**CITY OF WEST ALLIS**
**RESOLUTION R-2026-2541**

**RESOLUTION GRANTING A PRIVILEGE TO MCH PROPERTIES, LLC FOR PROPERTY LOCATED AT 6125-29 W. GREENFIELD AVE. (TAX KEY NO. 454-0062-000)**

**WHEREAS,** MCH Properties, 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-126) located at 6125-29 W. Greenfield Ave., in the City of West Allis, WI ("Privilege"); and

**WHEREAS,** by receiving this Privilege, MCH Properties, 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,** MCH Properties, 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 MCH Properties, 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 MCH Properties, 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 MCH Properties, 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-126) and located adjacent to 6125-29 W. Greenfield Ave., subject to any insurance and bonding requirements imposed by the City Attorney.

**SECTION 1:** **<u>ADOPTION</u>** "R-2026-2541" of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2026-2541*(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