



## Legislation Text

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**File #: 970744, Version: 1**

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NUMB:  
970744  
SUBSTITUTE

### THE CHAIR

Substitute resolution granting a special privilege to Guadalupe B. Alba, to keep and maintain a retaining wall and steps which encroach into the public way at 9034 West Howard Avenue, in the 11th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution grants a special privilege to Guadalupe B. Alba to keep and maintain a concrete retaining wall and steps encroaching into the public way on the north side of West Howard Avenue, at the premises known as 9034 West Howard Avenue.

Whereas, Guadalupe B. Alba is the owner of the premises at 9034 West Howard Avenue; and

Whereas, These premises are undergoing renovation of the front lawn area, which includes construction of a retaining wall with steps, that will encroach in their entirety into the public right-of-way of West Howard Avenue; and

Whereas, The retaining wall and steps as constructed may only be permitted to encroach into the public right-of-way by the granting of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Guadalupe B. Alba, 9034 West Howard Avenue, Milwaukee, WI 53228, is hereby granted the following special privilege:

To keep and maintain a retaining wall with footing, and concrete steps, within the public right-of-way on the north side of West Howard Avenue, at 9034 West Howard Avenue. Said stone retaining wall commences at a point approximately 500 feet west of the westline of South 89th Street, on the northline of West Howard Avenue, and extends south for a distance of approximately 17 feet, then extends west for a distance of approximately 26 feet where there is a gap for 4-foot wide concrete steps, which extend north approximately 4 feet. The retaining wall then extends west from the steps approximately 36 feet. The wall height is approximately 2.5 feet above the sidewalk grade.

Said retaining wall and steps shall be constructed and maintained to the approval of the Commissioner of Public Works and Building Inspection and all necessary permits shall be procured from the Commissioners of Public Works and Building Inspection. No alteration or replacement of any item may be made without the written approval of the Commissioners of Building Inspection and Public Works.

and, be it

Further Resolved, That Guadalupe B. Alba is hereby notified that at such future time the retaining wall or steps are no longer needed, he will be physically and financially responsible for removing said items from the public right-of-way.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Guadalupe B. Alba, 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 \$2,000.00 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 \$104.36. 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

October 17, 1997

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