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City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2005-0120	Resolution	In Committee
Resolution Granting a Privilege for Encroachment(Major) to New Owner Timothy L. Rinka for property located at 7718-7718A West National Avenue.		
Introduced: 4/5/2005		Controlling Body: Public Works Committee

COMMITTEE RECOMMENDATION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>4-5-05</u>			Barczak				
			Czaplewski				
			Dobrowski	✓			
			Kopplin	✓			
			Lajsic				
			Narlock	✓			
			Reinke				
		✓	Sengstock	✓			
	✓		Vitale	✓			
			Weigel				
			TOTAL	<u>5</u>	<u>0</u>		

SIGNATURE OF COMMITTEE MEMBER

Paul F. Hall _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>APR 05 2005</u>			Barczak	✓			
			Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
			Lajsic	✓			
	✓		Narlock	✓			
			Reinke	✓			
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel	✓			
			TOTAL	<u>10</u>	<u>0</u>		



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2005-0120

Final Action:
APR 05 2005

Resolution Granting a Privilege for Encroachment (Major) to New Owner Timothy L. Rinka for property located at 7718-7718A West National Avenue.

WHEREAS, by Resolution No. 26157, adopted August 3rd, 1999, the City of West Allis granted to JLT'S DMZ LLC a certain Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of a mansard roof and sign pole base on the property located at 7718 -7718A West National Avenue (the "Privilege"); and,

WHEREAS, the property has now changed ownership to Timothy L. Rinka, who desires to retain the Privilege.

NOW, THEREFORE, BE IT RESOLVED that the City of West Allis grants to Timothy L. Rinka the Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of a mansard roof and sign pole base on the property located at 7718-7718A 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-Rinka

ADOPTED

April 5, 2005
Paul M. Ziehler

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

APPROVED

April 8, 2005
Jeannette Bell

Jeannette Bell, Mayor

**PRIVILEGE FOR ENCROACHMENT
(MAJOR)**

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

Timothy L. Rinka, owner(s) of property located at 7718-7718A West National Avenue, 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 a mansard roof and sign pole base on that part of the right-of-ways of West National Avenue adjacent to Lot 16, Block 6, Greenfield Heights, being a subdivision in the Northeast ¼ Section 4, 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 Southeast corner of said Lot 16; thence South along the extension of the East line of said Lot 16, 5.17 feet; thence South 75° 06' West and parallel with the Southerly line of said Lot 16, 31.04 feet to a point on the extension of the West line of said Lot 16; thence North, 5.17 feet to the Southwest corner of said Lot 16; thence North 75° 06' East along the Southerly line of said Lot 16, 31.04 feet to the Point of Beginning. Tax Key No. 452-0138-000.

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. 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 roof shall extend over the sidewalk below a height of nine (9) feet.

6. No part of the mansard roof shall extend farther from the face of the building than two (2) feet over the public right-of-way of West National Avenue.

7. The mansard roof will be aluminum sided over a steel frame, shall be constructed and maintained in a manner to safeguard the public, and shall specifically comply with the West Allis Municipal Code.

8. 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 and sign pole base as provided herein, shall require submission to, and final approval of, the Board of Public Works 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, Wisconsin, this 24 day of March, 2005.

CITY OF WEST ALLIS

BY: Jeannette Bell
Jeannette Bell, Mayor

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

ACCEPTED BY:

By: Timothy L. Rinka
Timothy L. Rinka

Date: 3/22/05

Approved as to form
this 24 day of March, 2005.

Scott East
City Attorney