

47



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2006-0172	Resolution	In Committee
Resolution Accepting a Storm Sewer Easement from School District of West Allis-West Milwaukee, et al. for the Property at 87** West Lincoln Avenue (South Parking Lot).		
Introduced: 6/6/2006		Controlling Body: Public Works Committee

COMMITTEE RECOMMENDATION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>6-6-06</u>			Barczak				
			Czaplewski				
		✓	Dobrowski	✓			
			Kopplin				—
			Lajsic				
			Narlock	✓			
	✓		Reinke				
			Sengstock	✓			
			Vitale	✓			
			Weigel				
			TOTAL	<u>4</u>			<u>1</u>

SIGNATURE OF COMMITTEE MEMBER

Paul Hall _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUN 06 2006</u>			Barczak	✓			
			Czaplewski	✓			
			Dobrowski	✓			
			Kopplin				✓
	✓		Lajsic	✓			
			Narlock	✓			
			Reinke	✓			
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel	✓			
			TOTAL	<u>9</u>			<u>1</u>

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

12-18-06

Del
has
orig
easement.
jl



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2006-0172

Final Action:

JUN 06 2006

Resolution Accepting a Storm Sewer Easement from School District of West Allis-West Milwaukee, et al. for the Property at 87** West Lincoln Avenue (South Parking Lot).

WHEREAS, the owners of the lands and interests shown and described on Engineering Drawing File No. Y-1154, dated May 16th, 2006, which is attached hereto as Exhibit "A" and made a part hereof, have requested the City of West Allis ("City") to proceed with the installation of a storm sewer (the "Project"); and,

WHEREAS, the City is willing to proceed with the Project provided the School District of West Allis-West Milwaukee, et al. agrees to Mutual Benefit for compensation of the necessary lands and interests for the Project; and,

WHEREAS, the City agrees to renovate and repave both commercial driveways to the school's parking lot; and,

WHEREAS, there would be no displacement of persons or property as a result of the Project.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis as follows:

1. That the City Attorney be and is hereby authorized and directed to acquire, by Mutual Benefit, the lands and interests set forth in Exhibit "A" from the School District of West Allis-West Milwaukee, et al. and from any and all other persons or entities which may have an interest in said lands.
2. That it hereby declares its intent not to proceed with acquisition of the aforesaid lands and interests under the eminent domain procedures of Chapter 32 of the Wisconsin Statutes.
3. That the Mayor and the City Administrative Officer, Clerk/Treasurer be and are hereby authorized and directed to execute and deliver the Storm Sewer Easement, a copy of which is attached hereto as Exhibit "B" and incorporated herein by reference, on behalf of the City, as adopted and approved.

