

20.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2011-0140 Resolution Introduced

Resolution granting a Water Main Easement by the Wilde Family Limited Partnership ("Grantor"), to the City of West Allis ("Grantee") and terminating Grantees old water main easement which was previously recorded on Grantors property.

Introduced: 6/7/2011

Controlling Body: Public Works Committee

Sponsor(s): Public Works Committee

COMMITTEE RECOMMENDATION

Adopt

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>6/7/2011</u>			Barczak	✓			
			Czaplewski	✓			
			Kopplin				
			Lajsic				
			Narlock				
	✓		Reinke				
		✓	Roadt	✓			
			Sengstock	✓			
			Vitale				
			Weigel	✓			
			TOTAL	<u>5</u>	<u>-</u>		<u>0</u>

SIGNATURE OF COMMITTEE MEMBER

[Signature]
 Chair Vice-Chair Member

COMMON COUNCIL ACTION

ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUN 07 2011</u>	✓		Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic				✓
			Narlock	✓			
			Reinke	✓			
		✓	Roadt	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
			TOTAL	<u>9</u>	<u>-</u>		<u>1</u>



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2011-0140

Final Action:

Sponsor(s): Public Works Committee

JUN 07 2011

Resolution granting a Water Main Easement by the Wilde Family Limited Partnership ("Grantor"), to the City of West Allis ("Grantee") and terminating Grantees old water main easement which was previously recorded on Grantors property.

WHEREAS, the Grantee desires to maintain, repair, rebuild, and operate a new water main, and appurtenances through, under and along the premises; and

WHEREAS, Both Grantor and Grantee wish to have the old water main easement, which no longer is of service and has been partly removed, to be terminated. Said old easement was recorded by Grantee at the Register's Office of Milwaukee County, on July 18, 1986 in Reel 1919, Images 440 to 442, as Document No. 5938469; and

WHEREAS, the Grantor is willing to grant a new water main easement therefore on the terms and conditions hereof and the maintenance and operation of said water main and appurtenances by the Grantee.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the Mayor and the City Administrative Officer, Clerk/Treasurer be and are hereby authorized and directed to execute the new Water Main Easement, a copy of which is attached hereto as Exhibit "A", on behalf of the City as adopted and approved;

AND BE IT FURTHER RESOLVED, by the Common Council of the City of West Allis that the Grantee having no further interest in the old water main easement, on Grantors property, does hereby relinquish all rights and interest of whatever nature in the easement recorded by the Grantee at the Register's Office of Milwaukee County, on July 18, 1986 in Reel 1919, Images 440 to 442, as Document No. 5938469, a copy of which is attached hereto as Exhibit "B".

ADOPTED

JUN 07 2011

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

APPROVED

6/14/11

Dan Devine, Mayor

WATER MAIN EASEMENT

Water Main Easement granted by the WILDE FAMILY LIMITED PARTNERSHIP, hereinafter referred to as the "Grantor" to the CITY OF WEST ALLIS, a Wisconsin Municipal Corporation, hereinafter referred to as the "Grantee".

WHEREAS, the Grantee desires to construct, extend, maintain, repair, rebuild, and operate a water main, together with the necessary appurtenances therefore, such as, without limitation because of enumeration, fire hydrants and gate valve boxes over, under, through, upon and across the premises hereinafter described and owned by the Grantor; and,

WHEREAS, the Grantor's property will benefit from the installation of the this new water main in that it services a new building on Grantor's property; and

WHEREAS, the Grantor is willing to grant an easement therefore on the terms and conditions hereof and the maintenance and operation of said water main and appurtenances by the Grantee; and

WHEREAS, the Grantor agrees to have the Grantee terminate the old Water Main Easement, on said Grantor's property, recorded in Milwaukee County on July 18, 1986 as Document #5938469, Reel 1919, Images 440-442.

