



Legislation Details (With Text)

**File #:** 051596      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 3/23/2006      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 9/26/2006

**Effective date:**

**Title:** Substitute resolution to grant a special privilege to Thomas McNeal to construct and maintain a sign and associated electrical wiring and to change the name for fence in the public right-of-way for the premises at 6263 North Teutonia Avenue, in the 1st Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition.PDF

Date	Ver.	Action By	Action	Result	Tally
3/23/2006	0	COMMON COUNCIL	ASSIGNED TO		
3/28/2006	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/8/2006	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/11/2006	1	CITY CLERK	DRAFT SUBMITTED		
9/13/2006	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
9/26/2006	1	COMMON COUNCIL	ADOPTED	Pass	15:0
10/5/2006	1	MAYOR	SIGNED		

051596  
 SUBSTITUTE 1  
 960354  
 THE CHAIR

Substitute resolution to grant a special privilege to Thomas McNeal to construct and maintain a sign and associated electrical wiring and to change the name for fence in the public right-of-way for the premises at 6263 North Teutonia Avenue, in the 1<sup>st</sup> Aldermanic District.

This resolution grants a special privilege to Thomas McNeal to construct, keep and maintain a free-standing, lighted business sign and associated wiring in the public right-of-way of North Teutonia Avenue and changes the name for a fence in the unimproved public right-of-way of West Douglas Avenue for the premises at 6263 North Teutonia Avenue. Whereas, The applicant desires to construct, keep and maintain a free-standing, lighted business sign and associated electrical wiring adjacent to his business at 6263 North Teutonia Avenue; and

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

Whereas, A previous property owner, Delta Resins and Refractories, constructed a 7-foot tall fence in the unimproved public right-of-way of West Douglas Avenue; and

Whereas, Common Council Resolution File Number 960534 granted permission for said fence to be in the public right-of-way; and

Whereas, Said file was previously rescinded; and

Whereas, The fence remains in unimproved West Douglas Avenue and is therefore included in this special privilege resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Thomas McNeal, 3955 North 41<sup>st</sup> Street, Milwaukee, Wisconsin 53216, is hereby granted the following special privileges:

1. To construct, keep and maintain a free-standing, lighted sign and associated electrical wiring in the variable width public right-of-way of North Teutonia Avenue. Said sign is centered approximately 14 feet north of the northline of West Douglas Avenue and 27 feet east of the westline of North Teutonia Avenue. Electrical wiring to power said sign is trenched from the westline of North Teutonia Avenue to the sign for an approximate length of 30 feet.
2. To keep and maintain a 7-foot high chain link fence encroaching into the unimproved public right-of-way of West Douglas Avenue. The fence commences at the point of intersection of the northline of West Douglas Avenue at North 35<sup>th</sup> Street; extends east approximately 75 feet; then continues northeasterly to a point approximately 100 feet east of the point of intersection and 34 feet south of the northline of West Douglas Avenue; continues to a point approximately 389 feet east; and extends north 34 feet to the northline of West Douglas Avenue.

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 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, Thomas McNeal, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$5,000 such bond to be approved by the City Attorney. This applicant shall also file with the City Clerk 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 own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. Both bond and insurance policy shall provide that they shall not be cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$95.00. 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 no 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  
Infrastructure Services Division

MDL:lja

August 3, 2006

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