



City of West Allis

Legislation Text

File #: R-2008-0206, **Version:** 1

Resolution adopting a termination of easement agreement by and between the City of West Allis and LG River Tower Associates, LLC regarding certain lands located on the Walgreens property located at 6101 W. Greenfield Ave. (Tax Key No. 454-0640-000)

WHEREAS, on December 19 1960 the Common Council of the City of West Allis (the “City”) granted a perpetual easement which accepted an easement for the assigning the grantee ingress and egress of vehicular traffic and pedestrian traffic over a portion of property in the City of West Allis, County of Milwaukee, State of Wisconsin, described as that part of South 61 St. as dedicated in Liberty Heights in the Northeast ¼ of Section 3, Township 6 North, Range 21 East, in the City of West Allis, Milwaukee County, Wisconsin which was recorded in the office of the Register of deeds for Milwaukee County on February 16, 1961, in Volume No. 4113, Page No. 519-521, as Document No. 3862326; and,

WHEREAS, the Developer is the fee owner of certain real property described on Exhibit A attached hereto and known as CSM #7997 which is burdened by a Perpetual Easement for the City recorded in the office of the Register of Deeds for Milwaukee County, on February 15, 1961 as Document No. 3862326 (“Easement”) shown as Exhibit B attached hereto; and,

WHEREAS, the Developer has granted a 36' Utility Easement to the City recorded in the office of the Register of Deeds for Milwaukee County, on April 7, 2008 as Document No. 9582414 (“Relocation Easement”) across CSM #7997; and,

WHEREAS, the City and the Developer entered into a Purchase and Sale and Development Agreement on August 15, 2007 in which the parties agreed that the Easement would be terminated upon Developer's recording of CSM #7997 and the recording of the Relocation Easement; and,

WHEREAS, the parties agree that the conditions precedent to the Termination of the Easement have been met; and,

WHEREAS the aforesaid easement is no longer necessary for any public purpose.

NOW THEREFORE BE IT RESOLVED by the Common Council of the City of West Allis that the City of West Allis, having no further interest in the aforesaid ingress and egress easement, does hereby release and relinquish all rights and interest of whatever nature in said land and abandons the aforesaid easement on said property.

BE IT FURTHER RESOLVED that the City Attorney be and is hereby authorized and directed to record a certified copy of this resolution with the Register of Deeds Office, Milwaukee County, Wisconsin.

cc: Attorney
Development
Building Inspection & Zoning

DEV-R-527-10-21-08