

44.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2008-0078	Resolution	In Committee
Resolution Granting a Privilege for Encroachment (Major) to New Owner Andrew Peterson for property located at 5715 West Burnham Street.		
Introduced: 3/31/2008		Controlling Body: Public Works Committee
Sponsor(s): Public Works Committee		

COMMITTEE RECOMMENDATION Adopt

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>3-31-08</u>			Barczak				
			Czaplewski				
			Dobrowski	✓			
			Kopplin	✓			
			Lajsic				
			Narlock	✓			
			Reinke				
		✓	Sengstock	✓			
	✓		Vitale	✓			
			Weigel				
			TOTAL	<u>5</u>	<u>-</u>		

SIGNATURE OF COMMITTEE MEMBER

Paul Inall _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION **ADOPT**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>MAR 31 2008</u>			Barczak	✓			
			Czaplewski	✓			
		✓	Dobrowski	✓			
			Kopplin	✓			
			Lajsic	✓			
	✓		Narlock	✓			
			Reinke	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<u>10</u>	<u>-</u>		



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2008-0078

Final Action:

Sponsor(s): Public Works Committee

MAR 31 2008

Resolution Granting a Privilege for Encroachment (Major) to New Owner Andrew Peterson for property located at 5715 West Burnham Street.

WHEREAS, by Resolution No. 27636, adopted April 17th, 2001, the City of West Allis granted to Leonard A. Boczkowski a certain Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of a mansard roof extending and encroaching over the public sidewalk the full width of the building on that portion of the right-of-way on West Burnham Street located at 5715 West Burnham Street, in the City of West Allis, WI (the "Privilege"); and,

WHEREAS, the property has now changed ownership to Andrew Peterson who desires to retain the Privilege.

NOW, THEREFORE, BE IT RESOLVED that the City of West Allis grants to Andrew Peterson the Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of a mansard roof extending and encroaching over the public sidewalk the full width of the building on that portion of the right-of-way on West Burnham Street located at 5715 West Burnham Street, in the City of West Allis, WI.

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-A Peterson

ADOPTED

MAR 31 2008

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

APPROVED

April 2, 2008

Jeannette Bell, Mayor

PRIVILEGE FOR ENCROACHMENT

Major

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

Andrew Peterson, owner(s) of property located at 5715 West Burnham Street, West Allis, hereinafter "Grantee(s)", desires to maintain an encroachment extending beyond the lot line and within the public street right-of-way consisting of a mansard roofline extending and encroaching over the public sidewalk the full width of the building on that portion of the right-of-way on West Burnham Street adjoining Lot 4 of McGeoch Meadows Subdivision, Block 4, being a subdivision of the Southwest ¼ of Section 2, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Beginning at the Northwest corner of said Lot 4; thence Northerly, 2.00 feet; thence Easterly, 30.00 feet, parallel with South right-of-way line of West Burnham Street; thence Southerly, 2.00 feet, to the said South right-of-way line; thence Westerly, 30.00 feet, along the said South right-of-way line to the Point of Beginning of this description. Tax Key No. 474-0110-000.

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. 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.

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 beyond the sidewalk below a height of ten feet (10'); and no part of the mansard roof shall extend farther from the face of the building than one foot (1') over the public right-of-way of West Burnham Street.

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

7. All exterior wood construction shall be fire treated to meet non-combustible rating.

8. 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.

9. 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.

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

11. 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.

12. 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 31 day of March, 2008.

CITY OF WEST ALLIS

BY: Jeannette Bell
Jeannette Bell, Mayor

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

ACCEPTED BY:

BY: Andrew Peterson
Andrew Peterson

Date: 3-17-08

Approved as to form this 19 day of March, 2008.

Scott Post
City Attorney

C/Encrprimajor-A Peterson