

32.



City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2009-0092	Resolution	In Committee
Resolution to approve Amendment of Sanitary Sewer Easement by and between the City of West Allis ("the City"), Sunset Investors WA, LLC ("Sunset") and R&K of Wisconsin, LLC ("R&K").		
Introduced: 4/7/2009		Controlling Body: Public Works Committee
Sponsor(s): Public Works Committee		

COMMITTEE RECOMMENDATION *Adopt*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>4-7-09</u>			Barczak				✓
		✓	Czaplewski	✓			
			Kopplin				
			Lajsic				
			Narlock				
			Reinke				
			Roadt	✓			
	✓		Sengstock	✓			
			Vitale				
			Weigel	✓			
			TOTAL	<u>4</u>	<u>-</u>		<u>1</u>

SIGNATURE OF COMMITTEE MEMBER

[Signature] _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION **ADOPT**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>APR 07 2009</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-2009-0092

Final Action:

APR 07 2009

Sponsor(s): Public Works Committee

Resolution to approve Amendment of Sanitary Sewer Easement by and between the City of West Allis ("the City"), Sunset Investors WA, LLC ("Sunset") and R&K of Wisconsin, LLC ("R&K").

WHEREAS, On or about November 18, 1987, Charles E. Benidt and Glenn H. Benidt, who were the co-owners of the Storage Property, granted an easement over portions of the Storage Property to maintain, extend, operate, repair and rebuild a sanitary sewer main: which easement was recorded with the Milwaukee County Register of Deeds on December 4, 1987, at Reel 2166, Images 1295 1298, as Document No. 6129323 (the "Sanitary Sewer Easement"),

WHEREAS, Sunset, R&K and the City have agreed to amend the Sanitary Sewer Easement per the attached Amendment of Sanitary Sewer Easement.

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

1. That the Amendment to Sanitary Sewer Easement by and between the City, Sunset and R&K, attached hereto and incorporated herein by reference, be and the same is hereby accepted and 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 Amendment to Sanitary Sewer Easement on behalf of the City.

BE IT FURTHER RESOLVED That the City Attorney is hereby authorized to make such substantive changes to the Amendment to Sanitary Sewer Easement as are needed to protect the City's best interests.

ADOPTED

APR 07 2009

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

APPROVED

4/10/09

Dan Devine, Mayor

**AMENDMENT OF SANITARY SEWER
EASEMENT**

Document Number

Document Title

Recording Area

Name and Return Address

David C. Keating
Walsh & Keating, S.C.
1505 Wauwatosa Ave.
Wauwatosa, WI 53213

Parcel Identification Number (PIN)

448-9993-010

SEE ATTACHMENT

This information must be completed by submitter: document title, name and return address, and PIN (if required). Other information such as the granting clauses, legal description, etc. may be placed on this first page of the document or may be placed on additional pages of the document. Note: Use of this cover page adds one page to your document and \$2.00 to the recording fee. Wisconsin Statutes. 59.517. WRDA 2/96

**AMENDMENT OF SANITARY
SEWER EASEMENT**

This Amendment of Sanitary Sewer Easement ("Amendment") is made and entered into on the respective dates set out below by and between the City of West Allis ("the City"), Sunset Investors WA, LLC ("Sunset") and R&K of Wisconsin, LLC ("R&K").

RECITALS

- A. Sunset and R&K are the co-owners of certain real property and improvements located at 11108 W. Lapham Street, West Allis, Wisconsin, as more particularly described in Exhibit A attached hereto (the "Storage Property");
- B. On or about November 18, 1987, Charles E. Benidt and Glenn H. Benidt, who were the co-owners of the Storage Property, granted an easement over portions of the Storage Property to maintain, extend, operate, repair and rebuild a sanitary sewer main; which easement was recorded with the Milwaukee County Register of Deeds on December 4, 1987, at Reel 2166, Images 1295 1298, as Document No. 6129323 (the "Sanitary Sewer Easement");
- C. Sunset, R&K and the City have agreed to amend the Sanitary Sewer Easement as set out herein:

NOW THEREFORE, in consideration of the above Recitals, the sum of Ten Dollars (\$10.00) and other good and valuable consideration, the parties agrees as follows:

- 1. Amendment to Easement Area. The Sanitary Sewer Easement is amended by deleting therefrom the property described in Exhibit B attached hereto. Sunset and R&K shall pay all expenses of abandoning the portions of the Sanitary Sewer Easement deleted herein if necessary.
- 2. Remaining Terms. Except as specifically modified herein, the Sanitary Sewer Easement shall remain in full force and effect and is hereby ratified, confirmed and approved.

