

**CITY OF WEST ALLIS
RESOLUTION R-2021-0418**

**RESOLUTION AUTHORIZING AND DIRECTING THE CITY ENGINEER TO
ENTER INTO AN AGREEMENT WITH THE WISCONSIN DEPARTMENT OF
TRANSPORTATION TO ALLOW TEMPORARY PARKLET OR PEDLET
INSTALLATIONS ON W. GREENFIELD AVENUE (WIS 59) BETWEEN S. 76TH ST.
AND S. 70TH ST.**

WHEREAS, the State has the authority to regulate the use of right of way on state trunk highways and connecting highways under Wis. Stats. Ch. 84, 85, and 86, including a portion of W. Greenfield Avenue (WIS 59) within the city limits of the City of West Allis; and,

WHEREAS, the State, under 23 CFR 1.23, purchases and maintain right-of-way sufficient for the construction, operation and maintenance of highway facilities, and the State must preserve such right-of-way free of all public and private installations, facilities or encroachments where such right -of-way was acquired with the use of Federal funds as required by the Federal Highway Administration; and

WHEREAS, the Federal Highway Administration has notified the State that it will review and may grant, on a case-by-case basis, a limited-time fair market value exception for the non-highway right-of-way use of real property at the request of the State and after the State has verified that the right-of-way to be occupied was acquired with Federal aid funding assistance; and

WHEREAS, the State will review and may grant, on a case-by-case basis, a limited-time fair market value exception for the non-highway right-of-way use of real property after the State has verified that the right-of-way to be occupied was acquired without Federal aid funding assistance;

WHEREAS, the State's policy is to not allow parklets, but has issued new guidance on parklet or pedlet installation following the numerous requests received during the COVID-19 pandemic to accommodate social distancing and increase food and beverage service establishments' capacity; and,

WHEREAS, the State parklet policy has been expanded to include connecting highways rather than allowing the local municipality to determine connecting highway policy; and,

WHEREAS, the City initiated a Pedlet Policy No. 2823 in 2014 for downtown food and beverage service establishments that requires a special use permit for outdoor dining, plan review and approval by the City Engineer to ensure safety and adherence to city policy guidelines, and a Major Grant of Privilege issued by the City Attorney's Office ensuring proper insurance coverage and bond requirements have been met.

NOW THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the Mayor and City Administrator/Clerk be and are hereby authorized and directed to enter into an Agreement for Temporary Parklet Installations with the Wisconsin Department of Transportation.

BE IT FURTHER RESOLVED that the City Engineer forward a certified copy of this Resolution, together with the executed Agreement, to the office of the Wisconsin Department of Transportation and take whatever further action is required to initiate and effect the services described herein.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized to make such non-substantive changes, modifications, additions and deletions to and from the various provisions of the Agreement, including any and all attachments, exhibits, addendums and amendments, as may be necessary and proper to correct inconsistencies, eliminate ambiguity and otherwise clarify and supplement said provisions to preserve and maintain the general intent thereof, and to prepare and deliver such other and further documents as may be reasonably necessary to complete the transactions contemplated therein.

SECTION 1: **ADOPTION** “R-2021-0418” of the City Of West Allis Municipal Resolutions is hereby *added* as follows:

ADOPTION

R-2021-0418(*Added*)

PASSED AND ADOPTED BY THE CITY OF WEST ALLIS COUNCIL

_____.

	AYE	NAY	ABSENT	ABSTAIN
Ald. Angelito Tenorio	_____	_____	_____	_____
Ald. Vince Vitale	_____	_____	_____	_____
Ald. Tracy Stefanski	_____	_____	_____	_____
Ald. Marty Weigel	_____	_____	_____	_____
Ald. Suzzette Grisham	_____	_____	_____	_____
Ald. Danna Kuehn	_____	_____	_____	_____
Ald. Thomas Lajsic	_____	_____	_____	_____
Ald. Dan Roadt	_____	_____	_____	_____
Ald. Rosalie Reinke	_____	_____	_____	_____
Ald. Kevin Haass	_____	_____	_____	_____

Attest

Presiding Officer

Rebecca Grill, City Clerk, City Of
West Allis

Dan Devine, Mayor City Of West
Allis