



Legislation Details (With Text)

**File #:** 070625      **Version:** 1

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

**File created:** 7/31/2007      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 10/23/2007

**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to LDC-221 Oregon, LLC, for encroachment into the public right-of-way of a fence for the premises at 221 East Oregon Street, in the 12th Aldermanic District

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

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

Date	Ver.	Action By	Action	Result	Tally
7/31/2007	0	COMMON COUNCIL	ASSIGNED TO		
8/1/2007	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/14/2007	1	CITY CLERK	DRAFT SUBMITTED		
9/28/2007	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/10/2007	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
10/23/2007	1	COMMON COUNCIL	ADOPTED	Pass	13:0
10/26/2007	1	MAYOR	SIGNED		

070625  
SUBSTITUTE 1  
000965  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to LDC-221 Oregon, LLC, for encroachment into the public right-of-way of a fence for the premises at 221 East Oregon Street, in the 12<sup>th</sup> Aldermanic District  
Substitute resolution amending a special privilege for change of ownership to LDC-221 Oregon, LLC, for encroachment into the public right-of-way of a fence at 221 East Oregon Street  
Whereas, Vulcan Technologies Leasing Company requested permission to construct and maintain a chain link fence to prevent access to the rear of its property; and

Whereas, Permission for said chain link fence was granted in 2000 under Common Council Resolution File Number 000965; and

Whereas, LDC-221 Oregon, LLC, 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 000965 is hereby rescinded; and, be it

Further Resolved, LDC-221 Oregon, LLC, 116 East Pleasant Street, Suite 2S1, Milwaukee, WI 53212, is hereby granted the following special privilege:

To keep and maintain a 7-foot high chain link fence with barbed wire on top in the public right-of-way of the east-west public alley in the block bounded by South Barclay Street, East Florida Street, East Pittsburgh Avenue and South Water Street, adjacent to the premises at 221 East Oregon Street. The fence commences at a point on the northline of the alley, approximately 215 feet west of South Water Street and extends southwest to a point on the westline of said alley, being approximately 5 feet north of the southline of the east-west alley. The fence encloses 99 square feet of right-of-way.

Said above-mentioned chain link fence shall be kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said chain link fence shall be maintained or removed from the public right-of-way, at such future time as it is 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, LDC-221 Oregon, LLC, 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 \$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 \$139.72. 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  
August 30, 2007070625