NOW, THEREFORE, in consideration of mutual benefit and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantor for itself, successors and assigns does hereby grant unto the Grantee, its successors and assigns, a perpetual easement over, under, through, along, and upon the lands described as follows:

All that part of the Northeast ¼ of Section 18, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Commencing at the Southeast corner of said Northeast ¼: thence North 00° 21' 18" East, 1312.15 feet, along the East line of said Northeast ¼; thence South 89° 27' 17" West, 60.01 feet, to the West right-of-way line of South 108th Street and Point of Beginning; thence North 89° 38' 42" West, 38.0 feet; thence North 00° 21' 18" East, 55.00 feet; thence South 89° 38' 42" East, 20.00 feet; thence South 00° 21' 18" West, 35.00 feet; thence South 89° 38' 42" East, 18.00 feet; thence South 00° 21' 18" West, 20.00 feet to the Point of Beginning. Said area contains 1,460.00 feet, more or less.

Part of Tax Key No. 523-9946-009
Part of 3225 South 108th Street, West Allis, Wisconsin
Per Engineering Drawing - File No. Y-1160 ("Exhibit A" attached)

Granting to the Grantee the right, permission, and authority to construct, maintain, operate, repair and rebuild a water main extension, and appurtenances through, under and along the aforesaid lands.

Grantee and its agents shall have the right to enter the aforesaid lands for the purpose of exercising the rights herein acquired, but the Grantee agrees to restore or cause to have restored, the surface of the aforesaid lands, as nearly as is reasonable possible, to the condition existing prior to such entry by the Grantee or its agent for any future repair.

In granting this Easement, Grantor reserves to himself, his successors and assigns the right to make use of the surface of the easement area, as will not injure the aforesaid water main, and appurtenances or prevent ingress or egress thereto for the purposes of constructing, operating, repairing, maintaining, improving, or rebuilding the same; provided, however, that no building or structure of any kind shall be erected upon any part of said Easement without prior permit from the Grantee.

The easement previously granted to Grantee by Grantor under Document No. 5938469, Reel 1919, Images 440-442, and recorded on July 18th, 1986, in Milwaukee County is hereby terminated.

This grant of Easement shall be binding upon and inure to the benefit of its, successors and assigns of all parties hereto.

Dated this 10th day of May, 2011.

Wilde Family Limited Partnership, Grantor

By: Mary Ann Wilde
Mary Ann Wilde, Trustee

By: _____

State of Florida/Wisconsin)
) ss
Waukesha County)

Personally came before me this 18th day of May, 2011, the above-named, Mary Ann Wilde and _____, to me known to be the _____ and _____ and the person(s) who executed the foregoing instrument and acknowledged the same.

Sharon A. Bloom
(
Notary Public, State of ~~Florida~~/Wisconsin
My Commission Permanent/Expires: 7/21/13)



SIGNATURES CONTINUED ON NEXT PAGE)

CITY OF WEST ALLIS, Grantee

By: *Dan Devine*
Dan Devine, Mayor

Attest:

Paul M. Ziehler
Paul M. Ziehler, City Administrative Officer,
Clerk/Treasurer

State of Wisconsin)
) ss
Milwaukee County)

Personally came before me this 14th day of June, 2011, the above-named Dan Devine and Paul M. Ziehler, the Mayor and City Administrative Officer, Clerk/Treasurer, respectively, of the City of West Allis, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same on behalf of the City.

Ann Marie Neff
(Ann Marie Neff)
Notary Public, State of Wisconsin
My Commission Expires: 12-25-11

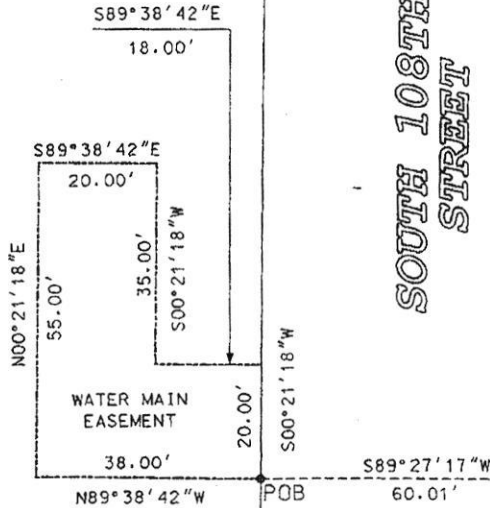
This Easement approved and accepted by the City of West Allis Common Council Resolution No. R-2011-0140, adopted June 7, 2011, and approved on June 14, 2011.

