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City of West Allis

Matter Summary

7525 W. Greenfield Ave.
West Allis, WI 53214

File Number	Title	Status
R-2004-0177	Resolution	In Committee
Resolution Approving and Accepting a Permanent Limited Easement from Tri City National Bank for a retaining wall and landscaping along South 70th Street Corridor.		
Introduced: 6/1/2004		Controlling Body: Public Works Committee

COMMITTEE RECOMMENDATION Adopt

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>6-1-04</u>			Barczak				
			Czaplewski				
			Dobrowski			<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>			
			Lajsic				
			Narlock	<input checked="" type="checkbox"/>			
			Reinke				
			Sengstock	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Vitale	<input checked="" type="checkbox"/>			
			Weigel				
			TOTAL	<u>4</u>	<u>0</u>	<u>1</u>	

SIGNATURE OF COMMITTEE MEMBER

Paul Kopplin Chair Vice-Chair Member

COMMON COUNCIL ACTION adopt

ACTION DATE:	MOVER	SECONDER		AYE	NO	PRESENT	EXCUSED
<u>6-1-04</u>			Barczak	<input checked="" type="checkbox"/>			
			Czaplewski	<input checked="" type="checkbox"/>			
			Dobrowski			<input checked="" type="checkbox"/>	
		<input checked="" type="checkbox"/>	Kopplin	<input checked="" type="checkbox"/>			
	<input checked="" type="checkbox"/>		Lajsic	<input checked="" type="checkbox"/>			
			Narlock	<input checked="" type="checkbox"/>			
			Reinke	<input checked="" type="checkbox"/>			
		<input checked="" type="checkbox"/>	Sengstock	<input checked="" type="checkbox"/>			
			Vitale	<input checked="" type="checkbox"/>			
			Weigel	<input checked="" type="checkbox"/>			
			TOTAL	<u>9</u>	<u>-</u>	<u>1</u>	

C: C.A. Dev. Dept.

**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-2004-0177

Final Action:

JUN 01 2004

Resolution Approving and Accepting a Permanent Limited Easement from Tri City National Bank for a retaining wall and landscaping along South 70th Street Corridor.

WHEREAS, the Common Council of the City of West Allis by Resolution No. 27134 adopted July 1, 2002, approved the reconstruction of South 70th Street for the improvement of vehicular and pedestrian environments; and,

WHEREAS, the City of West Allis will need to acquire a Permanent Limited Easement along the east side of the property located at 851 South 70th Street from Tri City National Bank in order to accomplish these improvements.

NOW, THEREFORE, BE IT RESOLVED that the Mayor and the City Administrative Officer, Clerk/Treasurer be and are hereby authorized and directed on behalf of the City of West Allis to accept the Permanent Limited Easement, a copy of which is attached hereto, from Tri City National Bank for constructing, maintaining and improving a retaining wall and landscaping along South 70th Street Corridor.

ATTR-Easement-70 St-Tri City

ADOPTED

June 1, 2004

Paul M. Ziehler

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

APPROVED

June 4, 2004

Jeannette Bell

Jeannette Bell, Mayor

PERMANENT LIMITED EASEMENT

This Easement made by **TRI CITY NATIONAL BANK**, hereinafter referred to as "Grantor", conveys a permanent limited easement as described below to the **CITY OF WEST ALLIS**, a Wisconsin Municipal Corporation, hereinafter referred to as the "Grantee", for the sum of **MUTUAL BENEFIT**, a permanent limited easement over, under, through, along and upon and within a part of Grantor's land hereinafter referred to as "Easement Area".

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

Other persons having any interest of record in the property:

The location of the Easement Area with respect to the Grantor's land is as shown on the attached drawing, marked Exhibit "A", and made a part of this document.

1. **Purpose:** The purpose of this Easement is to permit the Grantee to construct, repair, rebuild and maintain (see Clause 4 for landscape maintenance) a ~~retaining~~ ^{planter box} wall and landscape improvements through, along and beneath the Easement Area described and owned by the Grantor. *gk 9/13*

2. **Access:** Grantee or its agents shall have free access to the Easement Area for the purpose of exercising the rights herein granted during any construction, maintenance or repair activities which take place during normal working business hours of TRI CITY NATIONAL BANK, shall be made on such reasonable terms and conditions as the Director shall approve in advance of such activity. *Land gk 9/13*

3. **Reservation:** 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 improvements or prevent ingress or egress thereto for the purposes of constructing, operating, repairing, maintaining, improving, or rebuilding the same.

4. **Maintenance:** Grantee agrees to maintain the landscape improvements, except grass cutting, (to include, without limitation because of enumeration, pruning, watering, weeding and the like) and be responsible for snow and ice removal in the Easement Area, all in accordance with the ordinances of the Grantee in such cases made and provided.

