



Legislation Text

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070900

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to First Place Condo Owners Association Inc to construct and maintain a concrete curb retaining wall for the premises at 106 West Seeboth Street, in the 12th Aldermanic District.

This resolution grants a special privilege to First Place Condo Owners Association, Inc. to construct and maintain a concrete curb retaining wall for the premises at 106 West Seeboth Street.

Whereas, First Place Milwaukee LLC, a developer, constructed a condominium project at 106 West Seeboth Street; and

Whereas, As part of the project, the developer requested permission to construct and constructed a concrete curb retaining wall to allow for vehicular access to an indoor parking garage; and

Whereas, First Place Condo Owners Association, Inc. is the condo association for the subject development and, as such, is legally responsible for the property; and

Whereas, Said retaining wall 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 First Place Condo Owners Association, Inc. c/o Scott C Fergus, 259 West Broadway, Suite 100, Waukesha, Wisconsin 53186, is hereby granted the following special privilege:

To construct and maintain a concrete curb retaining wall in the public right-of-way of West Seeboth Street located approximately 139 feet west of the westline of South 1st Place. Said 8-inch wide retaining wall varies between 6 inches and 2 feet 8 inches in height. The wall commences at northline of West Seeboth Street and extends in a southerly direction curving to the east where it connects to the south curblines West Seeboth Street. Total length of said curb wall is 51 feet 6 inches.

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.

Said retaining wall shall be maintained or removed from the public right-of-way, at such future time as it is 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, First Place Condo Owners Association, Inc. 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 \$1,000 such bond to be approved by the City Attorney. This 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 own 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 cancelled 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 \$145.53. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division
MDL:lja
January 17, 2008
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