



Legislation Text

File #: 041558, **Version:** 1

041558
SUBSTITUTE
930640
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to London Square Apartment Homes, LLC for encroachment into the public right-of-way of existing items for the property known as 2101 West Galena Street, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege to London Square apartment Homes, LLC for encroachment into the public right-of-way of a fence for the property known as 2101 West Galena Street. Whereas, American Apartment Management Company, Inc., requested permission to keep and maintain a fence located within the public rights-of-way; and

Whereas, Permission was granted in 1993 by adoption of Common Council Resolution File Number 930640; and

Whereas, London Square Apartment Homes, LLC is now the owner of the property; and

Whereas, For the liability to be formally transferred to the current owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, That Common Council Resolution File Number 930640 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that London Square Apartment Homes, LLC, 1244 South Park Street, Madison, Wisconsin 53714 is hereby granted the following special privilege:

To keep and maintain a 6-foot high metal ornamental fence in the public rights-of-way at the following locations: in the 11-foot wide west sidewalk area of North 20th Street, encroaching an average of approximately 11 inches, extending south approximately 287 feet from the southline of West Galena Street to the northline of the east-west alley; within the 20-foot wide east-west alley that has a 15-foot wide pavement, encroaching approximately 2 feet 6 inches, extending approximately 238 feet westerly from North 20th Street to North 21st Street and in the 14-foot wide east sidewalk area of North 22nd Street, encroaching approximately 1 inch between the northline of West Cherry Street to a point approximately 143 feet north of the northline of West Cherry Street.

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

Said fences 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, London Square Apartment Homes, 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 \$5,000.00 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 \$25,000.00 covering bodily injury to any one person and \$50,000.00 covering bodily injury to more than one person in any one accident and \$10,000.00 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 \$447.99. 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 66.0425 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
MDL:cjt
Date
April 28, 2005
041558