



City of West Allis

Matter Summary

7525 W. Greenfield Ave
West Allis, WI 53214

File Number	Title	Status
R-2003-0132	Resolution	In Committee
	Resolution Granting a Privilege for Encroachment (Major) to New Owners SARS Property Holdings LLC for the Property Located at 7525 West Becher Street.	
	Introduced: 4/15/2003	Controlling Body: Public Works Committee

COMMITTEE RECOMMENDATION

Adoption

MOVER: UTALE

AYES 4 NOES 0

SECONDER: TRUDILL

EXCUSED SENGSTOCK

COMMITTEE ACTION DATE 4-15-03

SIGNATURES OF COMMITTEE MEMBERS

Ruthal

Chair

Vice-Chair

COMMON COUNCIL ACTION adopted

FINAL ACTION DATE April 15, 2003

MOVER:

Narlock

SECONDER:

Utale

	AYE	NO
1. Barczak	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2. Czaplewski	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3. Kopplin	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4. Lajsic	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5. Murphy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6. Narlock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7. Reinke	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8. Sengstock	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9. Trudell	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10. Vitale	<input checked="" type="checkbox"/>	<input type="checkbox"/>
TOTAL	<u>9</u>	<u>0</u>

cc: engineering
attorney
Bly + Young



City of West Allis

Resolution

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number: R-2003-0132

Final Action:

4-15-03

Resolution Granting a Privilege for Encroachment (Major) to New Owners SARS Property Holdings LLC for the Property Located at 7525 West Becher Street.

BE IT RESOLVED that the City of West Allis grants to SARS Property Holdings LLC a Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way, said Privilege providing for the existing 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 located at 7525 West Becher Street, be and the same is hereby approved.

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 Acting City 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-SARS

ADOPTED

April 15, 2003

Paul M. Ziehler

Paul M. Ziehler, Acting City Clerk/Treasurer

APPROVED

April 18, 2003

Jeannette Bell

Jeannette Bell, Mayor

PRIVILEGE FOR ENCROACHMENT

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

SARS Property Holdings LLC, owner(s) of property located at 7525 West Becher Street, West Allis, hereinafter "Grantee(s)", desire to maintain an encroachment 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 of and above the sidewalk on the west side of the building.

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 the Grantee's property in the encroachment area 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 allegedly interfered with by the granting of this privilege shall have a right of action against the Grantee(s) only and the Grantee shall hold the City harmless for any such claims.

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 overhang 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 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 platform 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 Performance Bond with the City Clerk/Treasurer in the amount of One Thousand Dollars (\$1,000) and maintain 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 thirty (30) days 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 Performance Bond and Certificate of Insurance referred to above.

This privilege shall cease upon the lapse or cancellation of the said insurance coverage unless the insurance is provided within thirty (30) days of notice to Grantee(s) of the lapse. 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 18 day of April, 2003.

IN THE PRESENCE OF:

Monica Schultz

Monica Schultz

CITY OF WEST ALLIS

BY: Jeannette Bell
Jeannette Bell, Mayor

BY: Paul M. Ziehl
Paul M. Ziehl
Acting City Clerk/Treasurer

IN PRESENCE OF:

A. K. Mathur
(A. K. MATHUR)

ACCEPTED BY:

SARS PROPERTY HOLDINGS, LLC

By: Samir R. Shah
Manager, President

Date: 29 March 2003

By: _____, Secretary

Date: _____

Approved as to form
this 23rd day of April, 2003.

Sheryl L. Kuhary
Scott E. Post, City Attorney Asst. City Atty.
C/Encroachment/Encrminor 2-SARS Prop Holdings LLC