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City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2004-0175	Resolution	In Committee
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Resolution Granting a Privilege for Encroachment (Major) to New Owners Randy and Gail Harrington (d/b/a Village Investment Properties) for property located at 7911-21 West Becher Street.

Introduced: 6/1/2004

Controlling Body: Public Works Committee

COMMITTEE RECOMMENDATION adopt

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>6-1-04</u>			Barczak				
			Czaplewski				
			Dobrowski	✓			
		✓	Kopplin	✓			
			Lajsic				
			Narlock	✓			
			Reinke				
			Sengstock	✓			
	✓		Vitale	✓			
			Weigel				
			TOTAL	<u>5</u>	<u>—</u>		

SIGNATURE OF COMMITTEE MEMBER

Paul G. Hall _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION adopt

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>6-1-04</u>			Barczak	✓			
			Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
			Lajsic	✓			
	✓		Narlock	✓			
		✓	Reinke	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<u>10</u>	<u>—</u>		

C: C.A.
Engineering 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
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LICENSE & HEALTH

Chair: Kurt E. Kopplin
Vice-Chair: James W. Sengstock
Linda A. Dobrowski
Richard F. Narlock
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ADVISORY

Chair: Rosalie L. Reinke
Vice-Chair: Gary T. Barczak
Linda A. Dobrowski
Vincent Vitale
Martin J. Weigel



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2004-0175

Final Action:

JUN 01 2004

Resolution Granting a Privilege for Encroachment (Major) to New Owners Randy and Gail Harrington (d/b/a Village Investment Properties) for property located at 7911-21 West Becher Street.

WHEREAS, by Resolution No. 25923, adopted November 17, 1998, the City of West Allis granted to Thomas R. Ortell, Steven W. Ortell and Donald O'Kelly a certain Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of four (4) awnings and the existing window ledges located at 7911-21 West Becher Street, West Allis, WI (the "Privilege"); and,

WHEREAS, the property has now changed ownership to Randy and Gail Harrington (d/b/a Village Investment Properties), who desire to retain the Privilege.

NOW, THEREFORE, BE IT RESOLVED that the City of West Allis grants to Randy and Gail Harrington the Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of four (4) awnings and existing window ledges located at 7911-21 West Becher 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-Harrington

ADOPTED

June 1, 2004

Paul M. Ziehler

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

APPROVED

June 4, 2004

Jeannette Bell

Jeannette Bell, Mayor

**PRIVILEGE FOR ENCROACHMENT
(MAJOR)**

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

Randy and Gail Harrington, owner(s) of property located at 7911-21 West Becher Street, 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 four (4) ten foot (10') long awnings and four (4) window ledges along West Becher Street on the frontage of the building on that portion of the right-of-way of West Becher Street adjoining all of Lot 1, Block 5, Conklin Park Subdivision, being a subdivision of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ 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 Northwest corner of said Lot 1; thence East along the south right-of-way line of said West Becher Street 80.00 feet; thence North and perpendicular to said south line 2.00 feet; thence West and parallel with said south line 80.00 feet; thence South and perpendicular to said south line 2.00 feet to the Point of Beginning.

Tax Key No. 477-0211-001.

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 awning shall extend over the sidewalk below a height of 7'6"; and no part of the awning overhang shall extend farther than 1'10" over the public right-of-way of West Becher Street.

6. The awning overhang 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 awning overhang 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 4 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:

[Signature]

By: [Signature]
Randy Harrington

Date: 5/14/04

Diana K Brady

By: Gail Harrington
Gail Harrington

Date: 5/11/04

Approved as to form
this 12 day of May, 2004.

[Signature]
City Attorney