



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

| File Number | Title | Status |
|-------------|-------|--------|
|-------------|-------|--------|

R-2007-0146 Resolution In Committee

Resolution Granting an Access Easement to Wisconsin Bell, Inc., d/b/a AT&T-Wisconsin, a Wisconsin Corporation, to Install a New Utility Cabinet at South 75th Street and West Greenfield Avenue.

Introduced: 6/19/2007

Controlling Body: Public Works Committee

Sponsor(s): Public Works Committee

COMMITTEE RECOMMENDATION

Adopt subject to Item 20 approved

| ACTION DATE: | MOVER | SECONDER | | AYE | NO | PRESENT | EXCUSED |
|-----------------|-------|----------|------------|----------|----|---------|----------|
| <i>6/19/200</i> | | | Barczak | | | | |
| | | | Czaplewski | | | | |
| | | | Dobrowski | ✓ | | | |
| | | | Kopplin | ✓ | | | |
| | | | Lajsic | | | | |
| | | | Narlock | ✓ | | | |
| | | | Reinke | | | | |
| | | ✓ | Sengstock | ✓ | | | |
| | ✓ | | Vitale | ✓ | | | |
| | | | Weigel | | | | |
| | | | TOTAL | <i>5</i> | | | <i>0</i> |

SIGNATURE OF COMMITTEE MEMBER

[Signature]

Chair

Vice-Chair

Member

COMMON COUNCIL ACTION

adopt

| ACTION DATE: | MOVER | SECONDER | | AYE | NO | PRESENT | EXCUSED |
|----------------|-------|----------|------------|----------|----------|---------|----------|
| <i>6/19/07</i> | | | Barczak | ✓ | | | |
| | | | Czaplewski | ✓ | | | |
| | | | Dobrowski | ✓ | | | |
| | | | Kopplin | ✓ | | | |
| | ✓ | | Lajsic | ✓ | | | |
| | | | Narlock | ✓ | | | |
| | | | Reinke | | | | ✓ |
| | | ✓ | Sengstock | ✓ | | | |
| | | | Vitale | ✓ | | | |
| | | | Weigel | ✓ | | | |
| | | | TOTAL | <i>9</i> | <i>-</i> | | <i>1</i> |



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2007-0146

Final Action:

JUN 19 2007

Sponsor(s): Public Works Committee

Resolution Granting an Access Easement to Wisconsin Bell, Inc., d/b/a AT&T-Wisconsin, a Wisconsin Corporation, to Install a New Utility Cabinet at South 75th Street and West Greenfield Avenue.

WHEREAS, Wisconsin Bell, Inc., d/b/a AT&T-Wisconsin ("Wisconsin Bell"), installed a utility cabinet at South 75th Street and West Greenfield Avenue and that said installation does not appear to have been done with the consent of the City of West Allis ("City"); and,

WHEREAS, the City has need of the area where the current utility cabinet is located for improvements related to the Centennial Plaza; and,

WHEREAS, Wisconsin Bell is willing to relocate the utility cabinet to a nearby area at South 75th Street and West Greenfield Avenue that will not interfere with the Centennial Plaza improvements; and,

WHEREAS, Wisconsin Bell is willing to pay for the costs of relocating the utility cabinet; and,

WHEREAS, Wisconsin Bell has requested an Access Easement to remove and install a new utility cabinet located on South 75th Street and West Greenfield Avenue.

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

1. That the Access Easement from the City of West Allis to Wisconsin Bell, Inc., d/b/a AT&T-Wisconsin, to remove and install a new utility cabinet at South 75th Street and West Greenfield Avenue, in the form attached hereto and incorporated herein by reference, be and the same is hereby approved, subject to Wisconsin Bell paying for all costs associated with the relocation of the utility cabinet.
2. That the Mayor and the City Administrative Officer, Clerk/Treasurer be and are hereby authorized and directed to execute and deliver the attached Access Easement on behalf of the City of West Allis.

ATTR-Access Easement-AT&T Wisconsin

ADOPTED

JUN 19 2007

Paul M. Ziehler

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

APPROVED

June 21, 2007

Jeannette Bell

Jeannette Bell, Mayor

2/21/08.

