



# City of West Allis

## Legislation Text

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**File #:** R-2017-0309, **Version:** 1

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Resolution to amend the City of West Allis's Policy and Procedure #2822 Granting of Encroachments.

WHEREAS, Policy and Procedure #2822 Granting of Encroachments was originally included in the City of West Allis Policies and Procedures Manual under the Engineering Department on April 2, 2013; and,

WHEREAS, this procedure was most recently amended for clarification of insurance requirements by the Common Council on November 5, 2013 via R-2013-0246; and,

WHEREAS, the current procedure for Minor Grants of Privilege requires that applicants submit proof of insurance to cover the City in the event of injury or property damage due to the encroachment; and, a bond is required in the event that the owner is asked or required to remove the encroachment, but they fail to do so; and,

WHEREAS, the Department of Development has heard from applicants that the existing bond requirements for Minor Grants of Privilege are an additional barrier to desired improvements to their property, including awnings and signage; and,

WHEREAS, the Department of Development has discussed with the City Attorney's Office that the bond requirement is potentially unnecessary because Wisconsin State Statutes already allow municipalities to charge the actual cost and expense of encroachment removal to the property as a special assessment to be collected in all respects like other taxes upon the real estate; and,

WHEREAS, the City Attorney's Office has confirmed that the cost of removal of encroachments may be assessed to the property, and has indicated that while the mere presence of the bond condition in terms of both its initial cost and the potential to ruin credit ratings may impress upon the applicant the importance of properly installing and maintaining the encroachment as well as removing it when ordered, the City has encountered few problems over the years and discontinuance of the bond requirement is not presumed to be problematic.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that Policy and Procedure #2822 Granting of Encroachments is hereby approved as updated.

BE IT FURTHER RESOLVED that the City Administrator is authorized and directed to include the amended policies in the City of West Allis Policies & Procedures Manual and distribute said policy to all departments, divisions, and offices.

cc: Public Works/Engineering  
Department of Development  
City Administrator  
City Attorney

DEV-R-912-11-7-17