



Legislation Text

File #: 980908, Version: 1

980908
SUBSTITUTE
68-1636
THE CHAIR

Substitute resolution amending a special privilege granted to First Wisconsin National Bank of Milwaukee, to install and maintain a clay tile sewer in the public right-of-way at the rear of the premises at 4036 North 23rd Street, to now change the name of the grantee of the special privilege to Walgreen Company, in the 1st Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution amends a special privilege granted to First Wisconsin National Bank of Milwaukee allowing installation and maintenance of a clay tile sewer in the public right-of-way at the rear of the premises at 4036 North 23rd Street to now change the name of the grantee of the special privilege to Walgreen Company.

Whereas, First Wisconsin National Bank of Milwaukee was granted a special privilege to install and maintain a 6-inch clay tile sewer below and across the north-south alley leg in the block bounded by West Capitol Drive, North Teutonia Avenue and North 23rd Street, at the rear of the premises at 4036 North 23rd Street; and

Whereas, Walgreen Company now is the owner of the premises at 4036 North 23rd Street, and a name change on the existing special privilege is needed in order to reflect the new owner; and

Whereas, Said sewer may only legally occupy the public way by the granting of a special privilege; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 68-1636 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Walgreen Company, 200 Wilmot Road, Deerfield, IL, 60015, is hereby granted the following special privilege:

To keep and maintain a private 6-inch clay tile sewer below the north-south alley leg in the block bounded by West Capitol Drive, North Teutonia Avenue and North 23rd Street, at the rear of the premises at 4036 North 23rd Street. The underground sewer is located approximately 120 to 160 feet east of the eastline of North 23rd Street and approximately 263 feet north of and parallel to the northline of West Capitol Drive, being approximately 20 feet in length, and is located approximately 7 feet below the alley pavement. The sewer shall be maintained to the satisfaction of the Commissioners of Public Works and Building Inspection. All necessary permits for any work in the public right-of-way shall be obtained; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Walgreen Company, 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 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 \$35.00. 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

November 3, 1998

980908