EASEMENT



DOC.# 09468874

REGISTER'S OFFICE | SS
Milwaukee County, WI

RECORDED 07/26/2007 08:58AM

JOHN LA FAVE
REGISTER OF DEEDS

AMOUNT: 17.00

DOC#

*Ann, please put
this recorded copy
in R-2007-0146 Enchet
& discard what's in
there. Thanks Carolyn*

UT#: ~~6299066~~ Ease # 45266 R/W# 2007-275

6299066

For a valuable consideration, (\$1.00) receipt of which is hereby acknowledged, the undersigned, **City of West Allis, a municipal corporation (Grantor)**, hereby grants and conveys to Wisconsin Bell, Inc., d/b/a AT&T-Wisconsin, a Wisconsin Corporation, and its affiliates and licensees, successors and assigns (collectively "Grantees") an easement in, under, over, upon and across the Easement Area (described below), for the purposes of and in order to construct, reconstruct, modify, supplement, maintain, operate and/or remove facilities for the transmission of signals used in the provision of communication, video and/or information services and/or any other services or uses for which such facilities may be used including, but not limited to cables, wires, pedestals or other above-ground cable or wire cabinets or enclosures, marker posts and signs, support pads, and other related or useful equipment, fixtures, appurtenances and facilities, and the right of ingress and egress across the Property and the Easement Area for the purpose of access to and use of the easement granted herein.

RETURN ADDRESS:

Nancy Betenz
AT&T-Wisconsin
N17 W24300 Riverwood Drive
Waukesha, WI 53188

PARCEL NUMBER: 453-0340-002 (part of)

The Property is legally described as:

Lots numbered Twenty-nine (29), Thirty (30), Thirty-one (31), Thirty-two (32), Thirty-three (33), Thirty-four (34), Thirty-five (35) and Thirty-six (36) in Block numbered Two (2), of Baldwin-Cusick Subdivision, in the Third Ward of the City of West Allis, County and State aforesaid.

Lot One (1) in Block Two (2), in Baldwin-Cusick Subdivision, in the North West One-Quarter (1/4) of Section Three (3), in Township Six (6) North, Range Twenty-one (21) East, in the City of West Allis.

Lot Two (2), Block Two (2), Baldwin and Cusick Subdivision, being a Subdivision in the North West One-quarter (1/4) of Section Three (3), Town Six (6) North, Range Twenty-one (21) East, in the City of West Allis, Milwaukee County, Wisconsin.

The Easement Area is legally described as:

Located in part of Lot 36, Lot 1, and the vacated alley between Lots 36 and 1, Block 2, of Baldwin-Cusick Subdivision, in the Northwest Quarter of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Cabinet Easement:

Commencing at the Northeast Corner of said Lot 36; thence, along the west right-of-way line of S. 75th Street, South 01 degrees 25 minutes West, a distance of 136.00 feet to the point of beginning; thence, continuing, South 01 degrees 25 minutes West, a distance of 10.00 feet to a point; thence, parallel to the north line of Said Lot 36, West, a distance of 20.00 feet to a point; thence, North 01 degrees 25 minutes East, a distance of 10.00 feet to a point; thence, East, a distance of 20.00 feet to the point of beginning.

Non-Exclusive Easement:

Commencing at the Northeast Corner of said Lot 36; thence, along the south right-of-way line of W. Greenfield Avenue, West, a distance of 10.00 feet to the point of beginning; thence, parallel to the east line of said Lot 36, South 01 degrees 25 minutes West, a distance of 136.00 feet to a point; thence, West, a distance of 10.00 feet to a point; thence, North 01 degrees 25 minutes East, a distance of 136.00 feet to a point on the south right-of-way line of W. Greenfield Avenue; thence, along said right-of-way line, East, a distance of 10.00 feet to the point of beginning.

Easement areas described and shown on Exhibit "A" incorporated into and made a part hereof by reference.

The Grantor represents and warrants to the Grantee that Grantor is the true and lawful owner of the Property and has full right and power to grant and convey the rights conveyed herein.

Grantee agrees to install buried cable using directional boring methods.

