



## Legislation Text

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**File #: 130214, Version: 1**

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130214

SUBSTITUTE 1

THE CHAIR

Substitute resolution granting a special privilege to Maynard Steel Casting Company to keep and maintain a retaining wall and stationary planters for the premises at 2856 South 27<sup>th</sup> Street, in the 13<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Maynard Steel Casting Company to keep and maintain a retaining wall and stationary planters for the premises at 2856 South 27<sup>th</sup> Street.

Whereas, Maynard Steel Casting Company is requesting permission to keep and maintain a retaining wall and raised planters in the public right-of-way; and

Whereas, The aforementioned items, which had been present for many years, were discovered to be located in the public right-of-way during the design phase of the recent South 27<sup>th</sup> Street paving project; and

Whereas, Said items may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Maynard Steel Casting Company, 2856 South 27<sup>th</sup> Street, Milwaukee, Wisconsin 53215 is hereby granted the following special privileges:

1. To construct, keep, and maintain a 1-foot wide retaining wall with fence projecting 6 inches into the east, 8-foot wide sidewalk area of South 27<sup>th</sup> Street. Said wall commences at the Bridge over the Union Pacific Railway, structure B-40-437, located north of the subject premises and extends south 412 feet 6 inches. Said wall extends up to 6 inches above and several feet below the adjacent sidewalk grade. The fence is bolted to the top of the retaining wall.
2. To construct, keep, and maintain a raised planter projecting 6 inches into the east, 8-foot wide sidewalk area of South 27<sup>th</sup> Street. Said planter commences at a point approximately 412 feet 6 inches south of the Bridge over the Union Pacific Railway, structure B-40-437, and extends south 45 feet 2 inches. The majority of the planter is surrounded by a concrete curb that is 8 inches tall and 6 inches wide. A portion of the planter is surrounded by a 2-foot tall lannon stone wall that is 1-foot wide.
3. To construct, keep, and maintain two raised planters in the east, variable width sidewalk area of South 27<sup>th</sup> Street. The south planter commences at a point approximately 8 feet north of the Bridge over the Kinnickinnic River, structure B-40-0438, and extends north 18 feet. The north planter commences at a point approximately 52 feet north of the Bridge over the Kinnickinnic River, structure B-40-0438, and extends north 55 feet, where it leaves the public right-of-way. Said planters are surrounded by a concrete curb that is 6 inches tall and 6 inches wide.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as it is no longer needed, to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Maynard Steel Casting Company, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the Commissioner of Public Works a certificate of insurance indicating applicant holds a public liability policy in the sum of at least \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 covering property damage to any one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$35.00. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.
4. Whenever this special privilege is discontinued for any reason whatsoever, including public necessity whenever so ordered by resolution adopted by the Common Council not only remove all construction work executed pursuant to this special privilege, but shall also restore to its former condition and to the approval of the Commissioner of Public Works and curb, pavement or other public improvement which was removed, changed or disturbed by reason of the granting of this special privilege. Such grantee shall be entitled to no damages due to the alteration and/or removal for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0425 of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1<sup>st</sup> of each year.
6. Put this special privilege into use within one year after approval by the Common Council of the City of Milwaukee; failing to do so in the time specified, the Commissioner of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

March 21, 2016