



Legislation Details (With Text)

**File #:** 090417      **Version:** 1

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

**File created:** 7/28/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 11/3/2009

**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to Lutheran Church of the Reformation ELCA for a hollow alley in the public right-of-way for the premises at 2201 North 35th Street, in the 15th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Fiscal Note, 2. Letter from Dept of Public Works, 3. Special Privilege Petition, 4. Pictures, 5. Map, 6. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
7/28/2009	0	COMMON COUNCIL	ASSIGNED TO		
8/5/2009	0	CITY CLERK	REFERRED TO		
9/30/2009	1	CITY CLERK	DRAFT SUBMITTED		
10/16/2009	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/16/2009	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/21/2009	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
11/3/2009	1	COMMON COUNCIL	ADOPTED	Pass	14:0
11/9/2009	1	MAYOR	SIGNED		

090417  
 SUBSTITUTE 1  
 35926  
 62-3293  
 THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Lutheran Church of the Reformation ELCA for a hollow alley in the public right-of-way for the premises at 2201 North 35<sup>th</sup> Street, in the 15<sup>th</sup> Aldermanic District. This resolution amends a special privilege for change of ownership to Lutheran Church of the Reformation ELCA for a hollow alley in the public right-of-way for the premises at 2201 North 35<sup>th</sup> Street. Whereas, Evangelical Lutheran Church of the Reformation requested permission to install and maintain a hollow alley in the public right-of-way; and

Whereas, Permission for said hollow alley was originally granted in 1927 under Common Council Resolution File Number 35926 and amended in 1963 under Common Council Resolution File Number 62-3293; and

Whereas, The church has changed its name to Lutheran Church of the Reformation ELCA; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 62-3293 is hereby rescinded; and, be it

Further Resolved, That Lutheran Church of the Reformation ELCA, 2201 North 35<sup>th</sup> Street, Milwaukee, WI 53208 is hereby granted the following special privilege:

To keep and maintain a hollow alley projecting 9 feet into the 18-foot wide north-south alley in the block bounded by North 35<sup>th</sup> Street, North 36<sup>th</sup> Street, West Garfield Avenue and West North Avenue. Said alley commences at a point 26 feet north of the northline of West Garfield Avenue and extends 20 feet to the north.

Said above-mentioned hollow alley shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said hollow alley 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, Lutheran Church of the Reformation ELCA, 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 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 \$90.00. 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  
Infrastructure Services Division

MDL: ns

September 21, 2009

090417