IN WITNESS WHEREOF, the parties have executed this Amendment of Sanitary Sewer Easement.

In presence of:

CITY OF WEST ALLIS

Jane Schilling

By: Dan Devine
Dan Devine, Mayor

Ann Marie Neff

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

STATE OF WISCONSIN)
) SS.
MILWAUKEE COUNTY)

Personally came before me this 10th day of April, 2009, Dan Devine, Mayor and Paul Ziehler, City Admin. Officer, Clerk/Treas., of the above-named municipal corporation, CITY OF WEST ALLIS, to me known to be the persons who executed the foregoing instrument and to me known to be such Mayor and City Admin. Officer, Clerk/Treas. 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 No. R-2009-0092 adopted by its Common Council on April 7, 2009, 2009.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

(Notary Seal)

Ann Marie Neff
Notary Public, State of Wisconsin
My Commission:

R&K of Wisconsin, LLC

By: _____
Roy N. Cook, Manager

STATE OF WISCONSIN)
)SS.
MILWAUKEE COUNTY)

Personally appeared before me this _____ day of _____, 2009, the above named Roy N. Cook, to me known to be the person who executed the foregoing document, and acknowledged same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[NOTARIAL SEAL]

Notary Public, State of Wisconsin
My commission: _____

Sunset Investors WA, LLC

By: _____
Kendall Breunig, Manager

STATE OF WISCONSIN)
)SS.
MILWAUKEE COUNTY)

Personally appeared before me this _____ day of _____, 2009, the above named Kendall Breunig, to me known to be the person who executed the foregoing document, and acknowledged same.

IN WITNESS WHEREOF, I hereunto set my hand and official seal.

[NOTARIAL SEAL]

Notary Public, State of Wisconsin
My commission: _____

Drafted By:
David C. Keating
Walsh & Keating, S.C.
1505 Wauwatosa Ave.
Wauwatosa, WI 53213
Phone: (414) 257-9929
Fax: (414) 257-9959

EXHIBIT A

Legal Description

The Storage Property

Lots 2 and 3 of Certified Survey Map No. 5671, recorded on March 26, 1992, Reel 2744, Images 1338 to 1343 inclusive, as Document No. 6588067, part of C.S.M. No. 731, part of Parcels 1 and 2 and all of Parcel 3 of C.S.M. No. 3738, part of Lot 2 and all of Lots 1 and 3 of C.M.S No. 4364, being part of the Northeast $\frac{1}{4}$ and Northwest $\frac{1}{4}$ of the Northeast $\frac{1}{4}$ of Section 6, Town 6 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin.

