



Legislation Text

File #: 091613, Version: 1

091613
SUBSTITUTE 1
921293
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to S-G Northport Apartments LLC for bollards for the premises at 2801 West Custer Avenue, in the 1st Aldermanic District.

This resolution amends a special privilege for change of ownership to S-G Northport Apartments LLC for bollards for the premises at 2801 West Custer Avenue.

Whereas, S-G investments requested permission to install and maintain nine bollards in the public right-of-way; and

Whereas, Permission for said bollards granted in 1992 under Common Council Resolution File Number 921293; and

Whereas, Subsequently, six of the bollards were removed from the public right-of-way; and

Whereas, S-G Northport Apartments LLC now owns the property; and

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

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 921293 is hereby rescinded; and, be it

Further Resolved, That S-G Northport Apartments LLC, 9272 North Pelham Parkway, Milwaukee, Wisconsin 53217-1360, is hereby granted the following special privilege:

To keep and maintain three, concrete-filled bollards in the south, 24-foot wide sidewalk area of West Custer Avenue. Two of said bollards are centered approximately 21.5 feet north of the southline of West Custer Avenue and 401 and 411 feet east of the eastline of North Teutonia Avenue. The third bollard is centered approximately 14 feet north of the southline of West Custer Avenue and 293 feet east of the eastline of North Teutonia Avenue. All of said bollards are 5 inches in diameter and 3 feet in height.

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

Said bollards 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, S-G Northport Apartments 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 Commissioner of Public Works 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 own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.

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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division

MDL: ns

August 27, 2010

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