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City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
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R-2003-0245 Resolution In Committee

Resolution Granting a Gas Distribution Easement to Wisconsin Gas Company, d/b/a We Energies, to Install a Gas Main on that Portion of Vacated West Walker Street Between South 70th and 72nd Streets.

Introduced: 9/2/2003

Controlling Body: Public Works Committee

COMMITTEE RECOMMENDATION

Adopt

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>9-2-03</u>			Barczak				
			Czaplewski				
			Kopplin				
			Lajsic				
			Narlock	X			
			Reinke				
			Sengstock	X			
			Trudell	X			
			Vitale	X			
		Weigel	X				
		TOTAL		5	0		

SIGNATURE OF COMMITTEE MEMBER (RECORDER)

Rachel Trudell _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION *adopted*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>9-2-03</u>			Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
		✓	Narlock	✓			
			Reinke	✓			
			Sengstock	✓			
			Trudell	✓			
			Vitale	✓			
		Weigel	✓				
		TOTAL		10	0		

COMMITTEES OF THE WEST ALLIS COMMON COUNCIL 2003

ADMINISTRATION AND FINANCE

Chair: Alderperson Czaplewski
V.C.: Alderperson Kopplin
Alderpsons: Barczak
Lajsic
Reinke

ADVISORY

Chair: Alderperson Reinke
V.C.: Alderperson Vitale
Alderpsons: Kopplin
Lajsic
Narlock

LICENSE AND HEALTH

Chair: Alderperson Barczak
V.C.: Alderperson Sengstock
Alderpsons: Kopplin
Trudell
Vitale

SAFETY AND DEVELOPMENT

Chair: Alderperson Lajsic
V.C.: Alderperson Weigel
Alderpsons: Czaplewski
Narlock
Reinke

PUBLIC WORKS

Chair: Alderperson Narlock
V.C.: Alderperson Trudell
Alderpsons: Sengstock
Weigel
Vitale

C: atty



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2003-0245

Final Action:
9-2-03

Resolution Granting a Gas Distribution Easement to Wisconsin Gas Company, d/b/a We Energies, to Install a Gas Main on that Portion of Vacated West Walker Street Between South 70th and 72nd Streets.

WHEREAS, the Common Council of the City of West Allis on Resolution No. 25803, adopted July 7, 1998, granted a thirty (30) foot wide easement to the Wisconsin Gas Company for the purpose of maintaining a gas line in the vacated West Walker Street, recorded on Certified Survey Map No. 6525 on June 3, 1998; and,

WHEREAS, the Common Council sold a vacant lot for the construction of an office building adjacent to the above-referenced Wisconsin Gas Company easement to Summit Place LLC on Resolution No. R2002-0159, adopted March 4, 2003; and,

WHEREAS, the Wisconsin Gas Company, d/b/a We Energies, is requesting to enlarge the thirty (30) foot wide easement to a sixty (60) foot easement to accommodate the new development along South 70th Street.

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

1. That the Gas Distribution Easement from the City of West Allis to the Wisconsin Gas Company, d/b/a We Energies, to increase the easement from thirty (30) feet to sixty (60) feet on that portion of vacated West Walker Street between South 70th and 72nd Streets, 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 Gas Distribution Easement on behalf of the City of West Allis.

ATTR-Easement Gas-W Walker St

ADOPTED

September 2, 2003

Paul M. Ziehler

Paul M. Ziehler, CAO, Clerk/Treasurer

APPROVED

September 5, 2003

Jeannette Bell

Jeannette Bell, Mayor

Gas
Distribution Easement
Document Title

Document Number

For good and valuable consideration which, City of West Allis, hereinafter referred to as "grantor", owner of land, acknowledges receipt of, grants and warrants to WISCONSIN GAS COMPANY, a Wisconsin Corporation doing business as We ENERGIES, hereinafter referred to as "grantee", a permanent easement upon, within and beneath a part of grantor's land hereinafter referred to as "easement area".

The easement area is described as:

A 60 foot wide easement, being the vacated W. Walker St. located between S. 70th St. and S. 72nd St. as shown on Certified Survey Map No. 6525 as Document No. 7542540 as recorded in the Milwaukee County Register of Deeds Office and being part of the NE ¼ of the SW ¼ of Section 34, Town 7 North, Range 21 East, in the City of West Allis, Milwaukee County, Wisconsin and is described as follows:

Commencing at the NW corner of Parcel 3 of CSM No. 6525 and is the point of beginning of said easement; thence East along the South right of way line of W. Walker St., N 89°43'00" E, 568 feet; thence North 60 feet; thence S 89°43'00" W, 568 feet; thence South 60 feet to the point of beginning.

This easement supersedes the Corporation Easement recorded on Reel 4366 as Image 2162-2163 as Document No. 7577970 as recorded in the Milwaukee County Register of Deeds Office on August 6, 1998 at 2:55 p.m.

Recording Area

Name and Return Address

Julie Olszewski
We Energies
Right of Way Dept. - NSC2
5400 North Green Bay Avenue
Milwaukee, WI 53209-9933

440-0259-001

Parcel Identification Number

- Purpose:** The purpose of this easement is to install, operate, maintain, repair, replace and extend underground facilities, pipeline or pipelines with valves, tieovers, main laterals and service laterals, together with all necessary and appurtenant underground equipment and including cathodic protection apparatus used for corrosion control, as deemed necessary by grantee, for the transmission and distribution of natural gas and all by-products thereof, or any liquids, gases or substances which can or may be transported or distributed through a pipeline. Trees, bushes, branches and roots may be trimmed or removed so as not to interfere with grantee's use of the easement area.
- 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.
- Buildings or Other Structures:** Grantor covenants and agrees that no structures will be erected in the easement area which will interfere with the full enjoyment and use of the rights herein granted.
- Elevation:** Grantor agrees that the elevation of the ground surface existing as of the date of the initial installation of grantee's facilities, within the easement area will not be altered by more than 4 inches without the written consent of the grantee.

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 any trees, bushes, branches or roots, which may interfere with grantee's use of the easement area.
6. **Exercise of Rights:** It is agree that the complete exercise of the 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 benefits of the heirs, successors and assigns of all parties hereto.

Grantor: City of West Allis

Jeannette Bell
Print Name & Title Jeannette Bell, Mayor

Paul M. Ziehler
Print Name & Title Paul M. Ziehler, City Administrative Officer, Clerk/Treasurer

Acknowledged before me in Milwaukee County, Wisconsin on September 5, 2003, by

Hermine Couturier
Notary Public, State of Wisconsin

My Commission Expires 10-10-04

Approved as to form by the City Attorney's Office
this 26 day of Aug., 2003.

Scott E. Post
City Attorney

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