



Legislation Text

File #: 981321, Version: 1

981321
SUBSTITUTE
900978
THE CHAIR

Substitute resolution amending a special privilege granted to Sequoia Company to maintain a retaining wall in the public right-of-way adjacent to the property located at 6801-6917 West Brown Deer Road, to now change the name of the grantee of the special privilege to Inland Commercial Property Management, Inc., in the 15th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution amends a special privilege granted to Sequoia Company to maintain a retaining wall in the public right-of-way on the west side of West Brown Deer Road, adjacent to the premises known as 6801-6917 West Brown Deer Road, to now change the name of the grantee of the special privilege to Inland Commercial Property Management, Inc.

Whereas, Sequoia Company was granted a special privilege under Common Council Resolution File Number 900978, on November 27, 1990, to maintain a retaining wall encroaching into the public right-of-way on the west side of West Brown Deer Road, adjacent to the premises at 6801-6917 West Brown Deer Road; and

Whereas, The current owner of the property is Inland Commercial Property Management, Inc., and should now be named as the grantee of the special privilege; and

Whereas, The retaining wall may only occupy the public right-of-way through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 900978 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Inland Commercial Property Management, Inc., c/o Property Tax Department, 2901 Butterfield Road, Oakbrook, IL 60523, is hereby granted the following special privilege:

To keep and maintain a retaining wall, which projects approximately 1 foot into the west sidewalk area of North 68th Street. The retaining wall is located on the west side of North 68th Street, beginning approximately at the southline of West Brown Deer Road and extending south approximately 130 feet. Said wall varies in height from 1.5 to 4.6 feet above grade, adjacent to the premises at 6801-6917 West Brown Deer Road. The retaining wall consists of stone blocks abutting the concrete sidewalk.

Said retaining wall shall be used and maintained to the satisfaction of the Commissioners of Public Works and Building Inspection.

Said retaining wall shall be removed from the public right-of-way, at such future time that it is no longer needed, 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, Inland Commercial Property Management, 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 \$274.48. 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

February 8, 1999

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