



Legislation Text

File #: 070481, **Version:** 1

070481

SUBSTITUTE

000827

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Old World Development, LLC for encroachment into the public right-of-way of a wooden fence dumpster enclosure for the premises at 1103 North Old World 3rd Street, in the 4th Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Old World Development, LLC for encroachment into the public right-of-way of West Highland Avenue of a wood fence dumpster enclosure abutting the premises at 1103 North Old World 3rd Street.

Whereas, 800 LLC Milwaukee requested permission to install and maintain a wooden fence to enclose dumpsters in order to provide security and keep the dumpsters from public view; and

Whereas, Permission for said wooden fence dumpster enclosure was granted in 2000 under Common Council File Number 000827; and

Whereas, Old World Development, LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 000827 is hereby rescinded; and, be it

Further Resolved, Old World Development, LLC, 1661 North Water Street, Suite 509, Milwaukee, WI 53202, is hereby granted the following special privilege:

To keep and maintain a 6-foot tall wooden fence dumpster enclosure projecting 6 feet into the north, 15-foot wide, fully paved sidewalk area of West Highland Avenue. Commencing at a point approximately 50 feet west of the westline of North Old World Third Street, said fence extends west 36 feet 6 inches. There are four gate swing openings in the fence, one at the west end of the enclosure and three facing Highland Avenue.

Said above-mentioned wooden fence dumpster enclosure shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said wooden fence dumpster enclosure shall be maintained or removed from the public right-of-way, at such future time as they are 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, Old World Development, LLC 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 \$687.12. 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 1st 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
Infrastructure Services Division

MDL: ns

November 17, 2010

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