

60



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2004-0180	Resolution	In Committee
Resolution Accepting a Water Main Easement from 6600 Washington LLC for the Property at 6600 West Washington Street.		
Introduced: 6/1/2004		Controlling Body: Public Works Committee

COMMITTEE RECOMMENDATION Adopt

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>6-1-04</u>			Barczak				
			Czaplewski				
		✓	Dobrowski	✓			
			Kopplin	✓			
			Lajsic				
			Narlock	✓			
			Reinke				
			Sengstock	✓			
	✓		Vitale	✓			
			Weigel				
TOTAL				<u>5</u>	<u>-</u>		

SIGNATURE OF COMMITTEE MEMBER

Robert J. Jankowski _____
Chair Vice-Chair Member

COMMON COUNCIL ACTION

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>JUN 01 2004</u>			Barczak	✓			
			Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
	✓		Lajsic	✓			
			Narlock	✓			
		✓	Reinke	✓			
			Sengstock	✓			
			Vitale	✓			
			Weigel	✓			
TOTAL				<u>10</u>	<u>-</u>		

C. C. A. Eng. Dept.

**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

Resolution

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number: R-2004-0180

Final Action:
JUN 01 2004

Resolution Accepting a Water Main Easement from 6600 Washington LLC for the Property at 6600 West Washington Street.

WHEREAS, the City of West Allis ("City") had inspected a water main installed by Siemens Power Corporation for their property at 1040 South 70th Street in the City; and,

WHEREAS, the City mailed Siemens Power Corporation a Water Main Easement to execute on behalf of their officials several times in January and February, 1999, to no avail; and,

WHEREAS, the present owner of the property, 6600 Washington LLC, is preparing a Certified Survey Map to sell a portion of this property and desires to grant the City the Water Main Easement to identify the water main on the Certified Survey Map.

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

1. That the attached Easement and Donation and Waiver for construction of a twenty-five foot (25') water main granted by 6600 Washington LLC to the City of West Allis be and are hereby approved and accepted.
2. That the Mayor and the City Administrative Officer, Clerk/Treasurer be and are hereby authorized and directed to execute and deliver the aforesaid documents, copies of which are attached hereto and incorporated herein by reference, on behalf of the City, as adopted and approved.

ATTR-Easement-6600WashingtonLLC

ADOPTED

June 1, 2004
Paul M. Ziehler

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

APPROVED

June 7, 2004
Jeannette Bell

Jeannette Bell, Mayor

Water Main Easement granted by
6600 WASHINGTON, L.L.C., a Delaware
Limited Liability Company,
hereinafter referred to as the "Grantor" to
the CITY OF WEST ALLIS, a Wisconsin
Municipal Corporation, hereinafter referred
to as the "Grantee".

FOR AND IN CONSIDERATION of the
payment of One Dollar (\$1.00) and other good
and valuable consideration for Mutual Benefit,
receipt of which is hereby acknowledged, the
grantor for itself, its heirs, successors and
assigns does hereby grant unto the Grantee,
its heirs, successors and assigns, a perpetual
easement over, under, through, along and
upon the certain lands located in the City of
West Allis, Milwaukee County, Wisconsin,
legally described as follows:

Recording Area

Name and Return Address

City Attorney's Office
City of West Allis
7525 West Greenfield Avenue
West Allis, WI 53214

439-0001-015

Parcel Identification Number

DESCRIPTION & LOCATION

A strip of land being 20.00 feet in width located within Parcel 1 of Certified Survey Map No. 5594, being a part of the Southwest $\frac{1}{4}$ and the Southeast $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ and the Northeast $\frac{1}{4}$, Northwest $\frac{1}{4}$, Southwest $\frac{1}{4}$, and the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 34, Township 7 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin, the centerline of said 20.00 foot strip more particularly described as follows:

Commencing at the Northwest corner of Parcel 1 of Certified Survey Map No. 5594; thence South $88^{\circ}14'49''$ East along the north line of said Parcel 1, 738.74 feet to the northwest corner of Parcel 2 of Certified Survey Map No. 4680; thence South $10^{\circ}34'16''$ West 8.59 feet to the point of beginning of said centerline; thence North $86^{\circ}29'39''$ West 184.81 feet; thence North $01^{\circ}25'16''$ East 21.33 feet to a point on the north line of said Parcel 1; thence South $01^{\circ}25'16''$ West 21.33 feet; thence North $88^{\circ}34'44''$ West 215.00 feet; thence South $80^{\circ}15'33''$ West 91.30 feet; thence South $69^{\circ}01'25''$ West 148.30 feet; thence North $17^{\circ}45'11''$ West 20.00 feet; thence South $17^{\circ}45'11''$ East 373.96 feet; thence South $72^{\circ}14'49''$ West 20.00 feet; thence North $72^{\circ}14'49''$ East 20.00 feet; thence South $17^{\circ}45'11''$ East 25.00 feet; thence South $00^{\circ}35'49''$ West 353.03 feet; thence South $01^{\circ}55'37''$ East 185.20 feet; thence South $88^{\circ}04'23''$ West 23.17 feet to a point on the west line of said Parcel 1; thence North $88^{\circ}04'23''$ East 23.17 feet; thence South $01^{\circ}55'37''$ East 20.00 feet; thence South $44^{\circ}39'22''$ East 34.16 feet; thence South $00^{\circ}07'09''$ East 45.39 feet; thence North $89^{\circ}15'29''$ West 48.86 feet to a point on the west line of said Parcel 1; thence South $89^{\circ}15'29''$ East 48.86 feet; thence South $00^{\circ}07'09''$ East 41.08 feet; thence South $47^{\circ}02'47''$ East 45.35 feet; thence East and parallel with the north line of Parcel 2 of Certified Survey Map No. 5594, 395.43 feet; thence South 41.01 feet to a point on the south line of said Parcel 1; thence North 88.57 feet; thence North

