



Legislation Text

File #: 980554, Version: 1

980554
SUBSTITUTE
86-1184
THE CHAIR

Substitute resolution amending a special privilege granted to Karas Investments for a chain link fence and an informational sign located in the public right-of-way, adjacent to the property at 2201-07 North 31st Street, to now change the name of the grantee of the special privilege to Point Source, LLC, in the 17th Aldermanic District in the City of Milwaukee.

- Analysis -

Substitute resolution amending a special privilege to Karas Investments for a chain link fence and an informational sign located in the public rights-of-way, adjacent to the property at 2201-07 North 31st Street, to now change the name of the grantee of the special privilege to Point Source, LLC.

Whereas, Karas Investments was granted a special privilege under Common Council Resolution File Number 86-1184, on December 16, 1986, for construction and maintenance of a chain link fence and an informational sign located in the public rights-of-way; and

Whereas, Point Source LLC leases the property from Deeann Dorman, the current owner of the property, and should now be named as the grantee of the special privilege; and

Whereas, Continued encroachment of the chain link fence and sign into the public rights-of-way can only be allowed 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 86-1184 is hereby rescinded; and, be it

Further Resolved, By the Common Council of Milwaukee that Point Source LLC, 2200 North 31st Street, Milwaukee, WI 53208, is hereby granted the following special privileges:

1. To keep and maintain a 6-foot high chain link fence in the public rights-of-way on the north side of West Garfield Avenue and the west side of North 31st Street around an existing parking lot. The encroachment is: 1.85 feet into the 15-foot wide sidewalk area of West Garfield Avenue, beginning at a point approximately 113 feet west of the westline of North 31st Street and extending east approximately 116 feet, parallel to and 1.15 feet north of the paved sidewalk; and then continuing north on North 31st Street encroaching 3.2 feet into the 15-foot wide sidewalk area for a distance of approximately 64 feet parallel to and 1.9 feet west of the paved sidewalk. At each end, the fence extends back onto private property. Although there are no fence gates at the present time, any fence gates constructed in the future shall swing inward or be of rolling style so that no portion of the gate encroaches into the right-of-way. The area between the public right-of-way and the fence shall not be utilized for the actual parking of vehicles.

2. To keep and maintain a 4-foot high, 6-foot wide owner informational sign that shall be attached to the fabric of the fence on the west side of North 31st Street, near West Garfield Avenue.

Said fence and sign shall be maintained to the approval of the Commissioners of Public Works and Building Inspection.

The cost of any alteration, repair, reconstruction, removal and/or replacement of the fence or sign shall be borne by the grantee.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Point Source, 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 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 \$71.54. 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 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 30, 1998

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