



City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2004-0258	Resolution	In Committee
Resolution Authorizing the Acceptance of Lands and Interests for Storm Sewer Improvements for Mutual Benefit for parcel of land at 7128 West Kinnickinnic River Parkway.		
Introduced: 9/7/2004		Controlling Body: Public Works Committee

COMMITTEE RECOMMENDATION

ADOPT

ACTION
DATE:

9-7-04

MOVER SECONDER

_____	_____	Barczak
_____	_____	Czaplewski
_____	_____	Dobrowski
_____	_____	Kopplin
_____	_____	Lajsic
_____	_____	Narlock
_____	_____	Reinke
_____	_____	Sengstock
_____	_____	Vitale
_____	_____	Weigel

AYE	NO	PRESENT	EXCUSED
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			

TOTAL

5

SIGNATURE OF COMMITTEE MEMBER

Chair

Vice-Chair

Member

Handwritten signature of Adam Dobrowski

COMMON COUNCIL ACTION

ADOPT

ACTION
DATE:

SEP 07 2004

MOVER SECONDER

_____	_____	Barczak
_____	_____	Czaplewski
_____	_____	Dobrowski
_____	_____	Kopplin
_____	_____	Lajsic
_____	_____	Narlock
_____	_____	Reinke
_____	_____	Sengstock
_____	_____	Vitale
_____	_____	Weigel

AYE	NO	PRESENT	EXCUSED
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			
✓			

TOTAL

10

**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-2004-0258

Final Action:

SEP 07 2004

Resolution Authorizing the Acceptance of Lands and Interests for Storm Sewer Improvements for Mutual Benefit for parcel of land at 7128 West Kinnickinnic River Parkway.

WHEREAS, the owners of the lands and interests shown and described on Engineering Drawing File No. Y-1143, dated August 18, 2004, which is attached hereto as Exhibit "A" and made a part hereof, have requested the City to proceed with the installation of a backyard storm drainage system to alleviate local flooding problems (the "Project"); and,

WHEREAS, the City of West Allis is willing to proceed with the Project provided the property owners agree to Mutual Benefit for compensation of the necessary lands and interests for the Project and pay the cost for installation of the Project; and,

WHEREAS, there would be no displacement of persons or property as a result of the Project.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the City Attorney be and is hereby authorized and directed to acquire, by Mutual Benefit, the lands and interests set forth in Exhibit "A" from the record owners thereof and from any and all other persons or entities which may have an interest in said lands.

BE IT FURTHER RESOLVED that the Common Council hereby declares its intent not to proceed with acquisition of the aforesaid lands and interests under the eminent domain procedures of Chapter 32 of the Wisconsin Statutes.

BE IT FURTHER RESOLVED that the Common Council recognizes the City's responsibilities to make such payments for expenses incidental to the dedication of lands and interests hereunder, as may be required pursuant to Section 32.195 of the Wisconsin Statutes, and, therefore, directs compliance therewith in all respect.

ATTR-Lands&Interests-7128WKK

ADOPTED

September 7, 2004

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

APPROVED

September 10, 2004

Jeannette Bell, Mayor

Document Number

PERMANENT LIMITED EASEMENT

Exempt from fee: s.77.25(2r) Wis. Stats.
RE3043 LPA-8/97

THIS EASEMENT, made by LAWRENCE E. HERBST AND BARBARA J. HERBST, husband and wife

GRANTOR, conveys a permanent limited easement as described below to the City of West Allis GRANTEE, for the sum of Mutual Benefit (\$ -0-)
for the purpose of installation of a storm sewer

Any person named in this deed may make an appeal from the amount of compensation within six months after the date of recording of this deed as set forth in s.32.05(2a) Wisconsin Statutes. For the purpose of any such appeal, the amount of compensation stated on the deed shall be treated as the award, and the date the deed is recorded shall be treated as the date of taking and the date of evaluation.

Other persons having an interest of record in the property: NORTH SHORE BANK

Legal Description

See Attached Easement.

Address: 7128 WEST KINNICKINNIC RIVER PARKWAY

This space is reserved for recording data

Return to

City Attorney
West Allis City Hall
7525 West Greenfield Avenue
West Allis, Wisconsin 53214

Parcel Identification Number/Tax Key Number

515-0126-000

By:

Lawrence E. Herbst
(Signature)

LAWRENCE E. HERBST

(Print Name)

Barbara J. Herbst
(Signature)

BARBARA J. HERBST

(Print Name)

(Signature)

(Print Name)

(Signature)

(Print Name)

Sept 23, 2004
(Date)

State of Wisconsin

)

) ss.

Milwaukee

County

On the above date, this instrument was acknowledged before me by the named person(s).

Brenda L. Lindsay

(Signature, Notary Public, State of Wisconsin)

Brenda L. Lindsay

(Print or Type Name, Notary Public, State of Wisconsin)

2-24-08

(Date Commission Expires)

This instrument was drafted by Scott E. Post, City Attorney

EASEMENT

Storm Sewer Easement granted by LAWRENCE E. HERBST AND BARBARA J. HERBST, hereinafter referred to as the "Grantor" to the CITY OF WEST ALLIS, a Wisconsin Municipal Corporation, hereinafter referred to as the "Grantee".