5. **Exercise of Rights:** It is agreed that the complete exercise of the rights herein conveyed may be gradual and not fully exercised until some time in the future, and that none of the rights herein granted shall be lost by non-use.

6. That all work performed in connection with the rights and privileges herein granted shall be done in a workmanlike manner.

7. That irrespective of any negligence by the City of West Allis, the City of West Allis agrees to indemnify TRI CITY NATIONAL BANK against all liability for damages, costs, losses, claims and legal expenses resulting from or arising out of or any way connected with the exercise of the rights granted by the easement and caused by the City of West Allis, its employees or agents.

This space is reserved for recording data

Return to

City Attorney
City of West Allis
7525 West Greenfield Avenue
West Allis, WI 53219

Parcel Identification Number/Tax Key Number

440-0004-005

(CONTINUED ON NEXT PAGE)

Grantor, having been fully informed of Grantor's right to have the above-described Permanent Limited Easement appraised, and to receive just compensation for the Easement based on an appraisal, waives the right to an appraisal and agrees to accept settlement in the above-stated amount as full payment for the Easement, subject to approval by the City of West Allis, as further consideration for this agreement.

TRI CITY NATIONAL BANK
(GRANTOR)

By: Gary Kaufman
Vice President

State of Wisconsin)
)ss
Milwaukee County)

Personally came before me this 2 day of June, 2004, the above named Gary Kaufman to me known to be the ^{Vice-}President of TRI CITY NATIONAL BANK, who executed the foregoing instrument and acknowledged the same on behalf of the corporation.

Scott Berardin
Notary Public, State of Wisconsin
My Commission Expires: is permanent

CITY OF WEST ALLIS

By: Jeannette Bell
Jeannette Bell, Mayor
Attest: Paul M. Ziehler
Paul M. Ziehler,
City Administrative Officer,
Clerk/Treasurer

State of Wisconsin)
)ss
Milwaukee County)

Personally came before this 10th day of June, 2004, the above named Jeannette Bell and Paul M. Ziehler, to me known to be the Mayor and City Administrative Officer, Clerk/Treasurer, respectively, of the City of West Allis, who executed the foregoing instrument and acknowledged the same on behalf of the City.

Darlyn M. Adams
Notary Public, State of Wisconsin
My Commission Expires: 12/10/06

This Easement approved and accepted by the City of West Allis Common Council Resolution No. R-2004-0177, adopted June 1st, 2004 and approved June 4th, 2004.

This instrument was drafted by:
Scott E. Post, City Attorney
City of West Allis
7525 West Greenfield Avenue
West Allis, Wisconsin 53214
Lesak/Easement-Tri City-70St

DESCRIPTION & LOCATION

A Permanent Limited Easement for the right to construct and maintain a wall and plant landscaping, included for such purpose the right to operate the necessary equipment thereon and right of ingress and egress as long as required for such public purpose, in and to the following tract of land:

That part of Parcel 2, Certified Survey Map No. 6524, located in Southwest 1/4 of Section 34, Township 7 North, Range 21 East in the City of West Allis, Milwaukee County, State of Wisconsin, more particularly described as follows:

Beginning at the southeast corner of Outlot 1, Certified Survey Map 6524; thence South 00°46'27" East, 12.00 feet along east line of Parcel 2; thence South 88°54'09" West, 76.07 feet; thence North 00°46'27" West, 74.07 feet; thence North 88°54'09" East, 12.00 feet; thence South 00°46'27" East, 62.00 feet; thence North 88°54'09" East, 64.00 feet to the Point of Beginning.

This land contains 1656.78 square feet, more or less.

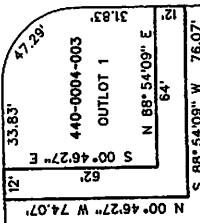


SCALE: 1"=50'

SCHEDULE OF LANDS AND INTERESTS REQUIRED			
OWNERS		SQ. FT.	INT. REQ'D.
TRI CITY NATIONAL BANK		1656.78	EASEMENT
DOCUMENT NO.	REEL	IMAGE	ACQUIRED
SCALE: 1"=50' 1/4 SEC. NO. 440			
DRAWN BY: L.K. CHECKED BY:			
DESCRIPTION BY: L.K.			
SURVEY			
CITY OF WEST ALLIS			
ENGINEERING DEPARTMENT			
PERMANENT LIMITED EASEMENT			
20TH STREET GATEWAY			
APPROVED: [Signature] CITY ENGINEER			
DATE 5-14-04		FILE NO. Y-1136	

W. WALKER ST.

N 88°54'09" E 243.97'



S. 70TH ST.

307.94'

254.03'

CSM 6525
PARCEL 1