



Legislation Details (With Text)

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Title:	Substitute resolution granting a special privilege to Walkers Point Marble Arcade, Inc. to install and maintain a fence in the public right-of-way of West Washington Street abutting the premises at 1101 South 2nd Street, in the 12th Aldermanic District of the City of Milwaukee.		
Sponsors:	THE CHAIR		
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Attachments:	1. Special Privilege Application.PDF, 2. FISCAL NOTE.pdf, 3. Cover Letter.pdf		

Date	Ver.	Action By	Action	Result	Tally
5/14/2002	0	COMMON COUNCIL	ASSIGNED TO		
5/15/2002		PUBLIC WORKS COMMITTEE	REFERRED TO		
7/19/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
7/19/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
7/19/2002	1	CITY CLERK	DRAFT SUBMITTED		
7/24/2002	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
8/1/2002	1	COMMON COUNCIL	ADOPTED	Pass	12:0
8/8/2002	1	MAYOR	SIGNED		

020196
SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Walkers Point Marble Arcade, Inc. to install and maintain a fence in the public right-of-way of West Washington Street abutting the premises at 1101 South 2nd Street, in the 12th Aldermanic District of the City of Milwaukee.

This resolution grants a special privilege to Walkers Point Marble Arcade, Inc. to install and maintain a fence in the public right-of-way of West Washington Street abutting the premises at 1101 South 2nd Street, that will surround and protect dumpsters being used by the commercial building on the property.

Whereas, The applicant desires to install a wood fence within the public right-of-way in order to provide security, prevent vandalism and keep from public view dumpsters, which are to be used by the portion of the property known as 1101 South 2nd Street; and

Whereas, Said fence may only legally occupy the public way by the 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 Walkers Point Marble Arcade, Inc., 207 West Washington Street, Milwaukee, WI 53204, is hereby granted the following special privilege:

To install and maintain a 4.5-foot high wood fence encroaching into the public right-of-way of West Washington Street, adjacent to the premises known as 1101 South 2nd Street. The fence will extend 4 feet northerly and then 15 feet westerly and then 4 feet southerly to a point on the northline of West Washington Street, all within the 19-foot wide south sidewalk area.

Said fence shall be erected and/or maintained and used to the approval of the Commissioners of Public Works and Neighborhood Services. All necessary permits must be obtained from the Department of Public Works and the Department of Neighborhood Services prior to placement of the fence

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Walkers Point Marble Arcade, Inc., 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 \$81.14. 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 66.0915(3) of the Wisconsin Statutes (1999), 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division

JJM:dle

July 17, 2002

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