Grantee acknowledges and agrees that the granting of the easement herein does not grant AT&T the authority and/or right to provide video services in the City of West Allis.

Grantee hereby agrees to restore all property disturbed by its activities in use of the easement to the condition existing prior to the disturbance. The grantee further agrees to directional bore the proposed buried cable to minimize potential damage to the existing landscape.

Grantee shall have the right to remove or trim such trees and brush in the Easement Area as is necessary to exercise the rights conveyed herein only after receiving approval from the City of West Allis.

Grantee agrees that if AT&T abandons its facilities and equipment, this easement shall become null and void.

Grantee agrees that commercial electrical service required in the easement area shall be underground.

This Easement is binding upon and shall inure to the benefit of the heirs, successors, assigns, and licensees of the parties hereto.

SIGNED THIS 19th DAY OF June, 2007

GRANTOR: CITY OF WEST ALLIS


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

GRANTOR: CITY OF WEST ALLIS


Jeannette Bell, Mayor

ACKNOWLEDGMENT

State of Wisconsin

County of Milwaukee

I, Delbert H. Dettmann being a notary public *→ City Admin. Officer,* in and for the state and county aforesaid, do hereby certify that Jeannette Bell as Mayor and Paul M. Ziehler as *Clerk/Treasurer* personally known to me to be the same person whose names are subscribed to the foregoing instrument, appeared before me this day in person and acknowledged that they signed and delivered the said instrument as their free and voluntary act for The City of West Allis for the uses and purposes therein set forth.

Given under my hand and notarial seal this 19th day of June, 2007

Delbert H. Dettmann
Notary Public

My Commission expires: May 30, 2010



This instrument was drafted by Gerald A. Friederichs, Wis. Bar Member No. 1014144, AT&T-Wisconsin Legal Department, 14th Floor, 722 North Broadway, Milwaukee, WI 53202.

Insertions by: Edward A. Polito, Mi-Tech Services, Contract Right-of-Way Agent for AT&T-Wisconsin.

EXHIBIT "A" FOR AT&T EASEMENT

LOCATED IN PART OF LOT 36, LOT 1, AND THE VACATED ALLEY BETWEEN LOTS 36 AND 1, BLOCK 2, OF BALDWIN-CUSICK SUBDIVISION, IN THE NORTHWEST QUARTER OF SECTION 3, TOWNSHIP 6 NORTH, RANGE 21 EAST, CITY OF WEST ALLIS, MILWAUKEE COUNTY, WISCONSIN.

W. GREENFIELD AVENUE

Legal Description of AT&T Easement:

Located in part of Lot 36, Lot 1, and the vacated alley between Lots 36 and 1, Block 2, of Baldwin-Cusick Subdivision, in the Northwest Quarter of Section 3, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, Wisconsin, more particularly described as follows:

Cabinet Easement:

Commencing at the Northeast Corner of said Lot 36; thence, along the west right-of-way line of S. 75th Street, South 01 degrees 25 minutes West, a distance of 136.00 feet to the point of beginning; thence, continuing, South 01 degrees 25 minutes West, a distance of 10.00 feet to a point; thence, parallel to the north line of said Lot 36, West, a distance of 20.00 feet to a point; thence, North 01 degrees 25 minutes East, a distance of 10.00 feet to a point; thence, East, a distance of 20.00 feet to the point of beginning.

Non-Exclusive Easement:

Commencing at the Northeast Corner of said Lot 36; thence, along the south right-of-way line of W. Greenfield Avenue, West, a distance of 10.00 feet to the point of beginning; thence, parallel to the east line of said Lot 36, South 01 degrees 25 minutes West, a distance of 136.00 feet to a point; thence, West, a distance of 10.00 feet to a point; thence, North 01 degrees 25 minutes East, a distance of 136.00 feet to a point on the south right-of-way line of W. Greenfield Avenue; thence, along said right-of-way line, East, a distance of 10.00 feet to the point of beginning.