ATTR-Easement-WA-WM School District

ADOPTED

June 6, 2006

Paul M. Ziehler

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

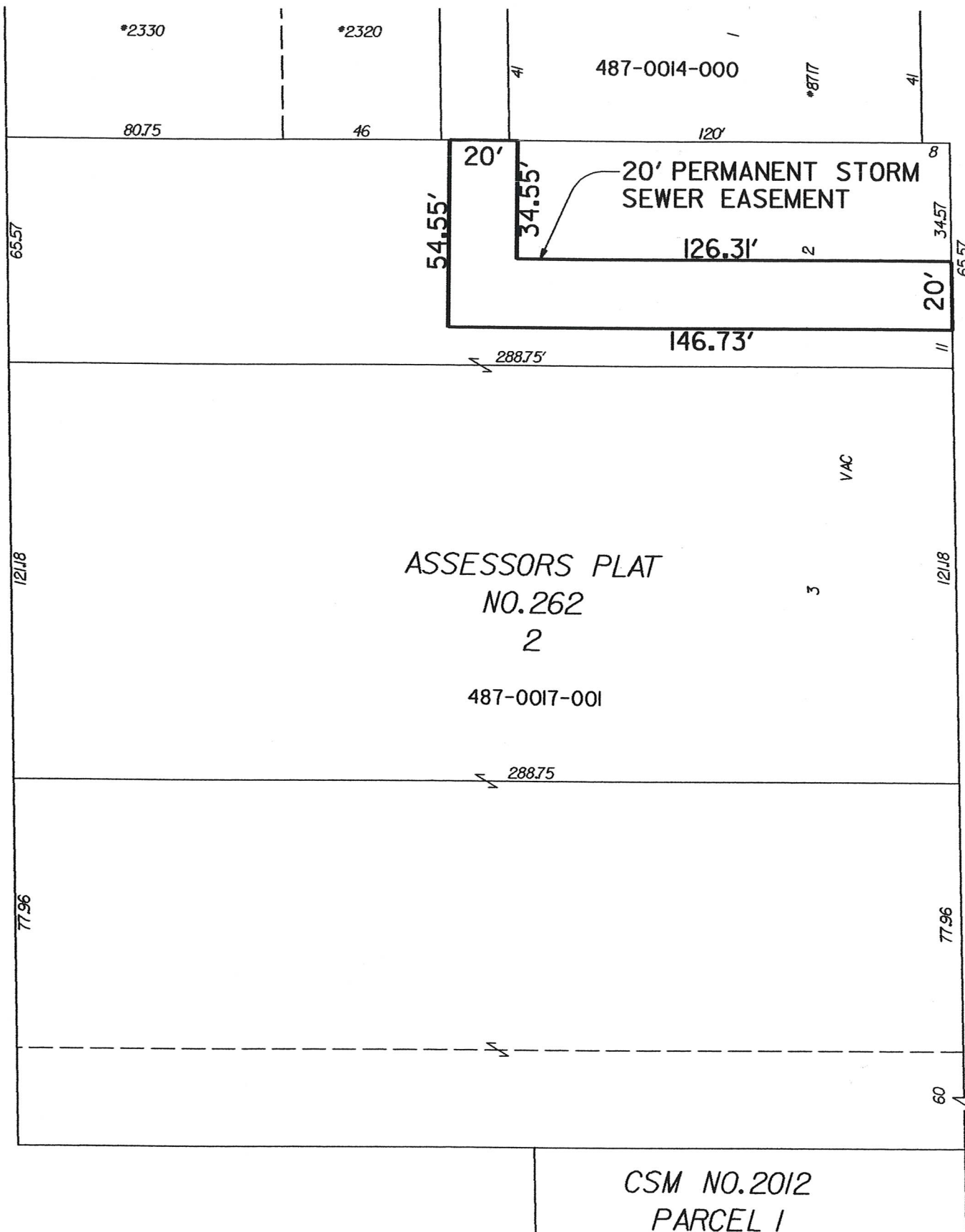
APPROVED

June 9, 2006

Jeannette Bell

Jeannette Bell, Mayor

EXHIBIT "A"



DESCRIPTION & LOCATION

A strip of land, being part of Lot 2 of Assessor's Plat No. 262, Block 2, located in the Northwest 1/4 of Section 9, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Commencing at the Northwest corner of Parcel 1, Certified Survey Map No. 2012; thence Westerly, 270.14 feet, along the South right-of-way line of West Lincoln Avenue to the Point of Beginning of this description; thence Southerly, 146.73 feet, parallel with east line of said Lot 2; thence Westerly, 54.55 feet, at right angle to said line to the west line of said Lot 2; thence Northerly 20.00 feet; thence Easterly, 34.55 feet; thence Northerly, 126.31 feet, to the South right-of-way line of West Lincoln Avenue; thence Easterly, 20.00 feet, along said south line to the Point of Beginning.

Said land contains 0.0831 Acres, more or less.




DOCUMENT NO.	REEL	IMAGE	ACQUIRED
SCALE 1"=40' QTR. SEC. NO. 487-B		City of West Allis Engineering Department STORM SEWER EASEMENT South of W. Lincoln Avenue Between S. 86th St. and S. 88th St.	
DRAWN BY ATL CHECKED BY L.K.			
DESCRIPTION BY L.K.			
SURVEY		APPROVED: <i>[Signature]</i> CITY ENGINEER	
 WEST ALLIS, WISCONSIN Center of Opportunity		REVISIONS DATE 5-16-06 FILE NO. Y-1154	
REQUEST	RELOC. ORDER	KEY NO.	P.W.D. FILE NO.

