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City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2006-0130	Resolution	In Committee
Resolution Granting a Privilege for Encroachment (Major) to New Owners Mark and Cathy Jorgensen (d/b/a Mc Drywall LLC) for property located at 7301 West National Avenue.		
Introduced: 5/2/2006		Controlling Body: Public Works Committee

COMMITTEE RECOMMENDATION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>5-2-06</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Dobrowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Narlock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			TOTAL	<u>5</u>			

SIGNATURE OF COMMITTEE MEMBER

Paul Jorgensen _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>MAY 02 2006</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Czaplewski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Dobrowski	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Lajsic	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Narlock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Reinke	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Vitale	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>	Weigel	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			TOTAL	<u>10</u>	<u>1</u>		



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2006-0130

Final Action:

MAY 02 2006

Resolution Granting a Privilege for Encroachment (Major) to New Owners Mark and Cathy Jorgensen (d/b/a Mc Drywall LLC) for property located at 7301 West National Avenue.

WHEREAS, by Resolution No. 21333, adopted August 7th, 1984, the City of West Allis granted to Alan Havaich (d/b/a Flowers and Things) a certain Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of a mansard roof on that portion of the right-of-way of West National Avenue located at 7301 West National Avenue, West Allis, WI (the "Privilege"); and,

WHEREAS, the property has now changed ownership to Mark and Cathy Jorgensen (d/b/a Mc Drywall LLC), who desire to retain the Privilege.


NOW, THEREFORE, BE IT RESOLVED that the City of West Allis grants to Mark and Cathy Jorgensen (d/b/a Mc Drywall LLC) the Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of a mansard roof located at 7301 West National 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.

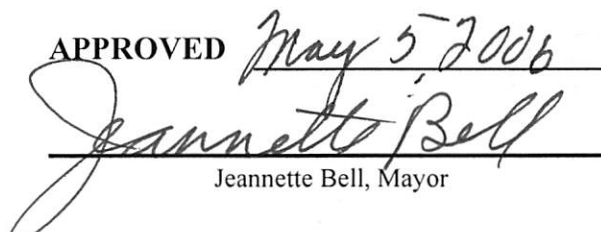
ATTR-Encroachment-Mc Drywall LLC

ADOPTED

May 2, 2006


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

APPROVED

May 5, 2006


Jeannette Bell, Mayor

**PRIVILEGE FOR ENCROACHMENT
(MAJOR)**

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

Mark and Cathy Jorgensen (d/b/a Mc Drywall LLC), owner(s) of property located at 7301 West National Avenue, West Allis, hereinafter "Grantee(s)", desires to maintain an encroachment extending beyond the lot line and on the City's right-of-way consisting of a mansard roof, extending and encroaching eighteen inches over the public sidewalk the full thirty-two foot (32') width of the building on that portion of the right-of-way on West National Avenue adjoining Lot 1 in McKowens Subdivision No. 1, Block 2, being a subdivision of the Northwest ¼ of Section 3, Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin, more particularly described as follows:

Beginning at the Northwest corner of said Lot 1; thence Northerly, 1.60 feet; thence Northeasterly, 38.24 feet, parallel with the North right-of-way line of West National Avenue; thence Southerly, 1.60 feet, to said North right-of-way line; thence Southwesterly, 38.24 feet, along said North line to the point of beginning of this description. Tax Key No. 453-0550-000

WHEREAS, the Board of Public Works is satisfied that the granting of this privilege be granted subject to the terms and conditions herein provided.

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 encroachments 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 encroachments if they are 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 roof shall extend beyond the sidewalk below a height of nine feet six inches (9'6"); 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 West National Avenue.

6. The mansard roof consisting of cedar shakes over a wooden 2"x4" frame 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 construction being performed in the public right-of-way, for which this privilege is granted, other than the mansard roof as provided herein, shall require submission to, and final approval of, the Board of Public Works 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, Wisconsin, this 26 day of April, 2006.

CITY OF WEST ALLIS

BY: Jeannette Bell
Jeannette Bell, Mayor

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

ACCEPTED BY:
MC DRYWALL LLC

By: Mark Jorgensen
Mark Jorgensen

Date: 4-20-06

By: Cathy Jorgensen
Cathy Jorgensen

Date: 4-20-06

Approved as to form
this 26 day of April, 2006.

Scott Post
City Attorney