



Legislation Text

File #: 050477, Version: 1

Number

050477

SUBSTITUTE

80-2557

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Lassman Family Limited Partnership for encroachment into the public right-of-way of a concrete retaining wall for the building at 2842 South 5th Court, in the 15th Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege to Lassman Family Limited Partnership to keep and maintain a concrete retaining wall in the public way abutting 2842 South 5th Court.

Whereas, Gordon Investments, petitioned for encroachment into the public right-of-way of a concrete retaining wall; and

Whereas, Permission for said concrete retaining wall was granted in 1981 in Common Council Resolution File Number 80-2557; and

Whereas, Lassman Family Limited Partnership now owns 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Resolved, That Common Council File Number 80-2557 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Lassman Family Limited Partnership, 2842 South 5th Court, Milwaukee, Wisconsin 53207 is hereby granted the following special privilege:

To keep and maintain a 2-foot 6-inch high, 8-inch thick concrete retaining wall commencing at a point 277.26 feet south of the north property line and proceeding southerly a distance of 109.17 feet, encroaching 1 foot into the public way of South 5th Court on the east side of the street.

Said above-mentioned retaining wall shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said retaining wall 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, Lassman Family Limited Partnership, 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 \$10,000 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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 \$112.65. 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
January 3, 2006
050477