



Legislation Details (With Text)

**File #:** 070468      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 7/11/2007      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 9/25/2007  
**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to Daniel R. Pope for encroachment into the public right-of-way of a concrete retaining wall and concrete steps for the premises at 9034 West Howard Avenue, in the 11th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition, 2. DPW letter, 3. Fiscal Note, 4. Picture 1, 5. Picture 2, 6. Map

Date	Ver.	Action By	Action	Result	Tally
7/11/2007	0	COMMON COUNCIL	ASSIGNED TO		
7/12/2007	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
7/30/2007	1	CITY CLERK	DRAFT SUBMITTED		
9/7/2007	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/12/2007	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
9/25/2007	1	COMMON COUNCIL	ADOPTED	Pass	14:0
10/2/2007	1	MAYOR	SIGNED		

070468  
SUBSTITUTE 1  
970744  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Daniel R. Pope for encroachment into the public right-of-way of a concrete retaining wall and concrete steps for the premises at 9034 West Howard Avenue, in the 11<sup>th</sup> Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Daniel R. Pope for encroachment into the public right-of-way of a retaining wall and concrete steps for the premises at 9034 West Howard Avenue.

Whereas, Guadalupe B. Alba requested permission to construct and maintain a retaining wall and concrete steps in order to level the front lawn; and

Whereas, Permission for said retaining wall and steps was granted in 1997 under Common Council File Number 970744; and

Whereas, Daniel R. Pope now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 970744 is hereby rescinded; and, be it

Further Resolved, Daniel R. Pope, 2115 North Newhall Street, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To keep and maintain a retaining wall and concrete steps in the north 33-foot sidewalk area of West Howard Avenue. Said stone retaining wall commences at a point approximately 500 feet west of the westline of South 89<sup>th</sup> Street, on the northline of West Howard Avenue, and extends south for a distance of 17 feet, then extends west for a distance of approximately 26 feet where it meets a set of concrete steps, described below. After the concrete steps, the retaining wall extends west from the steps approximately 36 feet. The wall height is approximately 2 feet 6 inches feet above the sidewalk grade.

2. To keep and maintain a 4-foot wide and 4-foot long set of concrete steps in the north, 33-foot wide sidewalk area of West Howard Avenue. Said steps are centered approximately 528 feet west of the westline of South 89<sup>th</sup> Street.

Said above-mentioned retaining wall and concrete steps shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said retaining wall and concrete steps 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, Daniel R. Pope 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 \$1,000 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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 \$188.20. 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:lja  
July 23, 2007  
070468