



## Legislation Text

---

**File #: 140601, Version: 1**

---

140601  
SUBSTITUTE 1  
85-85  
THE CHAIR

Substitute resolution granting a special privilege to Krause Properties LLC for a private sewer, bollards, and stationary timber planters in the public right-of-way and rescinding a previously existing special privilege for which the items have been removed from the public right-of-way for the premises at 9020 West Capitol Drive, in the 5<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Krause Properties LLC for a private sewer, bollards, and stationary timber planters in the public right-of-way and rescinds a previously existing special privilege for which the items have been removed from the public right-of-way for the premises at 9020 West Capitol Drive.

Whereas, Krause Funeral Home Incorporated had requested permission to construct and maintain tree guards, private light fixtures and underground electrical conduit in the public right-of-way for which permission was granted under Common Council Resolution File Number 85-85 in 1985; and

Whereas, Those items have been removed from the public right-of-way; and

Whereas, Krause Properties LLC, the current property owner, expanded its parking lot, which required construction of a private sewer to accommodate storm water drainage; and

Whereas, A site visit revealed the presence of bollards and stationary timber planters in the public right-of-way; and

Whereas, Said items may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 85-85 is hereby rescinded; and, be it

Further Resolved, That Krause Properties LLC, 4021 North 90<sup>th</sup> Street, Milwaukee, WI 53222, is hereby granted the following special privileges:

1. To construct and maintain a 12-inch diameter private storm sewer crossing the north-south, 20-foot wide alley in the block bounded by West Capitol Drive, West Fiebrantz Avenue, North 90<sup>th</sup> Street, and North 91<sup>st</sup> Street. Said sewer crosses the aforementioned alley at a point approximately 8 feet north of the northline of the adjacent east-west alley. The sewer commences at a manhole on private property and extends south, across the public alley, then across a private parking lot, and finally, enters the public right-of-way of North 91<sup>st</sup> Street to discharge into the public storm sewer main. That portion of the private sewer between the eastline of North 91<sup>st</sup> Street and the public sewer main in North 91<sup>st</sup> Street is considered a sewer lateral and is otherwise permitted.
2. To construct and maintain two stationary planters projecting 1 foot into the east, 13-foot wide sidewalk area

of North 91<sup>st</sup> Street. Said planters abut the east-west alley in the block bounded by West Capitol Drive, West Fiebrantz Avenue, North 90<sup>th</sup> Street, and North 91<sup>st</sup> Street. The north planter commences at the northline of the east-west alley and extends north 6 feet 6 inches. The south planter commences at the southline of the east-west alley and extends south 2 feet. Both planters area surrounded by 6-inch thick timbers with a total length of 10 feet 6 inches.

3. To construct and maintain four, 5-inch diameter bollards in the north, 12-foot wide sidewalk area of West Capitol Drive. Said bollards are centered approximately 9 feet south of the northline of West Capitol Drive and are located within the tree box outs located between North 90<sup>th</sup> Street and North 91<sup>st</sup> Street. Said bollards are 2 feet 3 inches tall.

Said items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items 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, Krause Properties 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 Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$50.46. 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 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

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

January 15, 2016