WITNESSETH:

WHEREAS, the Grantee desires to construct, maintain, repair, rebuild, and operate a storm sewer main and appurtenances through and along the premises hereinafter described and owned by the Grantor; and,

WHEREAS, the Grantor is willing to grant an easement therefore on the terms and conditions hereof and the maintenance and operation of said storm sewer main and appurtenances by the Grantee.

NOW, THEREFORE, in consideration of the payment of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged, the Grantor for itself, its heirs, successors and assigns do hereby grant unto the Grantee, its successors and assigns, a perpetual easement over, under, through, along, and upon the lands described as follows:

The South 15.00 feet of Lot 1 in Block 1 of Kearns and De Lance Subdivision, being a part of the Southwest $\frac{1}{4}$ of Section 10, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, Wisconsin. Said land contains 2024.85 feet.

Part of Tax Key No. 515-0126-000

Per Engineering Drawing File No. Y-1143 (attached)

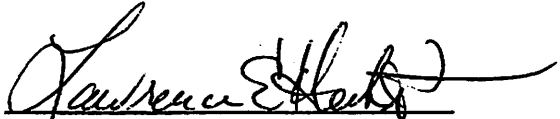
granting to the Grantee the right, permission, and authority to construct, maintain, operate, repair and rebuild a storm sewer main and appurtenances through, under and along the aforesaid lands.

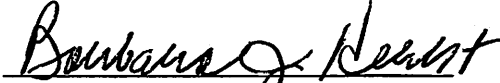
Grantee and its agents shall have the right to enter the aforesaid lands for the purpose of exercising the rights herein acquired, but the Grantee agrees to restore or cause to have restored, the surface of the aforesaid lands, as nearly as is reasonable possible, to the condition existing prior to such entry by the Grantee or its agent.

In granting this Easement, Grantor reserves to itself, its successors and assigns the right to make use of the surface of the easement area, as will not injure the aforesaid storm sewer main and appurtenances or prevent ingress or egress thereto for the purposes of constructing, operating, repairing, maintaining, improving, or rebuilding the same; provided, however, that no building or structure of any kind shall be erected upon any part of said Easement without prior permit from the Grantee.

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

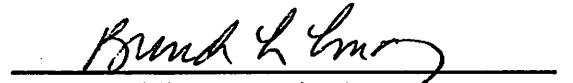
Dated this 23 day of September, 2004.


Lawrence E. Herbst, Grantor



Barbara J. Herbst, Grantor

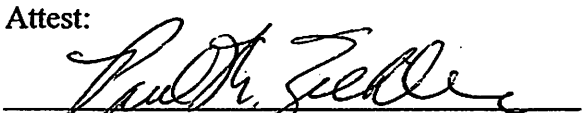
State of Wisconsin)
) ss
Milwaukee County)

Personally came before me this 23 day of September, 2004, the above-named Lawrence E. Herbst and Barbara J. Herbst, to me known to be the person(s) who executed the foregoing instrument and acknowledged the same.


Notary Public, State of Wisconsin
My Commission Expires: 2-24-08

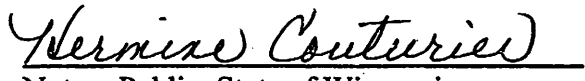
CITY OF WEST ALLIS, Grantee

By: 
Jeannette Bell, Mayor

Attest:

Paul M. Ziehler, City Administrative Officer,
Clerk/Treasurer

State of Wisconsin)
) ss
Milwaukee County)