This instrument was drafted by:
Scott E. Post, City Attorney
City of West Allis
7525 West Greenfield Avenue
West Allis, WI 53214

Dettmann/Water Main Easement - Wilde

EXHIBIT A

CSM 4789
PARCEL 2



SOUTH 108TH STREET

EAST LINE

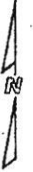
N00°21'18"E
1312.15'

Southeast corner of the Northeast 1/4 of Section 18, T6N, R21E

DESCRIPTION & LOCATION

All that part of the Northeast 1/4 of Section 18, Township 6 North, Range 21 East, City of West Allis, Milwaukee County, State of Wisconsin, describes as follows:
Commencing at the Southeast corner of said Northeast 1/4; thence North 00°21'18" East, 1312.15 feet, along the East line of said Northeast 1/4; thence South 89°27'17" West, 60.01 feet, to the West right-of-way line of South 108th Street and Point of Beginning; thence North 89°38'42" West, 38.00 feet; thence North 00°21'18" East, 55.00 feet; thence South 89°38'42" East, 20.00 feet; thence South 00°21'18" West, 35.00 feet; thence South 89°38'42" East, 18.00 feet; thence South 00°21'18" West, 20.00 feet to the Point of Beginning.
Said area contains 1460.00 square feet, more or less.

EXHIBIT A



DOCUMENT NO.	REEL	TITLE	ACQUIRED
SCALE 1"=20'	OR. REC. NO. 488-B	City of West Allis	
DRAWN BY I.K.	CHECKED BY J.M.S.	Engineering Department	
DESCRIPTION BY I.K.		WATER MAIN EASEMENT	
SURVEY		West of S. 108th Street	
		Between N. Oklahoma Av. and S. Wollmer Rd.	
		REVISIONS	
		DATE	4-30-07
		FILE NO.	Y-1160

EXHIBIT "B" for Resolution

523-9946-002-87

REEL 1919 IMAGE 440

REGISTER'S OFFICE } SS
Milwaukee County, WI }
RECORDED AT 9:50 AM

5938469

JUL 18 1986 440 to

REEL 1919 IMAGE 442 incl.

REGISTER OF DEEDS

for the record
copy II
Original in Assessors Office

EASEMENT

FOR AND IN CONSIDERATION Of One Dollar (\$1.00) and other good and valuable consideration to them in hand paid by the City of West Allis (City), a municipal corporation, created and existing under the laws of the State of Wisconsin, with principal offices at 7525 West Greenfield Avenue, West Allis, County of Milwaukee, State of Wisconsin, the receipt of which is hereby acknowledged, the undersigned, Harold L. Wilde and Larry O. Hanke, as tenants in common, for themselves, their successors and assigns, do hereby give, grant, convey and release unto the City and to its successors and assigns forever, a perpetual easement pursuant to and subject to its provisions of Sections 14.7(E) and (F) of the Revised Municipal Code of the City of West Allis to maintain, extend, operate, repair and rebuild a water main together with the necessary appurtenances therefore, such as without limitation because of enumeration, fire hydrants and gate valve boxes, through, under, over, upon and across the premises hereinafter described:

5938469 1/2

RECORD 8.00

All that part of Certified Survey Map No. 4732 recorded as Document No. 5901301, being a part of the Northeast Quarter (NE 1/4) of Section 18, Town 6 North, Range 21 East in the City of West Allis, Milwaukee County, Wisconsin, bounded and described as follows: Commencing at the southeast corner of said Certified Survey Map; thence South 89° 27' 17" West 60.01 feet to the west right of way line of S. 108th Street (STH "100"); thence North 0° 21' 18" East along said west right of way line 197.00 feet to the place of beginning of a 20 foot wide water main easement hereinafter described: thence North 89° 38' 42" West 172.00 feet; thence North 0° 21' 18" East 35.00 feet; thence South 89° 38' 42" East 20.00 feet; thence South 0° 21' 18" West 15.00 feet; thence South 89° 38' 42" East 152.00 feet to the west right of way line of said S. 108th Street (STH "100"); thence South 0° 21' 18" West 20.00 feet to the place of beginning.