APPROX. LOCATION OF EASEMENT PER ETREX-GARMIN GPS UNIT:
 N 43° 00' 58.2"
 W 088° 00' 22.1"

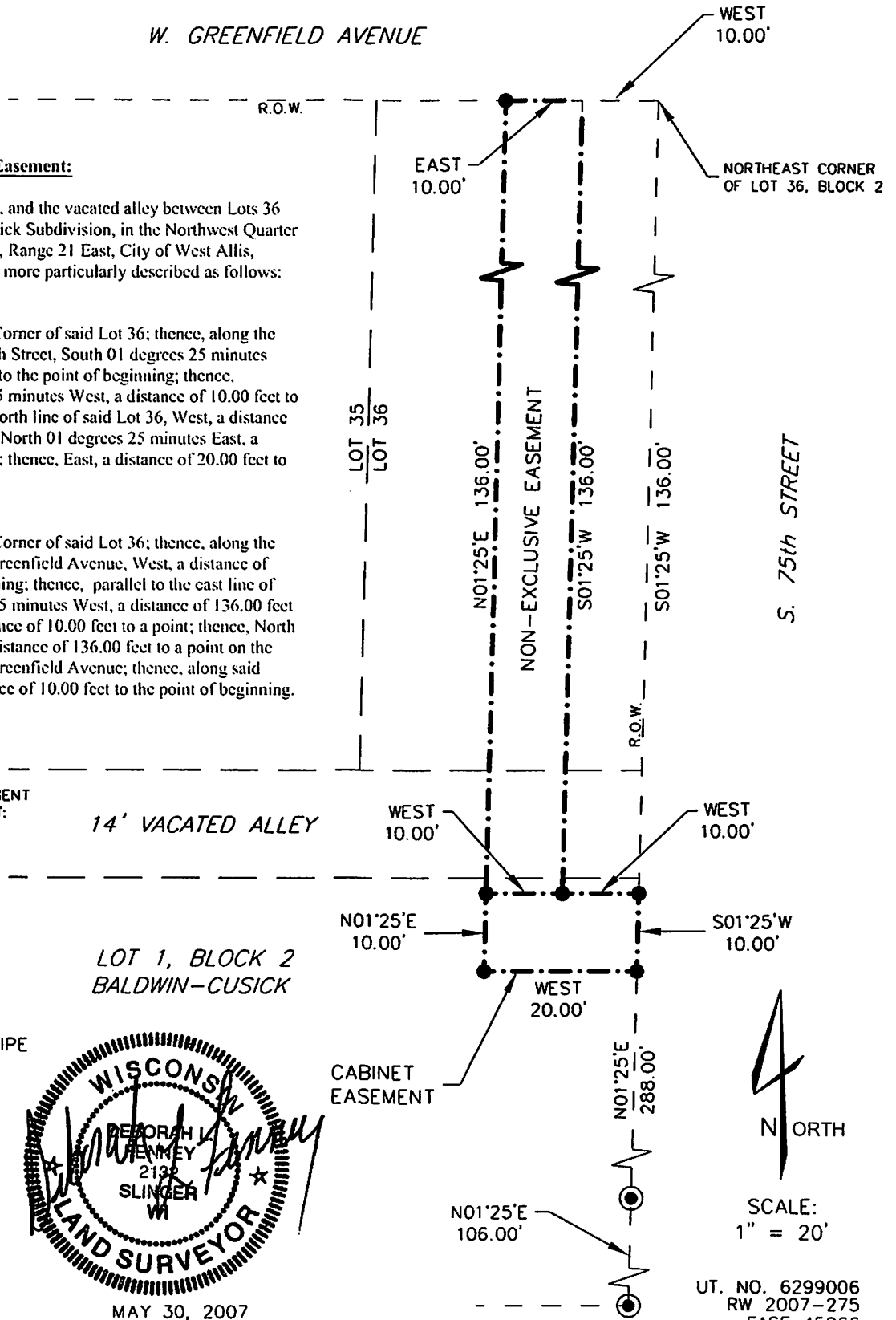
14' VACATED ALLEY

LOT 1, BLOCK 2
 BALDWIN-CUSICK

- LEGEND**
- SET 3/8"x12" SPIKE
 - ⌈ SET CHISELED MARK
 - ⊙ FOUND 3/4" IRON PIPE



MAY 30, 2007



UT. NO. 6299006
 RW 2007-275
 EASE 45266