



Legislation Details (With Text)

**File #:** 061331      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 2/6/2007      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 5/8/2007  
**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to Point Investments, LLC for encroachment into the public right-of-way of a fence for the premises at 1714 South 3rd Street, in the 12th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** FENCES, SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition.PDF, 2. DPW-Infra. letter, 3. Fiscal note, 4. Picture

Date	Ver.	Action By	Action	Result	Tally
2/6/2007	0	COMMON COUNCIL	ASSIGNED TO		
2/7/2007	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
4/20/2007	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/25/2007	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
5/8/2007	1	COMMON COUNCIL	ADOPTED	Pass	15:0
5/15/2007	1	MAYOR	SIGNED		

061331  
SUBSTITUTE 1  
880722  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Point Investments, LLC for encroachment into the public right-of-way of a fence for the premises at 1714 South 3<sup>rd</sup> Street, in the 12<sup>th</sup> Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Point Investments, LLC for encroachment into the public right-of-way of a fence for the premises at 1714 South 3<sup>rd</sup> Street.

Whereas, Glen A. and Jane Adzima requested permission to install and maintain a fence in the public right-of-way for three contiguous properties at 1708, 1714 and 1722 South 3<sup>rd</sup> Street; and

Whereas, Permission for said fence was granted in 1988 under Common Council File Number 880722; and

Whereas, Section 245-4.5 of the Milwaukee Code of Ordinances allows fences for residential properties to encroach in the public right-of-way such that the fence is between the paved public sidewalk and the property line; and

Whereas, The premises at 1708 and 1722 South 3<sup>rd</sup> Street are residential properties, each having two family dwelling units; and

Whereas, The premises at 1714 South 3<sup>rd</sup> Street is being and has been used as a parking lot and Section 245-4.5 of the Milwaukee Code of Ordinances does not apply; and

Whereas, Point Investments, 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 880722 is hereby rescinded; and, be it

Further Resolved, That Point Investments, LLC, 223 West Mitchell Street, Milwaukee, Wisconsin 53204, is hereby granted the following special privilege:

To keep and maintain a 4-foot tall chain link fence in the east sidewalk area of South 3<sup>rd</sup> Street approximately 5 feet west of the eastline of South 3<sup>rd</sup> Street. Said fence commences at a point approximately 100 feet south of the southline of West Mitchell Street and extends 49 feet to the south. Said fence encloses that portion of the public right-of-way between the property line and the fence.

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

Said fence 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, Point Investments, 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 \$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 \$78.07. 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  
March 22, 2007  
061331