

..Number

140467

..Version

SUBSTITUTE

..Reference

..Sponsor

..Title

Substitute resolution granting a special privilege to Seeds of Health Incorporated to keep and maintain a concrete step and masonry fence pillars in the public right-of-way for the premises at 1445 South 32<sup>nd</sup> Street, in the 8<sup>th</sup> Aldermanic District.

..Analysis

This resolution grants a special privilege to Seeds of Health Incorporated to keep and maintain a concrete step and five masonry fence pillars in the public right-of-way for the premises at 1445 South 32<sup>nd</sup> Street.

..Body

Whereas, The applicant is requesting permission to keep and maintain portions of several masonry fence columns and a concrete step in the public right-of-way, which were constructed by a previous property owner; 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 Seeds of Health Incorporated, 1445 South 32<sup>nd</sup> Street, Milwaukee, Wisconsin, 53215 is hereby granted the following special privileges:

1. To keep and maintain six masonry fence pillars projecting into the west, 15-foot wide sidewalk area of South 32<sup>nd</sup> Street. Said pillars, which are 1 foot 6 inches square, are located between a point approximately 260 feet south of the southline of West Greenfield Avenue and a point approximately 30 feet south of the southline of West Orchard Street extended. Going north to south, that portion of each pillar which occupies the public way measures 0.68, 0.59, 0.25, 0.93, 1.00, and 0.72 square feet. Total area of all of said pillars is 4.17 square feet.
2. To construct and maintain a concrete step projecting 1 foot 1 inch into the west, 15-foot wide sidewalk area of South 32<sup>nd</sup> Street. Said 5-foot 10-inch long step is approximately centered at the southline of West Orchard Street extended.

Said items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items 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, Seeds of Health Incorporated, 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 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.
- ..Requestor  
Department of Public Works  
..Drafter  
Administration Division  
MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY  
November 24, 2014