



## Legislation Text

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**File #:** 031097, **Version:** 1

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031097  
SUBSTITUTE  
951016  
THE CHAIR

Substitute resolution to grant an amended special privilege to Michael C. Speich and Diane R. Speich allowing a front porch, stairs and wood fences to be located within the public rights-of-way abutting 1528 and 1536 North Franklin Place and 1541 North Warren Avenue, in the 3<sup>rd</sup> Aldermanic District in the City of Milwaukee. Substitute resolution to grant an amended special privilege to Michael C. Speich and Diane R. Speich allowing a front porch, stairs and wood fences to be located within the public rights-of-way abutting 1528 and 1536 North Franklin Place and 1541 North Warren Avenue.

Whereas, Robert A. Johnson purchased the three properties at 1528 North Franklin Place, 1536 North Franklin Place and 1541 North Warren Avenue and determined to treat them all as one "development" and then requested a special privilege in order that he could place various items in the abutting public rights-of-way; and

Whereas, Permission was granted in 1995 by adoption of Common Council Resolution File Number 951016; and

Whereas, Mr. Johnson sold the properties, en masse, to John L. and Christina G. Clancy in 1999 and they were subsequently supplied with an amending Petition for Special Privilege but chose to not cooperate and submit it for formal transfer of the liability and a special privilege amendment but ultimately chose to sell these properties to the Speichs; and

Whereas, For the liability to be formally transferred to the current owners, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, That Common Council Resolution File Number 951016 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Michael C. Speich and Diane R. Speich, 39054 Lakeview Lane, Oconomowoc, Wisconsin, 53066, are hereby granted the following special privileges:

1. To keep, use and maintain an 8-foot high wood fence located 0.5 feet off the edge of the 6-foot wide concrete sidewalk, encroaching approximately 3 feet into the 16-foot wide public sidewalk area on the westerly side of North Warren Avenue. Said fence commences approximately 124 feet northeasterly of the eastline of North Franklin Place and extends northeasterly for a distance of approximately 100 feet. Said fence has two brick-faced concrete columns, 24 inches square, located approximately 199 and 215 feet northeasterly of the eastline of North Franklin Place.

2. To keep, use and maintain an 8-foot high combined wood stockade style and ornamental metal fence located 2 feet off the edge of the 6-foot wide concrete sidewalk encroaching approximately 2.8 feet into the 18.8-foot

wide public sidewalk area on the east side of North Franklin Place. Said fence commences approximately 150 feet north of the westerly line of North Warren Avenue and extends north for a distance of approximately 40 feet. Said fence has four brick-faced concrete columns, 24 inches square, located approximately 160, 166, 178 and 184 feet north of the westerly line of North Warren Avenue.

3. To keep, use and maintain two staircases that are 6-foot wide, 4.8-foot long with wood steps on the east side of North Franklin Place that end 0.7 feet from the edge of the 6-foot wide concrete sidewalk and encroach approximately 4.1 feet into the 18.8-foot wide public sidewalk area. Said steps are centered approximately 191 and 212 feet north of the westerly line of North Warren Avenue. Said steps have handrails on each side.

4. To keep, use and maintain a 12-foot wide, 4.5-foot high wood front porch with steps on the east side of North Franklin Place located 1.6 feet from the edge of the 6-foot wide concrete sidewalk and encroach approximately 3.2 feet into the 18.8-foot wide public sidewalk area. Said front porch is centered approximately 136 feet north of the westerly line of North Warren Avenue.

The above-mentioned items shall be installed/used and maintained to the approval of the Commissioners of Public Works and the Department of Neighborhood Services.

All the necessary permits shall have been procured from the Commissioners of City Development and Public Works. Vehicles, which are to be parked within the fenced areas, shall not be parked within the public rights-of-way; however, that portion of the parking area may be used as aisle space.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantees, Michael C. Speich and Diane R. Speich, 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 \$10,000.00 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 \$100,000 covering bodily injury to any one person and \$200,000 covering bodily injury to more than one person in any one accident and \$50,000 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 \$1,174.67. 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 66.0425 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 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

March 3, 2004

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