



# City of West Allis

## Matter Summary

7525 W. Greenfield Ave.  
West Allis, WI 53214

File Number	Title	Status
R-2007-0270	Resolution	In Committee
Resolution Authorizing and Directing the City Engineer to Require Union Pacific Railroad Company to Remove Two (2) Existing Track Segments in West Electric Avenue		
Introduced: 11/6/2007		Controlling Body: Public Works Committee
Sponsor(s): Public Works Committee		

### COMMITTEE RECOMMENDATION

*Adopt*

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>11-7-08</i>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Barczak				
<i>NOV 06 2007</i>			Czaplewski				
			Dobrowski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic				
			Narlock	<input checked="" type="checkbox"/>			
			Reinke				
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel				
TOTAL				<i>5</i>	<i>—</i>	<i>—</i>	<i>—</i>

### SIGNATURE OF COMMITTEE MEMBER

*Paul Hall*

Chair Vice-Chair Member

### COMMON COUNCIL ACTION

**ADOPT**

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<i>NOV 06 2007</i>		<input checked="" type="checkbox"/>	Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Dobrowski	<input checked="" type="checkbox"/>			
			Kopplin	<input checked="" type="checkbox"/>			
			Lajsic	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
			Sengstock	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
TOTAL:				<i>10</i>	<i>—</i>	<i>—</i>	<i>—</i>



Eng  
Atty.  
VP RR

## 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

7525 W. Greenfield Ave.  
West Allis, WI 53214

## Resolution

**File Number: R-2007-0270**

**Final Action:**

**Sponsor(s):** Public Works Committee

NOV 06 2007

Resolution Authorizing and Directing the City Engineer to Require Union Pacific Railroad Company to Remove Two (2) Existing Track Segments in West Electric Avenue.

West Electric Avenue, U.S. DOT Crossing No. 177231Y at Milepost 85.4 of the Milwaukee Subdivision at West Allis, Wisconsin.

WHEREAS, pursuant to Resolution No. 25830 adopted August 4th, 1998, the Union Pacific Railroad Company and the City of West Allis ("City") entered into an Agreement, a copy of which is attached hereto and incorporated herein, for the installation of two (2) 100 foot long prefabricated concrete crossings and the removal of two (2) existing track segments in West Electric Avenue at the location stated above; and,

WHEREAS, pursuant to said Agreement, the City was to provide a lump sum payment to Union Pacific Railroad Company in the amount of Thirty-eight Thousand Eleven Dollars (\$38,011.00) for the purchase of certain materials for the new grade crossing; and,

WHEREAS, on or about September 24th, 1999, the City paid its portion of the Agreement in full to Union Pacific Railroad Company; and,

WHEREAS, despite receiving payment in full as stated herein, Union Pacific Railroad Company installed the new prefabricated concrete crossings in West Electric Avenue but failed, and to date continues to fail, despite requests, to remove the existing track segments per the terms of the August 1998 Agreement; and,

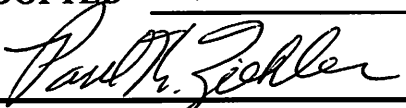
WHEREAS, the Common Council of the City of West Allis believes that the existing spur segment tracks in West Electric Avenue pose a hazard to vehicular and pedestrian traffic and should be removed; and,


WHEREAS, the Union Pacific Railroad Company is obligated by Wisconsin State Statute 86.12(1) to keep the surface of the crossing between the tracks and rails and extending four (4) feet on either side of the outside rails, in good condition and repair for highway travel; and,

WHEREAS, the Common Council of the City of West Allis may require Union Pacific Railroad Company to pave, plank, repair, change or otherwise improve the crossing by the authority of Wisconsin State Statute 86.12(1).

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Union Pacific Railroad Company is hereby required to remove said railroad spur crossing defined herein and that the City Administrative Officer, Clerk/Treasurer be and is hereby authorized and directed to serve a copy of this resolution upon Union Pacific Railroad Company and all other appropriate State and Federal officials as required by Wisconsin State Statute 86.12(1) for the removal of the railroad spur crossing in West Electric Avenue as herein described.

ATTR-UPRRCo-W Elec Ave Tracks

ADOPTED NOV 06 2007  
  
\_\_\_\_\_  
Paul M. Ziehler, City Admin. Officer, Clerk/Treas.

APPROVED November 8, 2007  
  
\_\_\_\_\_  
Jeannette Bell, Mayor

U.S. Postal Service

# CERTIFIED MAIL RECEIPT

(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee  
(Endorsement Required)

Restricted Delivery Fee  
(Endorsement Required)

Total Postage & Fees

\$

Postmark  
Here

Sent To

Gary Wilwedding/ Union Pacific RR  
Street, Apt. No., or P.O. Box No.

