



Legislation Details (With Text)

**File #:** 121020      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 11/8/2012      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 6/3/2014

**Effective date:**

**Title:** Substitute resolution granting a special privilege to Northwest Funeral Chapel Incorporated to construct and maintain a fence, bollards, business sign and private light poles in the public right-of-way for the premises at 6700 West Fond du Lac Avenue, in the 2nd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Cover Letter, 2. Map, 3. Photos, 4. Petition and Drawing, 5. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
11/8/2012	0	COMMON COUNCIL	ASSIGNED TO		
11/9/2012	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
5/19/2014	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/21/2014	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
6/3/2014	1	COMMON COUNCIL	ADOPTED	Pass	15:0
6/12/2014	1	MAYOR	SIGNED		

121020  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution granting a special privilege to Northwest Funeral Chapel Incorporated to construct and maintain a fence, bollards, business sign and private light poles in the public right-of-way for the premises at 6700 West Fond du Lac Avenue, in the 2<sup>nd</sup> Aldermanic District.

This resolution grants a special privilege to Northwest Funeral Chapel Incorporated to construct and maintain a fence, bollards, business sign and private light poles in the public right-of-way for the premises at 6700 West Fond du Lac Avenue.

Whereas, The applicant has requested permission to construct and maintain a fence in the public right-of-way in order to provide secure parking for its clients; and

Whereas, A site visit revealed the presence of three private light poles, a business sign and two bollards in the public right-of-way, 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 Northwest Funeral Chapel Incorporated, 6630 West Hampton Avenue, Milwaukee, WI 53218 is hereby granted the following special privileges:

1. To construct and maintain 6-foot tall decorative metal fence in the northerly, 32-foot wide sidewalk of West Fond du Lac Avenue. Said fence is centered 13 feet 10 inches south of the north line of West Fond du Lac Avenue and commences at a point 6 inches west of the westline of North 67<sup>th</sup> Street and extends west 154 feet 6 inches. There are two gate swings

in the said fence, one at each of the driveway approaches on West Fond du Lac Avenue. A third gate swing is located at the driveway approach on North 67<sup>th</sup> Street.

2. To construct and maintain three private light poles in the northerly, 32-foot wide sidewalk area of West Fond du Lac Avenue. Said light poles are centered approximately 3, 58 and 101 feet west of the westline of North 67<sup>th</sup> Street and 17 feet south of the northerly line of West Fond du Lac Avenue.

3. To construct and maintain a business sign in the northerly, 32-foot wide sidewalk area of West Fond du Lac Avenue. Said sign is mounted to the aforementioned light pole centered approximately 58 feet west of the westline of North 67<sup>th</sup> Street and 17 feet south of the northerly line of West Fond du Lac Avenue.

4. To construct and maintain two bollards in the 13-foot wide west sidewalk area of North 67<sup>th</sup> Street. Said bollards are centered approximately 6 inches east of the westline of North 67<sup>th</sup> Street and 3 and 18 feet north of the northerly line of West Fond du Lac Avenue. Said bollards also serve as gate supports to a gate that swings open onto private property.

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, Northwest Funeral Chapel 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 \$1479.80. 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.

Department of Public Works  
Infrastructure Services Division

MDL:clm

April 17, 2014

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