



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2013-0051

Final Action:

Sponsor(s): Public Works Committee

MAR 05 2013

Resolution Granting a Privilege for Encroachment (Minor/Major) to new owner, Pawn America Wisconsin, LLC for property located at 7530-32 West Lincoln Avenue (Tax Key No. 476-0659-000).

WHEREAS, by Resolution No. R-2005-0135, adopted April 19, 2005, the City of West Allis granted to Scott W. Moline a certain Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of an existing metal canopy and the installation of a sign on the property located at 7530-32 West Lincoln Avenue ("Privilege"); and,

WHEREAS, the property has now changed ownership to Pawn America Wisconsin, LLC, who desires to retain the Privilege with the modification of removing that portion of the sign from the Privilege and adding the desire to maintain a minor obstruction consisting of a lannon stone and mortar retaining wall on that portion of the right-of-way on South 76th Street adjoining Lots 22 and 23.

NOW, THEREFORE, BE IT RESOLVED that the City of West Allis grants to Pawn America Wisconsin, LLC the Minor Privilege for Encroachment Beyond the Lot Line and within Public Street Right-of-Way consisting of a lannon stone and mortar retaining wall on that portion of the right-of-way on South 76th Street adjoining Lots 22 and 23 and also the Major Privilege for Encroachment Beyond the Lot Line and within Public Street Right-of-Way consisting of an existing metal canopy on that portion of the right-of-way on West Lincoln Avenue adjoining Lot 20 on the property located at 7530-32 West Lincoln Avenue, in the City of West Allis, WI. Together, the minor and major obstructions shall be referred to as the "Privilege".

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-PawnAmerica

ADOPTED **MAR 05 2013**

Paul M. Ziehler

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

APPROVED **3/8/13**

Dan Devine

Dan Devine, Mayor

PRIVILEGE FOR ENCROACHMENT
Minor/Major

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

Pawn America Wisconsin, LLC, owner(s) of property located at 7530-32 West Lincoln Avenue, West Allis, hereinafter "Grantee(s)", desire to maintain a minor obstruction as defined in Section 11.165(1) of the City of West Allis Revised Municipal Code, extending beyond the lot line and within the public street right-of-way consisting of a lannon stone and mortar retaining wall on that portion of the right-of-way on South 76th Street adjoining Lots 22 and 23 and also desire to maintain a major obstruction, as defined in Section 11.165(2) of the City of West Allis Revised Municipal Code, consisting of an existing metal canopy on that portion of the right-of-way on West Lincoln Avenue adjoining Lot 20. Together, the minor and major obstructions shall be referred to as the "encroachment" or "privilege". Said encroachment is located within Agnew's Highland Acres Subdivision, Block 15, being a subdivision of the Southwest $\frac{1}{4}$ of Section 3, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin. The location of the grant of privilege shall be referred to as the "encroachment area" and shall more particularly be described as follows:

Beginning at the Northwest corner of said Lot 23; thence Southerly, 32.00 feet, along East right-of-way line of South 76th Street; thence Westerly, 1.00 feet, at right angle to said right-of-way line; thence Northerly, 32.00 feet, parallel with said East right-of-way line; thence Easterly, 1.00 feet to the point of beginning.

Also, beginning at the Southwest corner of said Lot 20; thence Easterly, 120.00 feet along North right-of-way line of West Lincoln Avenue; thence Southerly, 2.00 feet at right angle to said right-of-way line; thence Westerly, 120.00 feet parallel with said North right-of-way line; thence Northerly, 2.00 feet to the point of beginning. Tax Key No. 476-0659-000.

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 Board of Public Works does hereby grant the above-described privilege, subject to the following terms and conditions:

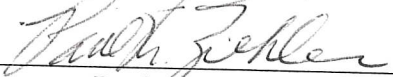
1. Upon acceptance hereof, the Grantee(s) shall become primarily liable for damages to persons or property by reason of the granting of this privilege; and the Grantee(s) agree to hold the City harmless for any damage to their property resulting from snow plowing or snow removal operations.
2. The Grantee(s) shall be obligated to remove the encroachment, or part thereof, 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. No part of the encroachment shall extend over the encroachment area; and no part of the encroachment shall extend farther than over the public right-of-way of South 76th Street or West Lincoln Avenue.
6. The encroachment shall be constructed and maintained in a manner to safeguard the public and shall specifically comply with the West Allis Municipal Code.
7. Grantee(s) shall be obligated to repair or replace the lannon stone brick and mortar

14. 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 _____ day of _____, 20__.

CITY OF WEST ALLIS

BY: 
Dan Devine, Mayor

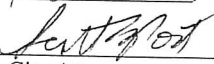
BY: 
Paul M. Ziehler
CAO, City Clerk/Treasurer

ACCEPTED BY:
PAWN AMERICA WISCONSIN, LLC

BY: 
Steve Caulfield,
Chief Operating Officer

Date: _____

Approved as to form this 77 day
of Feb, 2013.


City Attorney

C/Encrprimajor-PawnAmerica