



## Legislation Text

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**File #: 080943, Version: 1**

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.Number

080943

SUBSTITUTE 1

050527

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Kurth Corporation and for renewal of permission for a fence crossing an unnamed street for the premises at 318 South Water Street, in the 12<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to Kurth Corporation and renews permission for a fence crossing an unnamed street, creating a “locked gate” situation, for the premises at 318 South Water Street.

Whereas, Plant Two Corporation, the property owner to the south, requested permission to keep and maintain a fence crossing an unnamed street, creating a “locked gate” situation, in order to allow for the storage of boats and trailers; and

Whereas, Permission for said fence and storage area was granted in 2005 under Common Council Resolution File Number 050527 with a contingency that permission would expire on June 30, 2006; and

Whereas, Kurth Corporation, the property owner to the north, is now requesting permission to keep and maintain the fence across the unnamed street and to use said land area for the storage of boats and trailers; and

Whereas, For the liability to be formally transferred to Kurth Corporation, the Common Council needs to adopt an amending resolution; and

Whereas, It does not appear to be detrimental to allow the proposed land usage to continue to occur under the special privilege procedure; and

Whereas, To allow for efficient maintenance and continuity of the special privilege, no expiration clause is included in this resolution; however whenever said unnamed street is planned to be improved, this special privilege resolution will be rescinded; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 050527 is hereby rescinded; and, be it

Further Resolved, That Kurth Corporation , c/o June Jager Norman, 3780 North 169<sup>th</sup> Street, Brookfield, Wisconsin 53005, is hereby granted the following special privilege:

To keep and maintain a fence crossing the 39-foot wide unnamed street located between South Water Street and the Milwaukee River. The street, which is 199.21-foot long, is located approximately 150 feet northerly of East Florida Street. Said unnamed street may be used to park boats and boat trailers. The grantee shall post a sign with a contact name and phone number that may be reached at anytime.

The grantee shall provide access to utilities with facilities located within the unnamed street to allow for inspection, maintenance or reconstruction of said facilities. Removal or relocation of items stored within the limits of the unnamed street to accommodate work by utilities will be done by the grantee at the grantee's expense.

Said fence and boat storage 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, Kurth Corporation, 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 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 \$5,714.85. 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:ns  
November 19, 2008  
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