301 W. Lake St., Rm. 103

City, State, ZIP+4

Northlake, IL 60164

9526 1236 5000 0297 0002



## Certified Mail Provides:

- A mailing receipt
- A unique identifier for your mailpiece
- A signature upon delivery
- A record of delivery kept by the Postal Service for two years

### ***Important Reminders:***

- Certified Mail may **ONLY** be combined with First-Class Mail or Priority Mail.
- Certified Mail is *not* available for any class of international mail.
- **NO INSURANCE COVERAGE IS PROVIDED** with Certified Mail. For valuables, please consider Insured or Registered Mail.
- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**

U.S. Postal Service  
**CERTIFIED MAIL RECEIPT**

*(Domestic Mail Only; No Insurance Coverage Provided)*

OFFICIAL USE

Postage

\$

Certified Fee

Return Receipt Fee  
(Endorsement Required)

Restricted Delivery Fee  
(Endorsement Required)

**Total Postage & Fees**

\$

Postmark  
Here

Sent To **Gim Fischer/Union Pacific RR**

Street, Apt. No., or PO Box No.

**4823 N. 119 St., Rm. 122**

City, State, ZIP+4

**Milwaukee, WI 53225**

0000 029T 5000 1226 9321 9896

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- For an additional fee, a *Return Receipt* may be requested to provide proof of delivery. To obtain Return Receipt service, please complete and attach a Return Receipt (PS Form 3811) to the article and add applicable postage to cover the fee. Endorse mailpiece "Return Receipt Requested". To receive a fee waiver for a duplicate return receipt, a USPS postmark on your Certified Mail receipt is required.
- For an additional fee, delivery may be restricted to the addressee or addressee's authorized agent. Advise the clerk or mark the mailpiece with the endorsement "*Restricted Delivery*".
- If a postmark on the Certified Mail receipt is desired, please present the article at the post office for postmarking. If a postmark on the Certified Mail receipt is not needed, detach and affix label with postage and mail.

**IMPORTANT: Save this receipt and present it when making an inquiry.**





November 9, 2007

Gary Wilwerding  
Union Pacific Railroad  
301 W. Lake St., Rm. 103  
Northlake, IL 60164

**CITY CLERK/TREASURER'S OFFICE**

414/302-8200 or 414/302-8207 (Fax)

[www.ci.west-allis.wi.us](http://www.ci.west-allis.wi.us)

**Paul M. Ziehler**

*City Admin. Officer, Clerk/Treasurer*

**Monica Schultz**

*Assistant City Clerk*

**Rosemary West**

*Treasurer's Office Supervisor*

**VIA CERTIFIED MAIL**

**RE: Union Pacific Railroad Company to Remove Two (2) Existing Track  
Segments in West Electric Avenue.**

Dear Mr. Wilwerding:

Enclosed please find Resolution No. R-2007-0270, adopted on November 6, 2007,  
directing Union Pacific Railroad to remove two (2) existing track segments in West  
Electric Avenue.

Please contact either Michael Lewis, City Engineer at (414) 302-8372 or Brian Block,  
Engineering Technician at (414) 302-8367 with a schedule when removal will be made.

Sincerely,

Paul M. Ziehler  
City Administrative Officer  
Clerk/Treasurer

/amn  
enclosure

cc: Michael Lewis  
Brian Block  
Jim Fisher, Union Pacific Railroad (Via Certified Mail)  
Richard L. Ellison, Union Pacific Railroad

**SENDER: COMPLETE THIS SECTION**

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Union Pacific Railroad  
Jim Fischer  
4823 N. 119 St., Rm. 122  
Milwaukee, WI 53225

2. Article Number

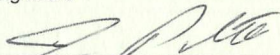
(Transfer from service label)

7000 1670 0005 9321 9833

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X



☐ Agent

☐ Addressee

B. Received by (Printed Name)

Jim Fischer

C. Date of Delivery

11/10

D. Is delivery address different from item 1?

☐ Yes

If YES, enter delivery address below:

☐ No

3. Service Type



Certified Mail



Express Mail



Registered



Return Receipt for Merchandise



Insured Mail



C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

三、

# THE NEW

## First-Class Mail

## Postage & Fees Paid

450

Part 100-3.10

**CITY OF WEST ALLIS  
Clerk/Treasurer's Office  
7525 West Greenfield Avenue  
West Allis, WI 53214**



**SENDER: COMPLETE THIS SECTION**

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- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

1. Article Addressed to:

Gary Wilwerding  
Union Pacific Railroad  
301 W. Lake St., Rm. 103  
Northlake, IL 60164

2. Article Number

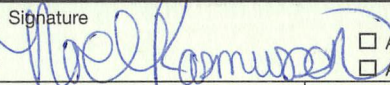
(Transfer from service label)

7000 1670 0005 9321 9758

**COMPLETE THIS SECTION ON DELIVERY**

A. Signature

X

☐ Agent  
☐ Addressee

B. Received by (Printed Name)

C. Date of Delivery

11-13

D. Is delivery address different from item 1? ☐ YesIf YES, enter delivery address below: ☐ No

3. Service Type



Certified Mail

☐ Express Mail

Registered

☐ Return Receipt for Merchandise

Insured Mail

☐ C.O.D.

4. Restricted Delivery? (Extra Fee)

☐ Yes

UNITED STATES POSTAL SERVICE



First-Class Mail  
Postage & Fees Paid  
USPS  
Permit No. G-10

- Sender: Please print your name, address, and ZIP+4 in this box •

**CITY OF WEST ALLIS  
Clerk/Treasurer's Office  
7525 West Greenfield Avenue  
West Allis, WI 53214**

