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City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2007-0197	Resolution	In Committee
Resolution Granting a Privilege for Encroachment (Major) to New Owner June Mondry (d/b/a Junebugs) for property located at 6231 West Mitchell Street.		
Introduced: 8/7/2007		Controlling Body: Public Works Committee
Sponsor(s): Public Works Committee		

COMMITTEE RECOMMENDATION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>8-7-07</u>			Barczak				
			Czaplewski				
			Dobrowski	✓			
			Kopplin	✓			
			Lajsic				
			Narlock	✓			
			Reinke				
	✓	✓	Sengstock	✓			
			Vitale	✓			
			Weigel				
			TOTAL	<u>5</u>			<u>1</u>

SIGNATURE OF COMMITTEE MEMBER

Pat Droll _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION ADOPT

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>AUG - 7 2007</u>			Barczak				✓
			Czaplewski	✓			
			Dobrowski	✓			
			Kopplin	✓			
			Lajsic	✓			
	✓		Narlock	✓			
			Reinke	✓			
			Sengstock	✓			
		✓	Vitale	✓			
			Weigel	✓			
			TOTAL	<u>9</u>			<u>1</u>



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2007-0197

Final Action:

Sponsor(s): Public Works Committee

AUG - 7 2007

Resolution Granting a Privilege for Encroachment (Major) to New Owner June Mondry (d/b/a Junebugs) for property located at 6231 West Mitchell Street.

WHEREAS, by Resolution No. 25605, adopted February 3rd, 1998, the City of West Allis granted to John and Kristin Sierocuk, a certain Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of a sign and existing stoops on that portion of the right-of-way of West Mitchell Street and South 63rd Street, in the City of West Allis, WI (the "Privilege"); and,

WHEREAS, the property has now changed ownership to June Mondry (d/b/a Junebugs), who desires to retain the Privilege.

NOW, THEREFORE, BE IT RESOLVED that the City of West Allis grants to June Mondry (d/b/a Junebugs), the Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of a sign and existing stoops on that portion of the right-of-way of West Mitchell Street and South 63rd Street located at 6231 West Mitchell Street, in the City of West Allis, WI.

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 City Administrative Officer, 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-J Mondry-6231 WMitchellSt

ADOPTED

AUG - 7 2007

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

APPROVED

August 9, 2007

Jeannette Bell, Mayor

PRIVILEGE FOR ENCROACHMENT

Major

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

June Mondry (d/b/a Junebugs), owner(s) of property located at 6231 West Mitchell Street, West Allis, hereinafter "Grantee(s)", desire to maintain an encroachment extending beyond the lot line and within the public street right-of-way consisting of a sign and existing stoops on that portion of the right-of-way of West Mitchell Street and South 63rd Street adjoining Lot 8, Block 5, Central Improvement Company's Subdivision No. 2, being a subdivision of the Northeast ¼ of Section 3, Township 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin, more particularly described as follows:

SIGN: Beginning at the Northwest corner of said Lot 8; thence North 89°05' East along the South right-of-way line of said West Mitchell Street, 30.00 feet to the Northeast corner of said Lot 8; thence North 00°55' West and perpendicular to said South line, 1.00 foot; thence South 89°05' West and parallel with said South line, 30.00 feet; thence South 00°55' East and perpendicular to said South line, 1.00 foot to the Point of Beginning.

EXISTING STOOPS: Beginning at the Northwest corner of said Lot 8; thence North 89°05' East along the South right-of-way line of said West Mitchell Street, 30.00 feet to the Northeast corner of said Lot 8; thence North 00°55' West and perpendicular to said South line, 1.00 foot; thence South 89°05' West and parallel to said South line, 30.98 feet; thence South and parallel to the East right-of-way line of South 63rd Street, 120.98 feet; thence East and perpendicular to said East line, 1.00 foot to the Southwest corner of said Lot 8; thence North along said East line, 120.00 feet to the Point of Beginning.

Tax Key No. 454-0519-000.

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 Common Council of the City of West Allis 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 their property 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. Grantee(s) 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 interfered with by the granting of this privilege shall have a right of action against the Grantee(s) only.

5. The sign and existing stoops shall be constructed and maintained in a manner to safeguard the public and shall specifically comply with the West Allis Municipal Code.

6. Plans and specifications of any repair/alterations being performed in the public right-of-way for which this privilege is granted, other than the sign and existing stoops as provided herein, shall require submission to, and final approval of, the City Engineer of the City of West Allis.

7. It is understood that Grantee(s), their heirs, successors and assigns, shall file a Performance Bond with the City Attorney in the amount of One Thousand Dollars (\$1,000) and 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 ten (10) day written notice to the City of West Allis shall be provided in the event of any material change, or cancellation of insurance coverage.

8. Grantee(s) shall pay to the City of West Allis as compensation for this privilege the sum of Fifty Dollars (\$50.00).

9. This privilege shall be in force and have effect only upon payment of the required fee and filing of the Certificate of Insurance and Performance Bond referred to above. This privilege shall cease upon the lapse or cancellation of the said insurance coverage. New application and new payment shall then be required to extend grant of privilege.

10. 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, WI, this 9 day of August, 2007.

CITY OF WEST ALLIS

BY: Jeannette Bell
Jeannette Bell, Mayor

BY: Paul M. Ziebler
Paul M. Ziebler
CAO, City Clerk/Treasurer

**ACCEPTED BY:
JUNEBUGS**

BY: June M. Mondry
June Mondry

Date: 8-1-07

Approved as to form this 2nd day
of August, 2007.
[Signature]
City Attorney