35°46'00" East 320.16 feet; thence North 12°32'11" East 66.16 feet; thence North 02°09'09" East, 10.00 feet; thence South 87°50'51" East 24.00 feet; thence North 87°50'51" West 24.00 feet; thence North 02°09'09" East 80.00 feet; thence North 08°20'09" East 353.71 feet to the terminus of said centerline. Description contains 62,851.4713 square feet (1.4429 acres).

granting to the Grantee the right, permission and authority to construct, maintain, operate, repair and rebuild a water main and appurtenances for fire protection 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 reasonably possible, to the condition existing prior to such entry by the Grantee or its agent. This restoration, however, does not apply to the initial installation of the water main or to any bush or trees which may be removed at any time pursuant to the rights herein granted.

This Easement is granted pursuant to and is subject to the provisions of Section 14.7(e) and (f) of the Fire Prevention Code of the City of West Allis enacted by Ordinance No. 5027 passed October 5, 1982, a copy of which Ordinance is attached as Exhibit "A" and made a part hereof.

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

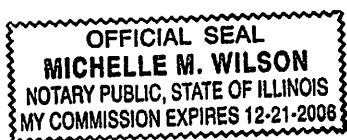
Dated this 11th day of JUNE, 2004.

6600 WASHINGTON, L.L.C.
(A Delaware Limited Liability Company)
(GRANTOR)

By: [Signature] Member MANAGER
Attest: [Signature] Member MANAGER

11-4-2012
State of Wisconsin)
DUPAGE) ss
Milwaukee County)

Personally came before me this 11th day of JUNE, 2004, the above named STEWART W. WILSON and JAMES P. AVERRIS, Members, respectively, of 6600 WASHINGTON, L.L.C., to me known to be the persons who executed the foregoing instrument and acknowledged the same on behalf of said corporation.



Michelle M. Wilson
Notary Public, Milwaukee County DUPAGE
State of ~~Wisconsin~~ Illinois
My Commission Expires: 12-21-2006

(SIGNATURES CONTINUED ON NEXT PAGE)

CITY OF WEST ALLIS
(GRANTEE)

By: Jeannette Bell
Jeannette Bell, Mayor

Attest: Paul M. Ziehler
Paul M. Ziehler, CAO,
Clerk/Treasurer

State of Wisconsin)
) ss
Milwaukee County)

Personally came before me this 4 day of June, 2004, the above named Jeannette Bell 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 persons who executed the foregoing instrument and acknowledged the same on behalf of said corporation.

Hermine Couturier

Notary Public, Milwaukee County
State of Wisconsin

My Commission Expires: 10-10-04

This Easement approved and accepted by City of West Allis Common Council Resolution No. R-2004-0180, Adopted June 1, 2004 and approved June 4, 2004.

This instrument was drafted by and
after recording should be returned to:
Scott E. Post, Esq.
City Attorney
7525 West Greenfield Avenue
West Allis, WI 53214

ORDINANCE NO. 5027

AN ORDINANCE TO CREATE SECTIONS 14.7(d), (e)
AND (f) OF THE FIRE PREVENTION CODE, SET FORTH AT
SECTION 5.10 OF THE REVISED MUNICIPAL CODE,
RELATIVE TO INSTALLATION AND MAINTENANCE
OF FIRE HYDRANTS ON PRIVATE PROPERTY

By Public Works Committee

The Common Council of the City of West Allis do ordain as follows:

PART I. Section 14.7(d) of the Fire Prevention Code set forth at Section 5.10(6) of the Revised Municipal Code is hereby created to read as follows:

(d) Use of Fire Hydrants on Private Property.

Fire hydrants, provided pursuant to the terms of this section, shall be used solely for the purpose of fire protection.

PART II. Section 14.7(e) of the Fire Prevention Code set forth at Section 5.10(6) of the Revised Municipal Code is hereby created to read as follows:

(e) Easement Requirements.

(1) Property owners, providing approved fire hydrants pursuant to the requirements of this Section, shall grant the City of West Allis, through the Department of Public Works, a ten (10) foot easement on both sides of the water main and around the hydrant, for the purpose of routine inspection, testing, maintenance and repair of the water main and fire hydrant by the City of West Allis. Subsequent to June 1, 1982, the grant of such easement shall be a condition prerequisite to the issuance of an occupancy permit. Easements granted pursuant to the terms of this subsection shall be subject to the following conditions:

(a) Access to fire hydrants within easements shall not be obstructed under any circumstance. Prohibited obstructions may include but are not limited to snow accumulation, parked vehicles, material and equipment storage and refuse storage.

