



## Legislation Text

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**File #: 000747, Version: 1**

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000747

SUBSTITUTE

901223

THE CHAIR

Substitute resolution amending a special privilege granted to DRI Realestate, Inc. to keep and maintain a fence in the public right-of-way adjacent to the property located at 3420 West Capitol Drive, to now change the name of the grantee of the special privilege to Wooden Shamrock, LLC in the 7<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to DRI Realestate, Inc. to keep and maintain a fence in the public right-of-way in the sidewalk area on the east side of North 35<sup>th</sup> Street adjacent to the premises known as 3420 West Capitol Drive, to now change the name of the grantee of the special privilege to Wooden Shamrock, LLC.

Whereas, DRI Realestate, Inc. was granted a special privilege under Common Council Resolution File Number 901223, on December 21, 1990, to keep and maintain a fence encroaching into the public right-of-way on the east side of North 35<sup>th</sup> Street adjacent to the premises at 3420 West Capitol Drive; and

Whereas, The current occupant of the property is Wooden Shamrock, LLC and should now be named as the grantee of the special privilege; and

Whereas, The fence may only occupy the public right-of-way 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 901223 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Wooden Shamrock, LLC, 705 East Green Tree Road, Milwaukee, WI 53217 is hereby granted the following special privilege:

To keep and maintain an approximate 8-foot high chain link fence in the sidewalk area on the east side of North 35<sup>th</sup> Street, abutting the property at 3420 West Capitol Drive. The fence begins at a point approximately 395 feet north of the northline of West Capitol Drive and extends approximately 262 feet northerly with the encroachment being approximately 2.65 feet. The fence consists of 7 feet of chain link fabric and 1 foot of barbed wire.

Said fence shall be used and maintained to the satisfaction of the Commissioners of Public Works and Neighborhood Services. Said fence shall be removed from the public right-of-way, at such future time that it is no longer needed, to the satisfaction of the Commissioners of the Departments of Public Works and Neighborhood Services

;and, be it

Further Resolved, That no vehicles, when parked, are allowed to be located within that portion of the public right-of-way between the fence and street property line

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Wooden Shamrock, 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 \$270.57. 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 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 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

JJM:cjt

October 13, 2000

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