



## Legislation Text

---

**File #: 090896, Version: 1**

---

090896  
SUBSTITUTE 1  
920048  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Complete Lawn Services, Inc. for a fence in the public right-of-way for the premises at 9306 West Flagg Avenue, in the 2<sup>nd</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to Complete Lawn Services Inc for a fence with a sliding gate in the public right-of-way for the premises at 9306 West Flagg Avenue.

Whereas, Metropolitan Maintenance and Landscaping Inc requested permission to keep and maintain a fence in the public right-of-way; and

Whereas, Permission for said fence was granted in 1992 under Common Council Resolution File Number 920048; and

Whereas, Complete Lawn Services Inc now owns the subject premises; and

Whereas, For the liability for said fence 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 920048 is hereby rescinded; and, be it

Further Resolved, That Complete Lawn Services, Inc., PO Box 213, Jackson, Wisconsin 53037, is hereby granted the following special privilege:

To keep and maintain an 8-foot tall chain link fence projecting 4 feet into the north sidewalk area of West Flagg Avenue. Said fence commences at a point approximately 32 feet west of the westline of North 93<sup>rd</sup> Street and extends west 120 feet. There is a 20-foot wide gate that opens by sliding parallel to the street.

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

Said fence 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, Complete Lawn Services, 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 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. Both bond and insurance policy shall provide that they shall

not be cancelled 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 \$558.54. 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 1<sup>st</sup> 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

April 20, 2010

090896