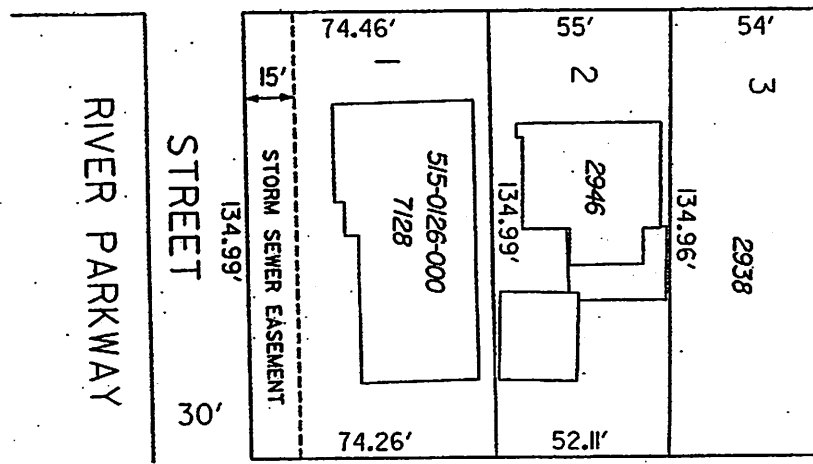
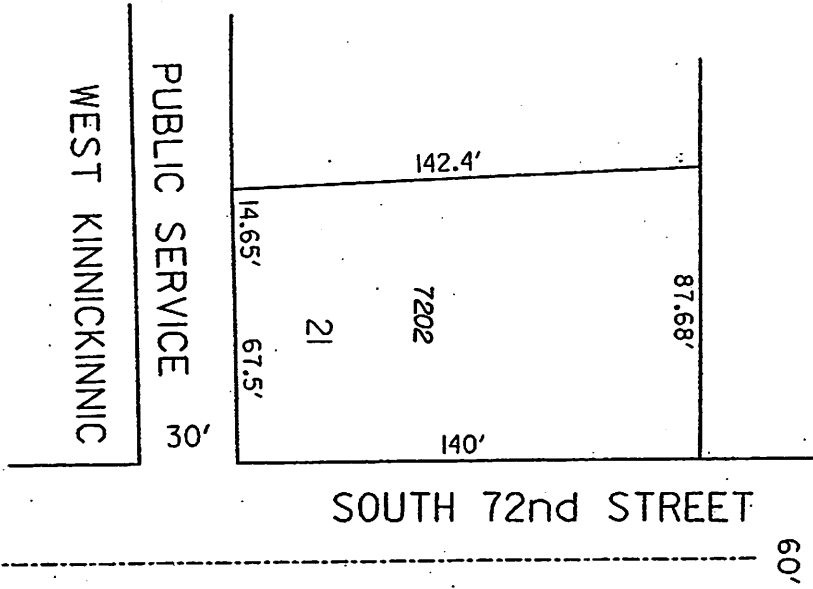
Personally came before me this 13 day of September, 2004, the above-named Jeannette Bell and Paul M. Ziehler, to me known to be the Mayor and City Administrative Officer, Clerk/Treasurer of the City of West Allis, a Wisconsin Municipal Corporation, and the person(s) who executed the foregoing instrument on behalf of the City and acknowledged the same.


Notary Public, State of Wisconsin
My Commission Expires: 10-10-04

This Easement approved and accepted by the City of West Allis Common Council
Resolution No. R-2004-0258 adopted 9-7, 2004, and approved 9-10, 2004.

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

Lesak/SS Easement - Herbst



DESCRIPTION & LOCATION

OWNER: Lawrence and Barbara Herbst
 ADDRESS: 7128 West Kinnickinnic River Parkway
 Tax Key: 515-0126-000

The South 15.00 feet of Lot 1 in Block 1 of Kearns and De Lance Subdivision, being part of the Southwest 1/4 of Section 10, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, State of Wisconsin. Said land contains 2024.85 feet.

DOCUMENT NO.	SHEET	IMAGE	ACQUIRED
SCALE: 1"=40' 1/4 SEC. NO. 515			
DRAWN BY: J.K. CHECKED BY: J.M.B.			
DESCRIPTION BY: J.K.			
SURVEY			
REVISIONS			
APPROVED: <i>[Signature]</i> 8/18/04			
DATE 8-18-04 FILE NO. Y-1143			
CITY OF WEST ALLIS			
ENGINEERING DEPARTMENT			
STORM SEWER EASEMENT			

NOMINAL PAYMENT PARCEL-WAIVER OF APPRAISAL RECOMMENDATION AND APPROVAL

Owner LAWRENCE E. HERBST AND BARBARA J. HERBST	Area and Interest Required 0.04648 Tax Key No. 515-0126-000
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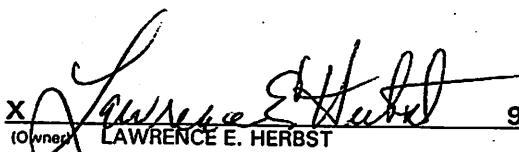
Allocation

Land	_____	acres	X	\$ _____	/ac.	=	\$ _____
	_____	acres	X	\$ _____	/ac.	=	\$ _____
Permanent Limited Easement	<u>0.04648</u>	acres	X	\$ <u>Mutual Benefit</u>		=	\$ <u>-0-</u>
Temporary Limited Easement	_____	acres	X	\$ _____	/ac.	=	\$ _____
Fencing	_____					=	\$ _____
Landscaping	_____					=	\$ _____
Improvements	_____					=	\$ _____
Other	_____					=	\$ _____
Total Damages						=	\$ <u>-0-</u>
Rounded To							\$ <u>-0-</u>

The undersigned owner(s), having been fully informed of the right to have the property appraised, and to receive just compensation based upon an appraisal, have decided to waive the right to an appraisal and agree to accept settlement in the above-stated amount as full payment for the parcel stated, subject to approval by the City of West Allis.

The undersigned owner(s) further state that the decision to waive the right of an appraisal was made without undue influences or coercive action of any nature.

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

X  9/23/04
(Owner) **LAWRENCE E. HERBST** (Date)

X  9/23/04
(Owner) **BARBARA J. HERBST** (Date)

X _____
(Owner) (Date)

X _____
(Owner) (Date)

For Office Use Only

APPROVED For

_____ X _____
(Date)

Project	County	Parcel