



Legislation Details (With Text)

**File #:** 040526      **Version:** 1  
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**File created:** 9/1/2004      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 4/12/2005  
**Effective date:**

**Title:** Substitute resolution to grant permission to Hughes Enterprises, Inc., to construct and maintain a fence, gas meter and steps in the public right-of-way for the premises at 1111 West Greenfield Avenue, in the 12th Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Petition for Special Privilege.PDF, 2. DPW-Infra. letter.pdf, 3. Fiscal note.pdf

| Date      | Ver. | Action By              | Action                   | Result | Tally |
|-----------|------|------------------------|--------------------------|--------|-------|
| 9/1/2004  | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 9/2/2004  |      | PUBLIC WORKS COMMITTEE | REFERRED TO              |        |       |
| 3/18/2005 | 1    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 3/18/2005 | 1    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 3/23/2005 | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 4:0   |
| 4/12/2005 | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 14:0  |
| 4/21/2005 | 1    | MAYOR                  | SIGNED                   |        |       |

040526  
SUBSTITUTE  
THE CHAIR

Substitute resolution to grant permission to Hughes Enterprises, Inc., to construct and maintain a fence, gas meter and steps in the public right-of-way for the premises at 1111 West Greenfield Avenue, in the 12<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to construct and maintain a fence, gas meter and steps in the public right-of-way of South 11<sup>th</sup> Street for the premises at 1111 West Greenfield Avenue.

Whereas, The applicant has petitioned to construct and maintain a fence in the public right-of-way of South 11<sup>th</sup> Street; and

Whereas, Said fence is desired to protect the gas meter and associated piping for the building at 1111 West Greenfield Avenue, which is a laundromat known as The Blue Kangaroo against tampering and vandalism and so the fence will completely enclose the gas meter and associated piping; and

Whereas, A site visit also revealed the presence of two concrete steps and the aforementioned gas meter and associated piping in the public right-of-way of South 11<sup>th</sup> Street; and

Whereas, Said items may only legally encroach into the public right-of-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 Hughes Enterprises, Inc., 300 West North Avenue, Lombard, Illinois 60148 is hereby granted the following special privileges:

1. To construct and maintain a 7-foot 6-inch tall fence in the 15-foot wide, west sidewalk area of South 11<sup>th</sup> Street centered approximately 112 feet south of the southline of West Greenfield Avenue. Said fence projects approximately 4 feet 6 inches from the southeast corner of the building continuing northward for 12 feet 5 inches, then westward 4 feet 6 inches to close. The eastern face of the building at 1111 West Greenfield Avenue is approximately 7 inches west of westline of South 11<sup>th</sup> Street.
2. To keep and maintain a gas meter and associated piping in the 15-foot wide, west sidewalk area of South 11<sup>th</sup> Street. Said gas meter and associated piping projects approximately 1 foot 11 inches into the public right-of-way for an approximate length of 6 feet 5 inches and has a height of approximately 5 feet 5 inches.
3. To keep and maintain two concrete steps in the 15-foot wide, west sidewalk area of South 11<sup>th</sup> Street centered approximately 56 feet south of the southline of West Greenfield Avenue. Said steps project approximately 1 foot 3 inches into the 15-foot wide west sidewalk area of South 11<sup>th</sup> Street for a length of approximately 10 feet 6 inches.

Said above-mentioned items shall be kept, used and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the construction of the items of this special privilege.

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, Hughes Enterprises, 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 \$10,000.00 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 \$100,000.00 covering bodily injury to any one person and \$200,000.00 covering bodily injury to more than one person in any one accident and \$40,000.00 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 \$223.82. 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 66.0425 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 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

MDL:cjt  
March 14, 2005  
040526