CITY OF WEST ALLIS
RESOLUTION R-2026-2497

RESOLUTION GRANTING A PRIVILEGE TO HOLDUM 2, LLC FOR PROPERTY LOCATED AT 8629-33 W. GREENFIELD AVE./1404-06 S. 87 ST. (TAX KEY NO. 451-0027-000)

WHEREAS, Holdum 2, LLC requests from the City of West Allis a privilege to place an obstruction or excavation beyond a lot line within a highway as allowed by Wis. Stat. § 66.0425, consisting of the obstruction(s) listed on the application (PRV-125) located at 8629-33 W. Greenfield Ave./1404-06 S. 87 St., in the City of West Allis, WI ("Privilege"); and

WHEREAS, by receiving this Privilege, Holdum 2, LLC assumes primary liability for damages to person or property by reason of the granting of this Privilege, is obligated to remove an obstruction or excavation upon 10 days' notice by the City, and waives the right to contest the validity of Wis. Stat. § 66.0425 or the amount of compensation charged; and

WHEREAS, Holdum 2, LLC will annually submit to the City proof of insurance consistent with coverage amounts required by the City Attorney's office; and

WHEREAS, the City requires Holdum 2, LLC file a bond of $0 that runs to the City and to 3rd parties that may be injured and that secures the performance of the conditions specified in this privilege; and

WHEREAS, the holder of this Privilege is not entitled to damages for removal of an obstruction or excavation, and if the holder does not remove the obstruction or excavation upon due notice, it shall be removed at the holder's expense; and

WHEREAS, the cost to remove an obstruction or excavation may be collected from Holdum 2, LLC by placing the cost upon the owned property as a special tax; and

WHEREAS, third parties whose rights are interfered with by the granting of this Privilege have a right of action against the holder of this Privilege only;

NOW THEREFORE, be it resolved by the Common Council of the City of West Allis, that Holdum 2, LLC is granted a Privilege to place an obstruction or excavation beyond a lot line within a highway as described in the attached application (PRV-125) and located adjacent to 8629-33 W. Greenfield Ave./1404-06 S. 87 St., subject to any insurance and bonding requirements imposed by the City Attorney.

SECTION 1: **ADOPTION** "R-2026" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

A D O P T I O N

R-2026*(Added)*

SECTION 2: **<u>ADOPTION</u>** "R-2026-2497" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2026-2497*(Added)*

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COMMON COUNCIL _____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Ray Turner	_____	_____	_____	_____
Ald. Kimberlee Grob	_____	_____	_____	_____
Ald. Chad Halvorsen	_____	_____	_____	_____
Ald. Marissa Nowling	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Patty Novak	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____

Attest

_____
Tracey Uttke, City Clerk, City Of West Allis

Presiding Officer

_____
Dan Devine, Mayor, City Of West Allis