



Legislation Details (With Text)

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On agenda:		Final action:	11/24/1998
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Title:	Substitute resolution amending a special privilege granted to Margolis Development Company to keep and maintain three concrete light pole bases, portions of a fence and a planter in the public rights-of-way adjacent to the premises located at 6500-30 West Capitol Drive, to now change the name of the grantee of the special privilege to Donald S. Margolis, in the 2nd Aldermanic District in the City of Milwaukee.		
Sponsors:	ALD. FRANK		
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Attachments:			

Date	Ver.	Action By	Action	Result	Tally
9/1/1998	0	COMMON COUNCIL	ASSIGNED TO		
9/1/1998		PUBLIC WORKS COMMITTEE	REFERRED TO		
11/4/1998	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/6/1998	1	CITY CLERK	DRAFT SUBMITTED		
11/11/1998	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
11/24/1998	1	COMMON COUNCIL	ADOPTED	Pass	16:0
12/7/1998	1	MAYOR	SIGNED		

980606
SUBSTITUTE
85-1320
THE CHAIR

Substitute resolution amending a special privilege granted to Margolis Development Company to keep and maintain three concrete light pole bases, portions of a fence and a planter in the public rights-of-way adjacent to the premises located at 6500-30 West Capitol Drive, to now change the name of the grantee of the special privilege to Donald S. Margolis, in the 2nd Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution amends a special privilege granted to Margolis Development Company to keep and maintain three concrete light pole bases, portions of a fence and a planter in the public rights-of-way adjacent to the premises known as 6500-30 West Capitol Drive, to now change the name of the grantee of the special privilege to Donald S. Margolis.

Whereas, Margolis Development Company was granted a special privilege under Common Council Resolution File Number 85-1320, on December 4, 1985, to keep and maintain three concrete light pole bases, portions of a fence and a planter all encroaching into the public rights-of-way adjacent to the premises at 6500-30 West Capitol Drive; and

Whereas, The owner of record of the property is Donald S. Margolis and should now be named as the grantee of the special privilege; and

Whereas, The concrete pole bases, fence and planter may only occupy the public rights-of-way through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 85-1320 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Donald S. Margolis, 6514 West Capitol Drive, Milwaukee, WI 53216, is hereby granted the following special privileges:

1. To keep and maintain three concrete light pole bases. Said bases have diameters of 2 feet and approximate heights of 2.8 feet and are centered at distances of approximately 45, 138 and 222 feet east of the eastline of North 66th Street and encroach approximately 0.70 feet into the public way on the north side of East Capitol Drive. Each base supports a 0.40-square foot steel light pole for the parking lot, whose luminaire are not located within the public way.
2. To keep and maintain encroaching portions of a continuous fence on the northeast corner of West Capitol Drive and North 66th Street. Approximately 6 feet of said fence encroaches approximately 0.50 feet into the public way on the north side of West Capitol Drive and approximately 21 feet of said fence encroaches approximately 0.60 feet into the public way on the east side of North 66th Street. The north end of this portion of fence terminates with a 3-foot high 4-inch diameter steel guard post. Said fence is of board on board construction and is approximately 3.5 feet in height.
3. To keep and maintain a planter located between and abutting both the west wall of the subject building and the public walk located between approximately 61 feet and 117 feet north of the northline of West Capitol Drive. Said planter is constructed of 6-inch by 6-inch treated timbers, approximately 0.90 feet high at its south end and 1.3 feet high at its north end and encroaches approximately one-foot into the public way on the east side of North 66th Street.

Said light pole bases, portions of fence and planter including the vegetation contained therein shall be kept and maintained in a manner satisfactory to the Commissioner of Public Works and Building Inspection. The vegetation on both West Capitol Drive and North 66th Street shall be periodically monitored by the owner and prompt steps taken to keep the vegetation from restricting or interfering with the full and complete use of the sidewalk by pedestrian activity.

Said items shall be removed from the public rights-of-way, at such future time that they are no longer needed, to the satisfaction of the Commissioners of Public Works and Building Inspection.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Donald S. Margolis 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 \$2,000.00 such bond to be approved by the City Attorney. The 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 one 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 canceled 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 \$158.98. 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 any 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

November 3, 1998

980606