EXHIBIT "A"

EXHIBIT "B"

EASEMENT

Storm Sewer Easement granted by SCHOOL DISTRICT OF WEST ALLIS-WEST MILWAUKEE, ET AL., hereinafter referred to as the "Grantor" to the CITY OF WEST ALLIS, a Wisconsin Municipal Corporation, hereinafter referred to as the "Grantee".

WITNESSETH:

WHEREAS, the Grantee desires to construct, maintain, repair, rebuild, and operate a storm sewer main and appurtenances through and along the premises hereinafter described and owned by the Grantor; and,

WHEREAS, the Grantor is willing to grant an easement therefore on the terms and conditions hereof and the maintenance and operation of said storm sewer main and appurtenances by the Grantee.

NOW, THEREFORE, in consideration of compensation by Mutual Benefit, the Grantor for itself, its heirs, successors and assigns do hereby grant unto the Grantee, its successors and assigns, a perpetual easement over, under, through, along, and upon the lands described as follows:

A strip of land, being part of Lot 2 of Assessor's Plat No. 262, Block 2, located in the Northwest ¼ of Section 9, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Commencing at the Northwest corner of Parcel 1, Certified Survey Map No. 2012; thence Westerly, 270.14 feet, along the South right-of-way line of West Lincoln Avenue to the Point of Beginning of this description; thence Southerly, 146.73 feet, parallel with east line of said Lot 2; thence Westerly, 54.55 feet, at right angle to said line to the west line of said Lot 2; thence Northerly 20.00 feet; thence Easterly, 34.55 feet; thence Northerly, 126.31 feet, to the South right-of-way line of West Lincoln Avenue; thence Easterly, 20.00 feet along said south line to the Point of Beginning.

Said land contains 0.0831 acres, more or less.

Part of Tax Key No. 487-0017-001

Per Engineering Drawing File No. Y-1154 (attached)

granting to the Grantee the right, permission, and authority to construct, maintain, operate, repair and rebuild a storm sewer main and appurtenances through, under and along the aforesaid lands.

Grantee and its agents shall have the right to enter the aforesaid lands for the purpose of exercising the rights herein acquired, but the Grantee agrees to restore or cause to have restored, the surface of the aforesaid lands, as nearly as is reasonable possible, to the condition existing prior to such entry by the Grantee or its agent.

In granting this Easement, Grantor reserves to itself, its successors and assigns the right to make use of the surface of the easement area, as will not injure the aforesaid storm sewer main and appurtenances or prevent ingress or egress thereto for the purposes of constructing, operating, repairing, maintaining, improving, or rebuilding the same; provided, however, that no building or structure of any kind shall be erected upon any part of said Easement without prior permit from the Grantee.

This grant of Easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Dated this ___ day of _____, 2006.

SCHOOL DISTRICT OF
WEST ALLIS-WEST MILWAUKEE, ET AL.

By: _____

State of Wisconsin)
) ss
Milwaukee County)

Personally came before me this ___ day of _____, 2006, the above-named _____, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Notary Public, State of Wisconsin
My Commission Expires: _____

(SIGNATURES CONTINUED ON NEXT PAGE)

CITY OF WEST ALLIS, Grantee

By: _____
Jeannette Bell, Mayor

Attest:

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

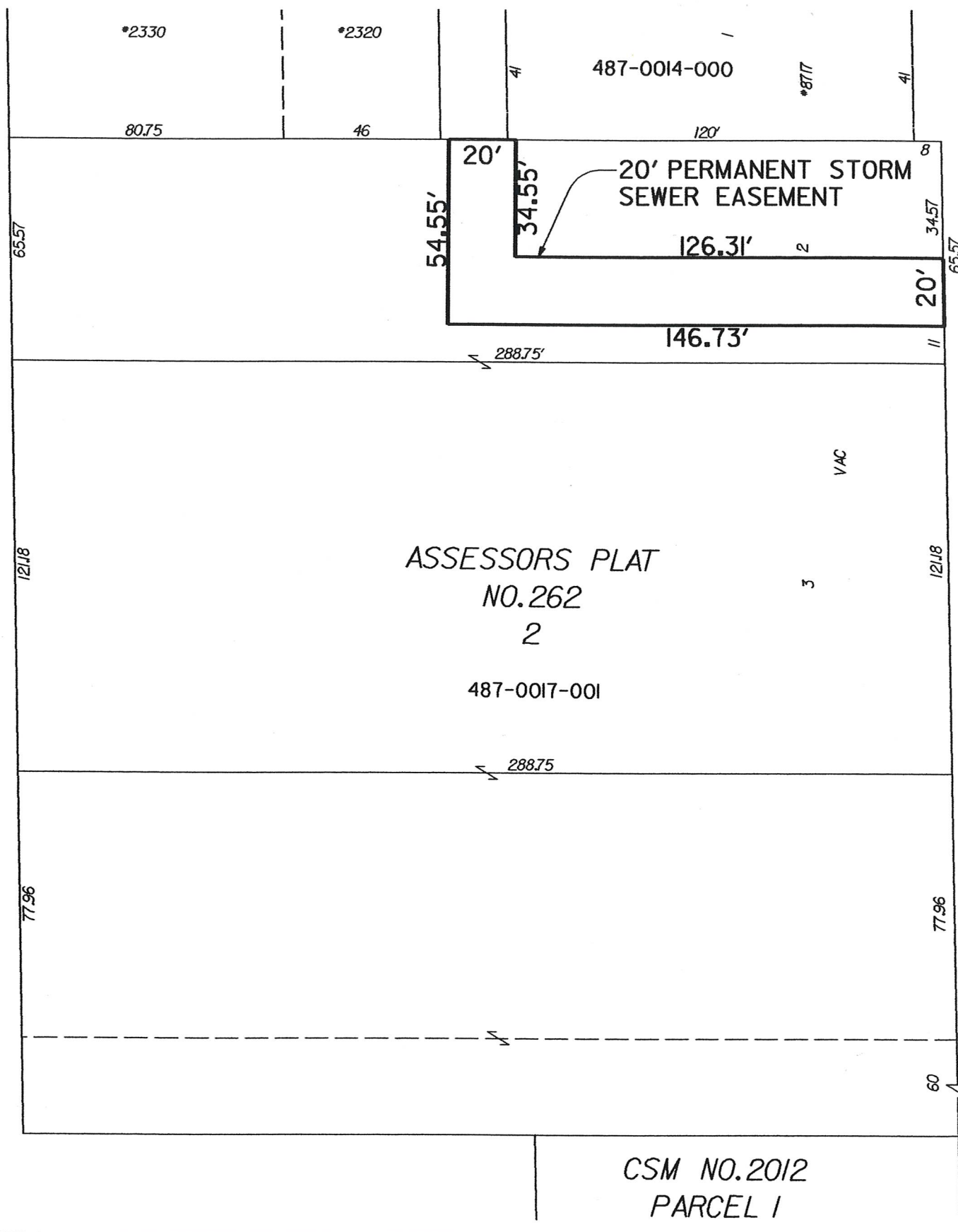
State of Wisconsin)
) ss
Milwaukee County)

Personally came before me this __ day of _____, 2006, the above-named Jeannette Bell and Paul M. Ziehler, to me known to be the Mayor and City Administrative Officer, Clerk/Treasurer of the City of West Allis, a Wisconsin Municipal Corporation, and the person(s) who executed the foregoing instrument on behalf of the City and acknowledged the same.

Notary Public, State of Wisconsin
My Commission Expires: _____

This Easement approved and accepted by the City of West Allis Common Council Resolution No. _____, adopted _____, 2006, and approved _____, 2006.