(b) Improvements within easements may be constructed only upon prior written approval by the City of West Allis Fire Department and Department of Public Works.

(c) The cost of repairing and restoring improvements within easements, which is incurred as the result of repair or replacement of water mains, shall be borne by the property owner.

(d) Property owners, providing approved fire hydrants pursuant to the terms of this Section, shall bear the cost of repairs to fire hydrants which are required as the result of damage. Damage repairs shall be accomplished by either of the following:

1) The City of West Allis, with the cost of such repairs billed to the property owner.

2) A contractor selected by the property owner and approved by the West Allis Water Department. The work of the contractor shall be inspected and approved by the West Allis Water Department.

(e) Property owners shall immediately advise the West Allis Fire Department and Water Department as to easement fire hydrants which have been damaged or are found to be inoperable.

(f) The grant of an easement to the City of West Allis for the purpose of inspection, testing, maintenance and repair of approved fire hydrants shall not effect the responsibility of property owners for City of West Allis Water Utility quarterly service charges.

(2) Owners of fire hydrants, installed prior to June 1, 1982, may grant an easement to the City of West Allis for the purposes and under the conditions described in subsection (1), above, and provided that prior to the acceptance of the easement:

(a) Fire hydrants shall be of an approved type, conforming to the standards prescribed by subsection (c), above.

(b) The capacity and operating condition of the water distribution system, servicing each fire hydrant, shall be approved by the West Allis Fire Department and Department of Public Works.

(c) Each fire hydrant shall be satisfactorily flow tested.

PART III. Section 14.7(f) of the Fire Prevention Code set forth at Section 5.10(6) of the Revised Municipal Code is hereby created to read as follows:

(f) Inspection, Testing, Maintenance and Repair of Approved Fire Hydrants.

(1) Inspection, testing, maintenance and repair of approved fire hydrants, as to which an easement has been granted pursuant to subsection (e), above, shall be conducted in accord with the terms of the easement.

(2) Inspection, testing, maintenance and repair of fire hydrants, as to which an easement has not been granted pursuant to the provisions of subsection (e), above, shall be the responsibility of the property owner. This responsibility shall include the obligations to:

- (a) Flow test each fire hydrant at least once during each five year period and maintain records of the results of such tests for a period of five years. Such records shall be subject to inspection upon demand by representatives of the West Allis Fire Department and Water Department.
- (b) Maintain fire hydrants in proper operating condition at all times and upon request of officials of the West Allis Fire Department, perform such tests, to include a flow test, which will demonstrate the proper operating condition of the hydrant.
- (c) Not obstruct access to the fire hydrant under any circumstance. Prohibited obstructions may include but are not limited to snow accumulation, parked vehicles, material and equipment storage and refuse storage.
- (d) Property owners shall immediately advise the West Allis Fire Department and Water Department as to fire hydrants which have been damaged or which are found to be inoperable.

PART III. All ordinances or parts of ordinances contravening the provisions of this ordinance are hereby repealed.

PART IV. This ordinance shall take effect and be in force from and after its passage and publication.

PASSED October 5, 1982
(As amended)
Eldon M. Benika
City Clerk

APPROVED Oct. 7, 1982
(As amended)
W. F. P. P. P.
Mayor

PCH:lj1
5/12/82
-2577-
6082A

DONATION - WAIVER OF APPRAISAL RECOMMENDATION AND APPROVAL

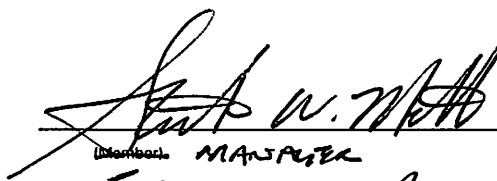
Owner 6600 WASHINGTON LLC (A Delaware Limited Liability Company)	
Acres/Sq. Ft. Required 62,851.5 Square Feet	Interest Required Perpetual Easement

The undersigned owner(s) of the above lands hereby declare an intent to dedicate said lands.

Having been fully informed of the right to have the property appraised and to receive just compensation based upon an appraisal, the undersigned further state that the decision to dedicate said lands was made without any undue influence or coercive action of any nature, and that the right to an appraisal and to just compensation is hereby waived.

It is intended that the instrument of conveyance will be executed upon presentation by the City of West Allis agents or representatives.

6600 WASHINGTON LLC
(A Delaware Limited Liability Company)

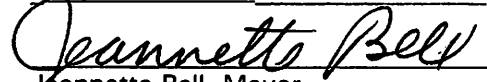

 (Member) MANAGER 6-11-04
STEWART W. MILLS (Date)

(Member)

(Date)

RECOMMENDATION BY:

APPROVED FOR
City of West Allis


 Jeannette Bell, Mayor

(Date)

(Date)

Project _____

County _____

Parcel _____