

SIGNATURE OF COMMITTEE MEMBER

Paul Wahl

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUL 06 2004</u>		✓	Barczak	✓			
			Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
	✓		Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<u>10</u>	<u>0</u>		

at: Atty's Office
Eng. Dept.

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

Resolution

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number: R-2004-0211

Final Action:

JUL 06 2004

Resolution Granting a Privilege for Encroachment (Major) to New Owners Vincent R. and Kristie K. Milne (d/b/a That New Staffing Company LLC) for property located at 5908-5910 West Burnham Street.

WHEREAS, by Resolution No. 17983, adopted April 16, 1974, the City of West Allis granted to Wesolowski Realty a certain Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of a mansard roof line located at 5908-5910 West Burnham Street, West Allis, WI (the "Privilege"); and,

WHEREAS, the property has now changed ownership to Vincent R. and Kristie K. Milne (d/b/a That New Staffing Company LLC), who desire to retain the Privilege.

NOW, THEREFORE, BE IT RESOLVED that the City of West Allis grants to Vincent R. and Kristie K. Milne (d/b/a That New Staffing Company LLC) the Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of a mansard roof line located at 5908-5910 West Burnham Street.

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-Milne

ADOPTED

July 6 2004
Paul M. Ziehler

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

APPROVED

July 9 2004
Jeannette Bell

Jeannette Bell, Mayor

PRIVILEGE FOR ENCROACHMENT
Major

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

Vincent R. Milne and Kristie K. Milne (d/b/a That New Staffing Company LLC), owner(s) of property located at 5910 West Burnham Street, West Allis, hereinafter "Grantee(s)", desire to maintain an encroachment extending beyond the lot line and within the public street right-of-way consisting of a mansard roof line extending and encroaching over the public sidewalk the full width of the building at 5910 West Burnham Street, West Allis, Wisconsin. Tax Key No. 455-0068-000.

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. No part of the mansard roofline shall extend over the sidewalk below a height of eight feet six inches (8'6"); and no part of the mansard roofline shall extend farther from the face of the building than two feet (2') onto the public right-of-way of West Burnham Street
6. The mansard roof shall be constructed and maintained in a manner to safeguard the public and shall specifically comply with the West Allis Municipal Code.
7. Plans and specifications of any repair/alterations being performed in the public right-of-way for which this privilege is granted, other than the mansard roofline as provided herein, shall require submission to, and final approval of, the City Engineer of the City of West Allis.
8. 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.
9. Grantee(s) shall pay to the City of West Allis as compensation for this privilege the sum of Fifty Dollars (\$50.00).

10. 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.

11. 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 28 day of June, 2004.

IN PRESENCE OF:

CITY OF WEST ALLIS

BY: Hermine Couturier

BY: Jeannette Bell
Jeannette Bell, Mayor

BY: Hermine Couturier

BY: Paul M. Ziehler
Paul M. Ziehler
CAO, Clerk/Treasurer

IN PRESENCE OF:

ACCEPTED BY:
THAT NEW STAFFING COMPANY LLC

Miguel Canals

BY: Vincent R. Milne
Vincent R. Milne

Date: 5-20-04

Miguel Canals

BY: Kristie K. Milne
Kristie K. Milne

Date: 5-20-04

Approved as to form this 28 day
of June, 2004

Robert J. ...
City Attorney

C/Encrprimajor-Milne