This instrument was drafted by:
Scott E. Post, City Attorney
City of West Allis
7525 West Greenfield Avenue
West Allis, WI 53214



WEST LINCOLN AVENUE (80' ROW)





DESCRIPTION & LOCATION

A strip of land, being part of Lot 2 of Assessor's Plat No. 262, Block 2, located in the Northwest 1/4 of Section 9, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

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DRAWN BY ATL CHECKED BY L.K.			
DESCRIPTION BY L.K.			
SURVEY		APPROVED:  CITY ENGINEER	
 WEST ALLIS, WISCONSIN Center of Opportunity		REVISIONS _____ _____ _____	
DATE 5-16-06	FILE NO. Y-1154	REQUEST	P.W.D. FILE NO.
RELOC. ORDER	KEY NO.		

EASEMENT

Storm Sewer Easement granted by SCHOOL DISTRICT OF WEST ALLIS-WEST MILWAUKEE, ET AL., hereinafter referred to as the "Grantor" to the CITY OF WEST ALLIS, a Wisconsin Municipal Corporation, hereinafter referred to as the "Grantee".

WITNESSETH:

WHEREAS, the Grantee desires to construct, maintain, repair, rebuild, and operate a storm sewer main and appurtenances through and along the premises hereinafter described and owned by the Grantor; and,

WHEREAS, the Grantor is willing to grant an easement therefore on the terms and conditions hereof and the maintenance and operation of said storm sewer main and appurtenances by the Grantee.

NOW, THEREFORE, in consideration of compensation by Mutual Benefit, the Grantor for itself, its heirs, successors and assigns do hereby grant unto the Grantee, its successors and assigns, a perpetual easement over, under, through, along, and upon the lands described as follows:

A strip of land, being part of Lot 2 of Assessor's Plat No. 262, Block 2, located in the Northwest $\frac{1}{4}$ of Section 9, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

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Part of Tax Key No. 487-0017-001

Per Engineering Drawing File No. Y-1154 (attached)

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Grantee and its agents shall have the right to enter the aforesaid lands for the purpose of exercising the rights herein acquired, but the Grantee agrees to restore or cause to have restored,

the surface of the aforesaid lands, as nearly as is reasonable possible, to the condition existing prior to such entry by the Grantee or its agent.

In granting this Easement, Grantor reserves to itself, its successors and assigns the right to make use of the surface of the easement area, as will not injure the aforesaid storm sewer main and appurtenances or prevent ingress or egress thereto for the purposes of constructing, operating, repairing, maintaining, improving, or rebuilding the same; provided, however, that no building or structure of any kind shall be erected upon any part of said Easement without prior permit from the Grantee.

This grant of Easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

Dated this 25 day of July, 2006.

SCHOOL DISTRICT OF
WEST ALLIS-WEST MILWAUKEE, ET AL.

By: Kurt W. Wachholz
Kurt Wachholz, Superintendent

State of Wisconsin)
) ss
Milwaukee County)

Personally came before me this 25 day of July, 2006, the above-named Kurt Waccholz, Superintendent, School District of West Allis-West Milwaukee, et al., to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.

Lalorne C. Kirchner
Notary Public, State of Wisconsin
My Commission Expires: May 16, 2010

(SIGNATURES CONTINUED ON NEXT PAGE)