Tax Key No: 448-9993-010

Address: 11108 W. LAPHAM STREET

EXHIBIT B

PARTIAL SANITARY SEWER EASEMENT RELEASE

SITUATED ON WEST GREENFIELD AVENUE, IN THE CITY OF WEST ALLIS, MILWAUKEE COUNTY, WISCONSIN

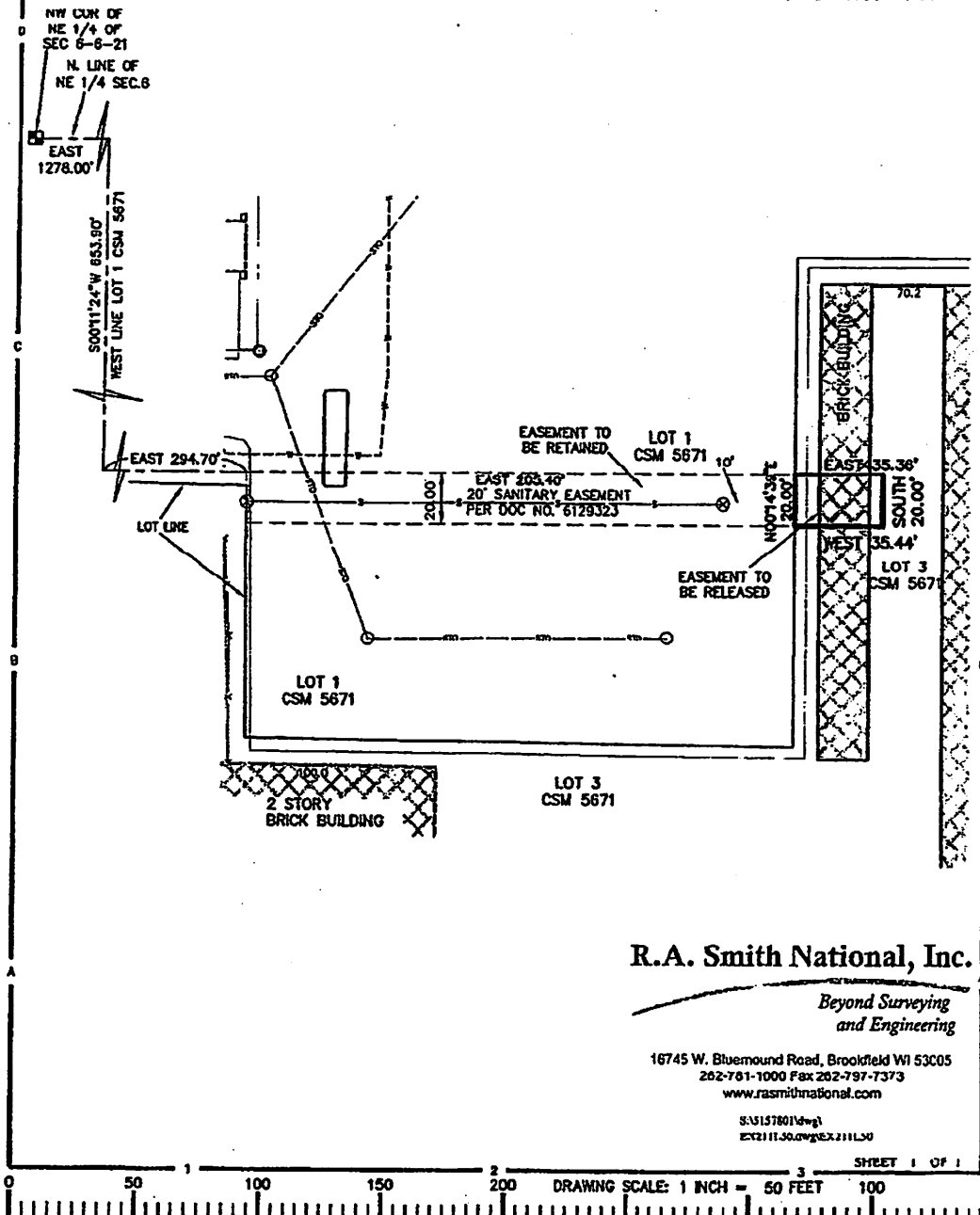
PART OF LOT 3 OF CERTIFIED SURVEY MAP NO. 5671, RECORDED ON MARCH 26, 1992 ON REEL 2744, IMAGES 1338 TO 1343 INCLUSIVE, AS DOCUMENT NO. 6588067, BEING PART OF THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWN 6 NORTH, RANGE 21 EAST, IN THE CITY OF WEST ALLIS, MILWAUKEE COUNTY, WISCONSIN. BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID 1/4 SECTION; THENCE EAST ALONG THE NORTH LINE OF SAID 1/4 SECTION 1278.00 FEET TO A POINT IN THE EXTENSION OF THE WEST LINE OF LOT 1 OF CERTIFIED SURVEY MAP NO. 5671; THENCE SOUTH $0^{\circ}11'24''$ WEST 1 ALONG SAID LINE AND ITS EXTENSION 653.90 FEET TO A POINT; THENCE EAST 294.70 FEET TO A POINT; THENCE CONTINUING EAST 205.40 FEET TO A POINT IN THE WEST LINE OF SAID LOT AND ALSO THE POINT OF BEGINNING OF THE EASEMENT TO BE RELEASED; THENCE CONTINUING EAST 35.36 FEET TO A POINT; THENCE SOUTH 20.00 FEET TO A POINT; THENCE WEST 35.44 FEET TO A POINT IN THE WEST LINE OF SAID LOT; THENCE NORTH $00^{\circ}14'39''$ EAST ALONG SAID WEST LINE 20.00 FEET TO THE POINT OF BEGINNING.
SAID LAND CONTAINS 708 SQ. FT.

