

31



# City of West Allis Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

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

R-2004-0233      Resolution      In Committee

Resolution Granting a Distribution Overhead Joint Easement to Wisconsin Electric Power Company, d/b/a We Energies, and Wisconsin Bell, Inc., d/b/a SBC Wisconsin, to Install Overhead Utility Facilities at the New Athletic Field located approximately at South 84th Street and West National Avenue.

Introduced: 8/3/2004

Controlling Body: Public Works Committee

## COMMITTEE RECOMMENDATION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczак				
			Czaplewski				
			Dobrowski	✓			
<u>8-3-04</u>	✓		Kopplin	✓			
			Lajsic				
			Narlock	✓			
			Reinke				
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel				
			TOTAL	<u>5</u>	<u>-</u>		

## SIGNATURE OF COMMITTEE MEMBER

*Paul Gull*      \_\_\_\_\_      \_\_\_\_\_  
Chair      Vice-Chair      Member

## COMMON COUNCIL ACTION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
			Barczак	✓			
			Czaplewski	✓			
			Dobrowski	✓			
<u>AUG 03 2004</u>			Kopplin	✓			
	✓		Lajsic	✓			
			Narlock	✓			
		✓	Reinke	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<u>10</u>	<u>-</u>		

Attorney

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

**LICENSE & HEALTH**

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

**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-2004-0233**

**Final Action:**

**AUG 03 2004**

Resolution Granting a Distribution Overhead Joint Easement to Wisconsin Electric Power Company, d/b/a We Energies, and Wisconsin Bell, Inc., d/b/a SBC Wisconsin, to Install Overhead Utility Facilities at the New Athletic Field located approximately at South 84th Street and West National Avenue.

WHEREAS, We Energies has requested a Distribution Overhead Joint Easement to accommodate the new athletic field proposed by the West Allis/West Milwaukee School District, by installing new electric poles and appurtenances to service the facility located on West National Avenue.

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

1. That the Distribution Overhead Joint Easement from the City of West Allis and the West Allis/West Milwaukee School District to the Wisconsin Electric Company, d/b/a We Energies, and Wisconsin Bell Inc, d/b/a SBC Wisconsin, to install new electric poles and appurtenances at West National Avenue, in the form attached hereto and incorporated by reference, be and the same is hereby approved
2. That the Mayor and the City Administrative Officer, Clerk/Treasurer be and are hereby authorized and directed to execute and deliver the attached Distribution Overhead Joint Easement on behalf of the City of West Allis.

ATTR-Easement-S84 & W Natl Ave

**ADOPTED**

August 3, 2004

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

**APPROVED**

August 6, 2004

Jeannette Bell, Mayor

DISTRIBUTION EASEMENT  
OVERHEAD JOINT

WR NO. 67814

For good and valuable consideration which the **CITY OF WEST ALLIS**, a municipal corporation and the **SCHOOL DISTRICT OF WEST ALLIS, WEST MILWAUKEE**, et al, a unified school district organized and existing under Chapter 120, Subchapter III, Wisconsin Statutes, hereinafter referred to collectively as "grantor", owners of land, *as their interests may apply*, acknowledge receipt of, grants and warrants to **WISCONSIN ELECTRIC POWER COMPANY**, a Wisconsin corporation doing business as **We Energies**, and **WISCONSIN BELL, INC.**, a Wisconsin corporation doing business as **SBC Wisconsin**, hereinafter referred to as "grantee", a permanent easement upon, over and across a part of grantor's land hereinafter referred to as "easement area".

The easement area is described as: strips of land, 12 feet in width, being part of grantor's land, consisting of **LOTS 1 and LOTS 23 through 27, inclusive, in BLOCK 1**, and **LOT 2, in BLOCK 2**, and **the vacated right-of-way lying between Lots 1, 26 and 27, in Block 1, and Lot 2, in Block 2**, all in **ASSESSOR'S PLAT NO. 254**, being a part of the Southwest  $\frac{1}{4}$  of Section 4, in Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin.

The location of the easement area with respect to the grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

1. **Purpose:** The purpose of this easement is to construct, erect, operate, maintain and replace overhead utility facilities, including poles, together with the necessary conductors, anchors, guy wires, and all other appurtenant equipment above ground which grantee deems necessary, to transmit electric energy, signals, television and telecommunication services. Trees, bushes, branches and roots may be trimmed or removed by grantee whenever it decides it is necessary so as not to interfere with grantee's use of the easement area.
2. **Buildings or Other Structures:** The grantor agrees that no structures will be erected in the easement area or in such close proximity to the electric facilities as to create a violation of the Wisconsin State Electrical Code or any amendments to it.
3. **Elevation:** The grantor agrees that the elevation of the existing ground surface within the easement area will not be altered by more than 12 inches without the written consent of grantee.
4. **Access:** Grantee or its agents shall have the right to enter the grantor's land for the purpose of exercising its rights in the easement area.
5. **Restoration:** Grantee agrees to restore or cause to have restored the grantor's land, as nearly as is reasonably possible, to the condition existing prior to such entry by the grantee or its agents. This restoration, however, does not apply to the initial installation of grantee's facilities or to any trees, bushes, branches or roots which may interfere with grantee's use of the easement area.
6. **Exercise of Rights:** It is agreed that the complete exercise of rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.
7. This grant of easement shall be binding upon and inure to the benefit of the heirs, successors and assigns of all parties hereto.

