



City of West Allis

Legislation Text

File #: R-2007-0280, **Version:** 1

Resolution to Enter into a Water Main Maintenance Agreement Between the City of West Allis and Lincoln Park MHC, LLC.

City of West Allis, a municipal corporation organized and existing under the laws of the State of Wisconsin, with principle offices located at 7525 West Greenfield Avenue, West Allis, WI, hereinafter "City".

Lincoln Park MHC, LLC, owner of Lincoln Park Manufactured Home Community located at 10315 West Greenfield Avenue, West Allis, WI, with principle offices located at 1905 North Second Drive, No. 101, Stevens Point, WI, hereinafter "Lincoln Park".

WHEREAS, Lincoln Park owns and operates a mobile home park within the City of West Allis located at 10315 West Greenfield Avenue, West Allis, WI, known as Lincoln Park Manufactured Home Community; and,

WHEREAS, on June 6th, 1977, the City entered into a Water Main Installation Agreement, hereinafter "Installation Agreement" with Lincoln Mobile Homes, Inc., the previous owner of the mobile home park located at 10315 West Greenfield Avenue, West Allis, WI and now owned by Lincoln Park; and,

WHEREAS, paragraph eight (8) of said Installation Agreement states that the Agreement shall be binding on the heirs, successors and assigns of both parties; and,

WHEREAS, due to a miscommunication between the City and Lincoln Park, the City was not billing and Lincoln Park was not paying for uncollectible water and sewer accounts incurred by tenants of the mobile home park pursuant to the Installation Agreement resulting in an uncollectible water and sewer amount of approximately Four Thousand Six Hundred Ninety-seven and 35/100 Dollars (\$4,697.35) comprised of seven (7) different tenants; and,

WHEREAS, the City and Lincoln Park wish to enter into a Water Main Maintenance Agreement which incorporates the previous Installation Agreement as a means of clearing up any confusion with regard to payment of the outstanding uncollectible water and sewer amount heretofore stated, responsibility for future outstanding water and sewer charges incurred by tenants of Lincoln Park MHC, LLC located at 10315 West Greenfield Avenue, West Allis, WI, as well as the overall maintenance of the water main installation; a copy of the proposed Water Main Maintenance Agreement signed by Lincoln Park is attached hereto and incorporated herein.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the City of West Allis that the Director of Public Works is hereby authorized to enter into a Water Main Maintenance Agreement with Lincoln Park MHC, LLC for the reasons set forth herein.

BE IT FURTHER RESOLVED that the City Attorney is authorized to make such changes to the Water Main Maintenance Agreement as may be required to clarify the Agreement or protect the interests of the City.

ATTR-WaterMain Maint Agrmnt-Linc Park MHC LLC