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City of West Allis Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2004-0021	Resolution	In Committee
Resolution Granting a Privilege for Encroachment (Major) to New Owner Lang and Ong H. Xiong (d/b/a Egg Roll Supreme) for property located at 9536-38 West Greenfield Avenue.		
Introduced: 2/3/2004		Controlling Body: Public Works Committee

COMMITTEE RECOMMENDATION Approve **ADOPT**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>2-3-04</u>			Barczak				
			Czaplewski				
			Kopplin				
			Lajsic				
			Narlock	✓			
		✓		Reinke			
			✓	Sengstock	✓		
				Trudell	✓		
				Vitale	✓		
			Weigel	✓			
			TOTAL	5	0		

SIGNATURE OF COMMITTEE MEMBER (RECORDER)

Reinal Narlock _____
 Chair Vice-Chair Member

COMMON COUNCIL ACTION adopt

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>2-3-04</u>			-Barczak	✓			
			Czaplewski	✓			
			Kopplin	✓			
			Lajsic	✓			
		✓		Narlock	✓		
				Reinke	✓		
				Sengstock	✓		
			✓	Trudell	✓		
				Vitale	✓		
			Weigel	✓			
			TOTAL	10	1		

cc: C.A.
Eng. Dept.

Bldg. Inspection

**COMMITTEES OF THE WEST ALLIS COMMON COUNCIL
2003**

ADMINISTRATION AND FINANCE

Chair: Alderperson Czaplewski
V.C.: Alderperson Kopplin
Alderspersons: Barczak
Lajsic
Reinke

ADVISORY

Chair: Alderperson Reinke
V.C.: Alderperson Vitale
Alderspersons: Kopplin
Lajsic
Narlock

LICENSE AND HEALTH

Chair: Alderperson Barczak
V.C.: Alderperson Sengstock
Alderspersons: Kopplin
Trudell
Vitale

SAFETY AND DEVELOPMENT

Chair: Alderperson Lajsic
V.C.: Alderperson Weigel
Alderspersons: Czaplewski
Narlock
Reinke

PUBLIC WORKS

Chair: Alderperson Narlock
V.C.: Alderperson Trudell
Alderspersons: Sengstock
Weigel
Vitale



City of West Allis

7525 W. Greenfield Ave.
West Allis, WI 53214

Resolution

File Number: R-2004-0021

Final Action:

FEB 03 2004

Resolution Granting a Privilege for Encroachment (Major) to New Owner Lang and Ong H. Xiong (d/b/a Egg Roll Supreme) for property located at 9536-38 West Greenfield Avenue.

WHEREAS, by Resolution No. 25483, adopted October 7, 1997, the City of West Allis granted to Peter and Christine Yannaras a certain Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of a sign, chain link fence on that portion of the right-of-way of West Greenfield Avenue and South 96th Street, and a handicap ramp projecting into the abutting West Greenfield Avenue located at 9536-38 West Greenfield Avenue, West Allis, WI (the "Privilege"); and,

WHEREAS, the property has now changed ownership to Lang and Ong H. Xiong (d/b/a Egg Roll Supreme), who desire to retain the Privilege.

NOW, THEREFORE, BE IT RESOLVED that the City of West Allis grants to Lang and Ong H. Xiong the Privilege for Encroachment Beyond the Lot Line and Within Public Street Right-of-Way consisting of a sign, chain link fence and handicap ramp located at 9526-28 West Greenfield Avenue.

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-Xiong

ADOPTED February 3, 2004

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

APPROVED February 10, 2004

Jeannette Bell, Mayor

PRIVILEGE FOR ENCROACHMENT

Major

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

Lang Xiong and Ong H. Xiong, owner(s) of property located at 9536-38 West Greenfield Avenue, West Allis, hereinafter "Grantee(s)", desire to maintain an encroachment extending beyond the lot line and within the public street right-of-way consisting of a sign, chain link fence and a handicap ramp per site plan approved by the Plan Commission on March 26, 1997, on that portion of the right-of-way of West Greenfield Avenue and South 96th Street adjoining Lot 23 and Lot 24, Block 4, Assessment Subdivision No. 96, being a division of the Southeast $\frac{1}{4}$ of Section 32, Township 7 North, Range 21 East, in the City of West Allis, County of Milwaukee, State of Wisconsin, more particularly described as follows:

Beginning at the Northwest corner of said Lot 23, said point also being on the East right-of-way line of South 96th Street; thence South 00°03' East along the said East line, 93.00 feet; thence South 45°01'30" East, 7.07 feet to a point on the North right-of-way line of West Greenfield Avenue; thence East along said North Line, 80.00 feet to the Southeast corner of Lot 24; thence South 00°03' East, 2.00 feet; thence West and parallel with the North right-of-way line of West Greenfield Avenue, 86.00 feet; thence North 00°03' West and parallel with the East right-of-way line of South 96th Street, 100.00 feet; thence East 1.00 feet to the point of beginning. Tax Key No. 443-0213-001.

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 Common Council of the City of West Allis 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 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. I hereby 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. Plans and specifications of any repair/alterations being performed in the public right-of-way for which this privilege is granted, other than the sign, chain link fence and handicap ramp as provided herein, shall require submission to, and final approval of, the City Engineer of the City of West Allis.

6. It is understood that Grantee(s), their heirs, successors and assigns, shall file a Bond with the City Clerk/Treasurer in the amount of One Thousand Dollars (\$1,000) and a Certificate of Insurance in the amount of at least Ten Thousand Dollars (\$10,000.00), in a form approved by the City Attorney, for damages to person or property by reason of the granting of this privilege. The City of West Allis shall be named as an additional insured, as its interest may appear, on the certificate of insurance. The insurance certificate shall further provide that ten (10) day written notice to the City of West Allis shall be provided in the event of any material change, or cancellation of insurance coverage.

7. Grantee(s) shall pay to the City of West Allis as compensation for this privilege the sum of Fifty Dollars (\$50.00).

8. This privilege shall be in force and have effect only upon payment of the required fee and filing of the Certificate of Insurance and Bond referred to above. This privilege shall cease upon the lapse or cancellation of the said insurance coverage. New application and new payment shall then be required to extend grant of privilege.

9. 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 20th day of January, 2004.

IN PRESENCE OF:

CITY OF WEST ALLIS

BY: Hermine Couturier

BY: Jeannette Bell
Jeannette Bell, Mayor

BY: Hermine Couturier

BY: Paul M. Ziebler
Paul M. Ziebler
City Administrative Officer
Clerk/Treasurer

IN PRESENCE OF:

ACCEPTED BY:

BY: Lang Xiong
Lang Xiong

Date: 1-20-04

BY: Ong H. Xiong
Ong H. Xiong

Date: 1-20-04

Approved as to form this 22 day
of Jan, 2004.

[Signature]
City Attorney

C/Encrprimajor-Lang Xiong