

**PRIVILEGE FOR ENCROACHMENT
(MAJOR)**

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

S TIC 2101, LLC / H TIC 2101, LLC, owner(s) of property located at 7519-33 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 two (2) four by four (4 x 4) foot platforms (with the lowest portion to be at least fourteen (14) feet above the alley on the east side and above the sidewalk on the west side of the building), sign, awnings and two (2) metal and wood park benches and outdoor ashtrays (to the left and right of the front door of the building) and the installation of a double sided hanging sign on a part of South 76th Street and West Becher Street, adjoining Lot 40 in First Continuation of Cloverdale subdivision, Block 3, being a subdivision of Southwest ¼ of Section 3, Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin, more particularly described as follows:

Beginning at the Northwest corner of Lot 40, Block 3, First Continuation of Cloverdale; thence South along the West line of said Lot, 5.0 feet; thence West, 3.0 feet; thence North and parallel with the West line of said Lot, 7.0 feet; thence East and parallel with the North line of said Lot, 40.0 feet; thence South 2.0 feet; thence West along the North line of said Lot, 37.0 feet to the Point of Beginning.

Also, commencing at the Northeast corner of said Lot 40; thence Westerly, 20.00 feet, along the South right-of-way line of said West Becher Street, to the Point of Beginning; thence continue Westerly, 20.00 feet along said South right-of-way line; thence Northerly, 2.00 feet, at right angle to said South right-of-way line; thence Easterly, 20.00 feet, parallel with said South right-of-way line; thence Southerly, 2.00 feet, to the said South right-of-way line and Point of Beginning of this description.

Tax Key No. 476-0442-000.

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. The cost of removal by the City shall be charged to Grantee and, if unpaid after thirty (30) days, assessed as a special charge under Sec. 66.0701, Wisconsin Statutes.

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 metal platform shall extend over the alley (east side) and sidewalk (west side) below a height of fourteen (14) feet; and no part of the platform overhand shall extend farther than four (4) feet either side over the aforesaid public right-of-way of 7525 West Becher Street.

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

7. Plans and specifications of any repair/alterations being performed in the public right-of-ways for which this privilege is granted, other than the platforms, sign, awnings, park benches and outdoor ashtrays as provided herein, shall require submission to, and final approval of, the City Engineer 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 and endorsements. The insurance certificate and endorsement 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 Performance 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 7th day of April, 2022.

CITY OF WEST ALLIS

BY: 
Dan Devine, Mayor


BY: 
Rebecca Grill, City Clerk

ACCEPTED BY:
S TIC 2101, LLC / H TIC 2101, LLC

By: ERIC HIGGINS


Date: 12.23.21

Approved as to form this 10 day
of March, 2022.


Assistant City Attorney Nicholas Cerwin
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