



# City of West Allis

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2014-0139**

**Final Action:**

**Sponsor(s):** Safety & Development Committee

**JUN 17 2014**

Resolution authorizing and directing staff to proceed with the preparation of plans and specifications and accept bids for the painting and sealing of the railroad overpass located between S. 104 St. and S. 105 St. along W. Greenfield Avenue.

WHEREAS, the railroad right-of-way and bridge located between S. 104 St. and S. 105 St. along W. Greenfield Avenue is controlled and operated by Union Pacific Railroad Company (hereinafter referred to as "UP"); and,

WHEREAS, the railroad overpass has a blighted appearance upon the neighborhood with peeling paint and an array of rust covering the surfaces (hereinafter the "Project"); and,

WHEREAS, through the years, numerous residents have expressed their discontent with the poor appearance of the railroad overpass to local, county, and state elected officials as well as the District Aldermen and Mayor have expressed interest in having the bridge painted; and,

WHEREAS, the estimated cost for the Project is \$100,000 and would have an immediate impact on a highly traveled street by improving the appearance for the area and the City; and,

WHEREAS, the City desires to perform through a contractor, work such as cleaning, sealing, and painting of the "UP's" railroad bridge the "Project"; and,

WHEREAS, the City has obtained from "UP" a template Right of Entry and Indemnity Agreements (hereinafter referred to as the "Agreement") for bridge painting that would allow access to the property to perform said work outlined above; and,

WHEREAS, under the "Agreement", the City would be required to accept various covenants including a hold harmless provision and indemnification for the "UP" from all fines, judgments, claims, etc. for any loss and/or damage to the property belonging to any person (including environmental claims) arising in any manner from the performance of the "Project"; and,

WHEREAS, the City Attorney has expressed concern and reservation with the language in the "Agreement" and the potential exposure for the City and has therefore requested Common Council approval of this project.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that it hereby authorizes and directs staff to proceed with the preparation of plans and specifications and

accept bids for the painting and sealing of the railroad overpass located between S. 104 St. and S. 105 St. along W. Greenfield Avenue.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized to make such substantive changes, modifications, additions and deletions to and from the various provisions of the contract, 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.

BE IT FURTHER RESOLVED that the Director of Public Works, or his designee, be and is hereby authorized to commence the bidding process, project specifications and execute and deliver the aforesaid Contract on behalf of the City.

BE IT FURTHER RESOLVED that the funding for the Project will be made available from the Community and Economic Development Investment Fund.

DEV-R-764-6-3-14-bjb

cc: Development Department  
Director of Public Works

ADOPTED         JUN 17 2014        

Monica Schultz  
Monica Schultz, City Clerk

APPROVED         6/19/14        

Dan Devine  
Dan Devine, Mayor