JANUARY 28, 2009

SUNSET INVESTORS

DRAWING NO. 157801-RMK



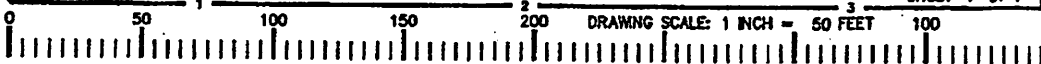
R.A. Smith National, Inc.

Beyond Surveying
and Engineering

16745 W. Bluemound Road, Brookfield WI 53005
262-761-1000 Fax 262-797-7373
www.rasmithnational.com

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EXT2111.30.dwg EX2111L50

SHEET 1 OF 1



EXHIBIT

PARTIAL SANITARY SEWER EASEMENT RELEASE

SITUATED ON WEST GREENFIELD AVENUE, IN THE CITY OF WEST ALLIS, MILWAUKEE COUNTY, WISCONSIN

PART OF LOTS 1 AND 3 OF CERTIFIED SURVEY MAP NO. 5671, RECORDED ON MARCH 26, 1992 ON REEL 2744, IMAGES 1338 TO 1343 INCL., AS DOCUMENT NO. 6588067, BEING PART OF THE NORTHEAST 1/4 AND NORTHWEST 1/4 OF THE NORTHEAST 1/4 OF SECTION 6, TOWN 6 NORTH, RANGE 21 EAST, IN THE CITY OF WEST ALLIS, MILWAUKEE COUNTY, WISCONSIN. BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID 1/4 SECTION; THENCE EAST 1278.00 FEET TO A POINT; THENCE SOUTH 0°11'24" WEST 653.90 FEET TO A POINT; THENCE EAST 294.700 FEET TO A POINT; THENCE CONTINUING EAST 205.40 FEET TO THE POINT OF BEGINNING OF THE EASEMENT TO BE RELEASED; THENCE CONTINUING EAST 54.50 FEET TO A POINT; THENCE SOUTH 20.00 FEET TO A POINT; THENCE WEST 54.50 FEET TO A POINT; THENCE NORTH 20.00 FEET TO THE POINT OF BEGINNING. SAID LAND CONTAINS 1090 SQ. FT.

JANUARY 5, 2008

SUNSET INVESTORS

DRAWING NO. 157801-RMK

NW COR OF
NE 1/4 OF
SEC 6-6-21

EAST
1278.00'

S00°11'24"W 653.90'

EAST 294.70'

LOT LINE

LOT 1
CSM 5671

2 STORY
BRICK BUILDING

EASEMENT TO
BE RETAINED

LOT 1
CSM 5671

EAST 205.40'
20' SANITARY EASEMENT
PER DOC NO. 6129323

EAST 54.50'

NORTH
20.00'

WEST 54.50'

EASEMENT TO
BE RELEASED

LOT 3
CSM 5671

LOT 3
CSM 5671

BRICK BUILDING

70.2

SOUTH
20.00'

R.A. Smith National, Inc.

*Beyond Surveying
and Engineering*

16745 W. Bluemound Road, Brookfield WI 53005
262-781-1000 Fax 262-797-7373
www.rasmithnational.com

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EX201L50.dwg\EX201L50

SHEET 1 OF 1

DRAWING SCALE: 1 INCH = 50 FEET