



## Legislation Text

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**File #: 051078, Version: 1**

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051078  
SUBSTITUTE  
THE CHAIR

Substitute resolution to grant a special privilege to Humboldt Ridge, LLC to construct and maintain a retaining wall and steps in the public right-of-way for the premises at 1030 East Garfield Avenue, in the 6<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Humboldt Ridge, LLC to construct and maintain a retaining and steps in the public right-of-way for the property at 2211 North Humboldt Avenue, also known as 1030 East Garfield Avenue. Whereas, Humboldt Ridge, LLC is in the process of constructing a new building and desires to construct and maintain a retaining wall and steps in the public right-of-way; and

Whereas, Said items may only legally encroach into the public right-of-way by 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 Humboldt Ridge, LLC, 1133 Quail Court, Pewaukee, Wisconsin 53072 is hereby granted the following special privileges:

1. To construct, keep and maintain a 1-foot wide retaining wall in the west sidewalk area of North Humboldt Avenue centered approximately 2 feet 6 inches east of the westline of North Humboldt Avenue. Said retaining wall is to commence at a point approximately 10 feet north of the northline of East Garfield Avenue and will continue north for 38 feet 11 inches. The west sidewalk area of North Humboldt Avenue at this point varies between 20 feet and 16 feet 7 inches wide.
2. To construct, keep and maintain a 5-foot long set of steps in the west sidewalk area of North Humboldt Avenue. Said steps project 2 feet into the public right-of-way and are centered approximately 44 feet north of the northline of East Garfield Avenue. The west sidewalk area of North Humboldt Avenue at this point varies between 20 feet and 16 feet 7 inches wide.

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

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, Humboldt Ridge 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 \$10,000.00 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 \$35.00. 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  
January 23, 2006  
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