## RETURN TO:

We Energies  
PROPERTY RIGHTS & INFORMATION GROUP  
231 W. MICHIGAN STREET, ROOM A252  
PO BOX 2046  
MILWAUKEE, WI 53201-2046

478-0030-001 and 478-0001-002  
(Parcel Identification Number)

Grantor: CITY OF WEST ALLIS, a municipal corporation

By: Jeannette Bell  
\_\_\_\_\_  
, Mayor

By: Ruth Zeller  
\_\_\_\_\_  
, City Clerk

Grantor: SCHOOL DISTRICT OF WEST ALLIS, WEST MILWAUKEE, et al,  
a unified school district organized and existing under Chapter 120, Subchapter III, Wisconsin Statutes

By: \_\_\_\_\_

By: \_\_\_\_\_

Acknowledged before me in Milwaukee County, Wisconsin, on August 9, \_\_\_\_\_, 2004,  
by Jeannette Bell, the Mayor,  
and by Ruth Zeller, the City Clerk,

of the City of West Allis, a municipal corporation, for the municipal corporation, by its authority, and pursuant  
to Resolution File No. R-20040233 adopted by its Common Council on August \_\_\_\_\_, 2004.

(NOTARY STAMP/SEAL)

Diane Malinge  
Notary Public, State of Wisconsin

My commission expires 4-16-16.

Acknowledged before me in \_\_\_\_\_ County, Wisconsin, on \_\_\_\_\_, 2004,  
by \_\_\_\_\_, the \_\_\_\_\_,  
and by \_\_\_\_\_, the \_\_\_\_\_,

of the School District of West Allis, West Milwaukee, et al, a unified school district organized and existing under Chapter 120,  
Subchapter III, Wisconsin Statutes, on behalf of said school district.

(NOTARY STAMP/SEAL)

Notary Public, State of Wisconsin

This document was drafted by Ken Freitag  
on behalf of We Energies.

My commission expires \_\_\_\_\_.

NE ¼ Corner  
Sec 4-6-21

Center of Sec  
4-6-21

W. ROGERS ST

S01<sup>^</sup>17'18"W  
751.34'

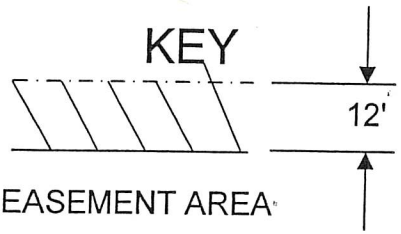
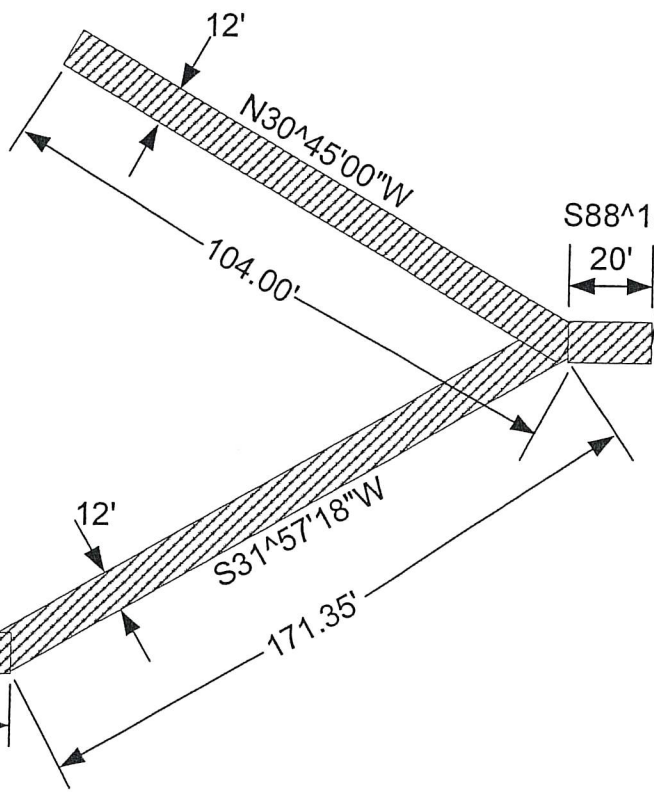
S. 84 STREET

S88<sup>^</sup>18'26"W

N30<sup>^</sup>45'00"W

S31<sup>^</sup>57'18"W

S88<sup>^</sup>23'38"W



All dimensions and bearings  
relate to the centerline of  
easement.



**EXHIBIT "A"**  
NOT TO SCALE

IDO 67814	CITY OF WEST ALLIS SW¼ Section 4, T6N, R21E Milwaukee County	DRAWN BY RON MARUSICH
REVISIONS		DATE July 1, 2004