



Legislation Text

File #: 920516, **Version:** 1

920516
SUBSTITUTE
THE CHAIR

Substitute resolution granting a special privilege to Do It Right Auto Sales, Inc., for a fence in the public right-of-way of South 23rd Street abutting the property known as 2301 West Forest Home Avenue, in the 8th Aldermanic District of the City of Milwaukee.

This resolution grants permission to the present business (owner) to keep a chain link fence in the public right-of-way of South 23rd Street abutting the property known as 2301 West Forest Home Avenue.

Whereas, With a change of property ownership in 1991 and an intent to establish a business operation that involved doing things that required the Board of Zoning Appeals approval, City staff in their review pursued the need for a landscaping buffer, in this case inside the fence; and

Whereas, The original proposal was to use small movable pots, which was not acceptable, and necessitated a landscape designer to prepare plans for resubmittal; and

Whereas, Although a plan might have subsequently been submitted and approved, it somehow was never shared with Department of Public Works so that a resolution for the fence was never prepared; nevertheless, a recent field viewing revealed an abundance of "not new" in-ground vegetation (screening); and

Whereas, As directed by the Public Improvements Committee, a resolution allowing the fence to remain is now prepared and submitted for approval of the Common Council of the City of Milwaukee; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Do It Right Auto Body, Inc., 2224 West Lincoln Avenue, Milwaukee, Wisconsin 53215, is hereby granted the following special privilege:

To keep, use and maintain a chain link fence located within the public right-of-way of South 23rd Street abutting the property known as 2301 West Forest Home Avenue as follows:

Two-foot encroachment, 121 feet in length beginning approximately 18 feet south of the southline of West Forest Home Avenue; approximately 7.3 feet in height, including 3 strands of barbed wire; the southern approximately 32 feet have vertical slats, which is in the area of the dumpsters.

The fence and environs shall be used and maintained to the satisfaction of the Departments of Public Works and 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, Do It Right Auto Sales 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 \$3,000.00 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 \$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 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 \$236.22. 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 66.0915((3) of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1st 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

JJM:cjt
10/14/02
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