Part of Tax Key No. 523-9946-002

SUBTOTAL 8.00
TOTAL 8.00
B CASH B 8.00

#526060 C002 R01 T09:51

20

Harold L. Wilde and Larry O. Hanke, covenant and agree that it shall be an express condition of this grant that the City is not required to replace, repair or otherwise restore any concrete, asphalt, landscaping or other surface improvements of any kind whatsoever on the above described parcel of land which may in any manner be removed or otherwise disturbed by the City in exercising the aforesaid easement rights.

Harold L. Wilde and Larry O. Hanke agree that it shall be an express condition of this grant of easement that no structure or building shall be erected over the above easement unless written approval therefore is obtained from the City of West Allis Fire Department and the Department of Public Works of the City. The granting of any such approval shall be in the sole and absolute discretion of said Fire Department and Public Works Department. In granting any such approval, they may stipulate such conditions as may be necessary or advisable to protect the interests of the City.

Harold L. Wilde and Larry O. Hanke represent that they are the owners in fee of the above described parcel of land.

IN WITNESS WHEREOF, The said parties have hereunto set their hands and seals this 22 day of JUNE, 1986.

In Presence of:

Allen Link
Allen Link

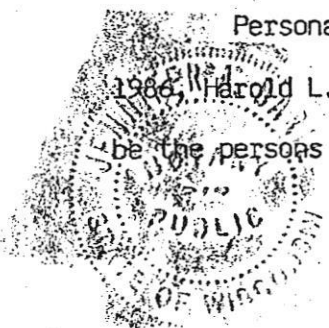
Harold L. Wilde (Seal)
Harold L. Wilde

Allen Link
Allen Link

Larry O. Hanke (Seal)
Larry O. Hanke

STATE OF WISCONSIN)
MILWAUKEE COUNTY) SS

Personally came before me, this 27th day of June,
1986, Harold L. Wilde and Larry O. Hanke, the above named parties to me known to
be the persons who executed the foregoing instrument and acknowledged the same.



Jennifer A. Baril Jennifer A. Baril
Notary Public MILWAUKEE County, WI
My Commission Expires: 8-31-86

In Presence of:

Audrey M. Velnetske
Audrey M. Velnetske
Rita L. Elliott
Rita L. Elliott

CITY OF WEST ALLIS, WI
By Jack F. Barick Mayor
By Eldon M. Rinke City Clerk
JACK F BARICK
ELDON M RINKA

STATE OF WISCONSIN)
COUNTY OF MILWAUKEE) SS

Personally came before me, this 17 day of July,
1986, Jack F. Barick, Mayor and Eldon M. Rinke City Clerk, of
the above named municipal corporation, CITY OF WEST ALLIS, to be known to be the
persons who executed the foregoing instrument and to be known to be such Mayor
and City Clerk of said municipal corporation and acknowledged that they executed
the foregoing instrument as such officers, as the deed of said municipal
corporation, by its authority, and pursuant to Resolution ~~File~~ No. 22000
adopted by its Common Council on July 15, 1986

Rita L. Elliott Rita L. Elliott
Notary Public Milwaukee Co. WI
My commission expires: 3-1-88

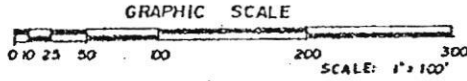
THIS INSTRUMENT WAS DRAFTED BY:
City of West Allis Real Estate Division and
Approved by Michael J. Sachen, City Attorney.