CITY OF WEST ALLIS, Grantee

By: Jeannette Bell
Jeannette Bell, Mayor

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

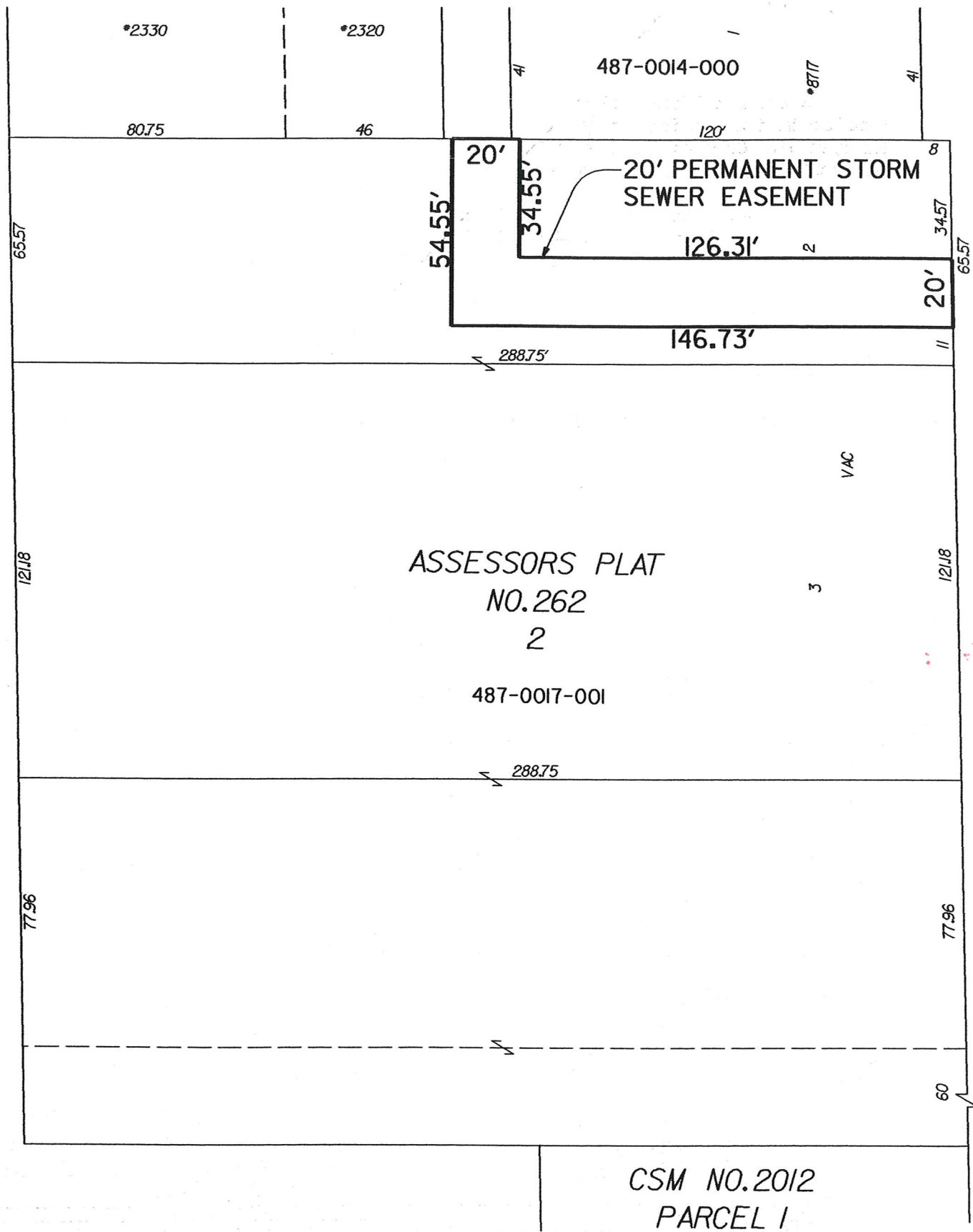
State of Wisconsin)
) ss
Milwaukee County)

Personally came before me this 26th day of July, 2006, the above-named Jeannette Bell and Paul M. Ziehler, to me known to be the Mayor and City Administrative Officer, Clerk/Treasurer of the City of West Allis, a Wisconsin Municipal Corporation, and the person(s) who executed the foregoing instrument on behalf of the City and acknowledged the same.

Darlyn M. Adams
Notary Public, State of Wisconsin
My Commission Expires: 12/10/06

This Easement approved and accepted by the City of West Allis Common Council Resolution No. R-2006-0172, adopted June 6, 2006, and approved June 9, 2006.

This instrument was drafted by:
Scott E. Post, City Attorney
City of West Allis
7525 West Greenfield Avenue
West Allis, WI 53214



DESCRIPTION & LOCATION

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DRAWN BY ATL CHECKED BY L.K.			
DESCRIPTION BY L.K.			
SURVEY		APPROVED: <i>[Signature]</i> CITY ENGINEER	
		DATE 5-16-06	FILE NO. Y-1154
REQUEST	RELOC. ORDER	KEY NO.	P.W.D. FILE NO.

CSM NO.2012
PARCEL 1