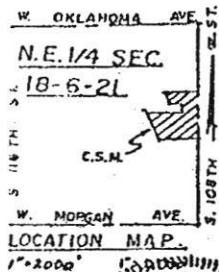
CERTIFIED SURVEY MAP NO. 4732

BEING A PART OF THE N.E. 1/4 & S.E. 1/4 OF THE N.E. 1/4 OF SECTION 18, TOWN 6 NORTH, RANGE 21 EAST, IN THE CITY OF WEST ALLIS, MILWAUKEE COUNTY, WISCONSIN

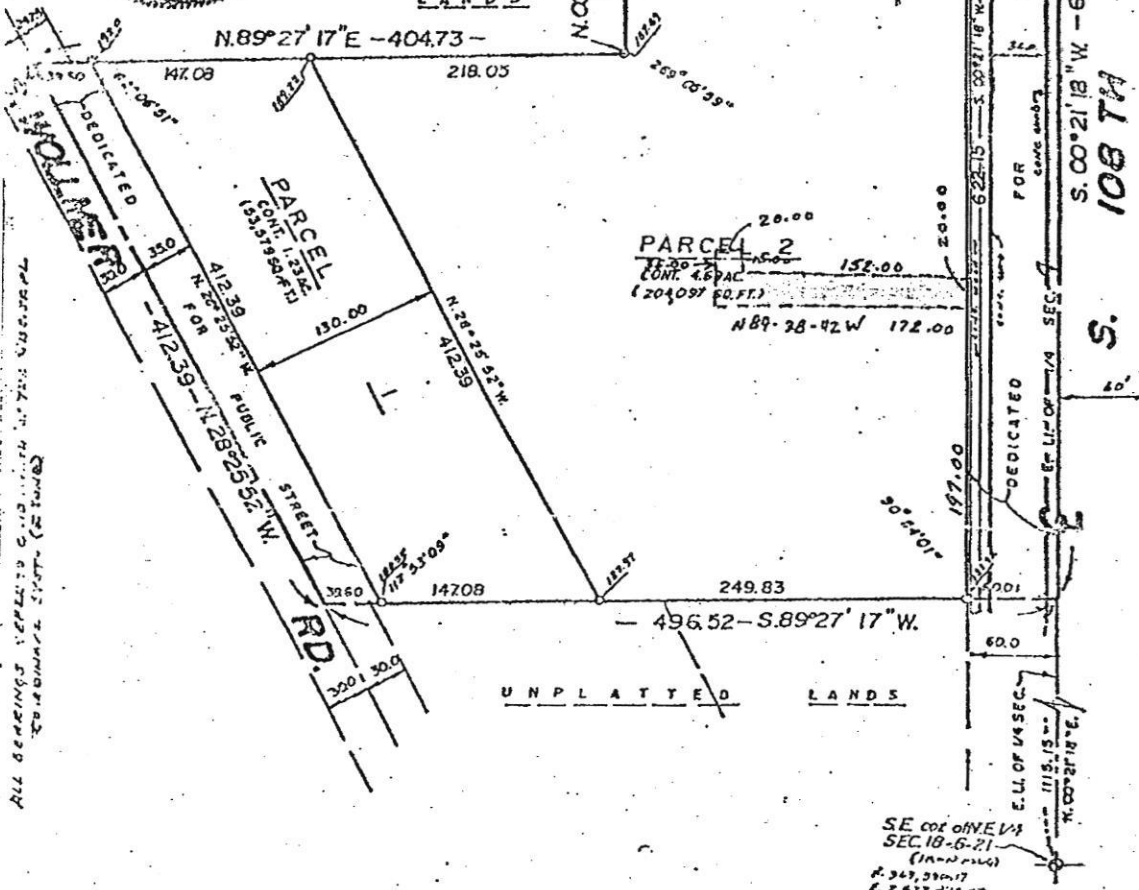
INMAN SURVEY & ASSOCIATES, INC.
11221 W. FOREST HOME AVE.
HALES CORNERS, WISCONSIN 53130
PHONE 425-2040



NE. COR. OF NE 1/4 OF SECTION 18-6-21 (IN-21-18)



NOTE: ELEVATIONS ON PIPER CORNERS ARE AT CITY DATUM.
O-DENOTES 1" X 24" IRON PIPE, 1.13 LBS. ALIN. FT., UNLESS SHOWN OTHERWISE.



ALL BEARINGS REFERRED TO WITHIN THIS SURVEY MAP TO BE IN ACCORDANCE WITH THE ORIGINAL SURVEY RECORDS.

SE COR. OF NE 1/4 SEC. 18-6-21 (IN-21-18)
N. 347.51m.17
E. 5.422.428.97