



## Legislation Text

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**File #: 000827, Version: 1**

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000827

### SUBSTITUTE THE CHAIR

Substitute resolution granting a special privilege to 800 LLC Milwaukee to install and maintain a fence in the public right-of-way of West Highland Avenue abutting the premises at 1101 Old World Third Street, in the 4th Aldermanic District of the City of Milwaukee.

This resolution grants a special privilege to 800 LLC Milwaukee to install and maintain a fence in the public right-of-way of West Highland Avenue abutting the premises at 1101 Old World Third Street that will surround, protect and keep from public view dumpsters being used by the abutting property.

Whereas, The applicant desires to install a wood fence within the public right-of-way in order to provide security, prevent vandalism and keep from public view dumpsters which are to be used by the adjacent property at 1101 Old World Third Street; and

Whereas, Said fence may only legally occupy the public way by the 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 800 LLC Milwaukee, 1101 Old World Third Street, Milwaukee, WI 53203, is hereby granted the following special privilege:

To install and maintain a 6-foot high wood fence encroaching into the public right-of-way of West Highland Avenue, adjacent to the premises at 1101 Old World Third Street. The fence encroachment will commence on the northline of West Highland Avenue approximately 50 feet west of the westline of Old World Third Street and will extend 4 feet 6 inches southerly and then 34 feet westerly and then 4 feet 6 inches northerly to a point on the northline of West Highland Avenue all within the 15-foot wide north sidewalk area.

Said fence shall be erected and/or maintained and used to the approval of the Commissioners of Public Works and Neighborhood Services. All necessary permits must be obtained from the Department of Public Works and the Department of City Development prior to placement of the fence;

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, 800 LLC Milwaukee, 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 \$2,000.00 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 \$250.00. 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 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  
November 10, 2000

000827

**CITY OF MILWAUKEE FISCAL NOTE**CC-170 (REV. 6/86)  
Ref: GEN\FISCALNT.MST

A) DATE: November 10, 2000

FILE NUMBER: 000827  
Original Fiscal Note  Substitute

SUBJECT: Substitute resolution granting a special privilege to 800 LLC Milwaukee to install and maintain a fence in the public right-of-way abutting the premises at 1101 Old World Third Street.

B) SUBMITTED BY Jeffrey S. Polenske, P.E./ City Engineer/Infrastructure Services Division/2400

C) CHECK ONE:  ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.  ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.  LIST ANTICIPATED COSTS IN SECTION G BELOW.  NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO:  DEPARTMENTAL ACCOUNT (DA)  CONTINGENT FUND (CF)   
CAPITAL PROJECTS FUND (CPF)  SPECIAL PURPOSE ACCOUNTS (SPA)  PERM.  
IMPROVEMENT FUNDS (PIF)  GRANT & AID ACCOUNTS (G & AA)  OTHER (SPECIFY)

E)	PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:		Annual billing/initial	Inspection	\$2.77/4.04		

SUPPLIES:

MATERIALS:

NEW EQUIPMENT:

EQUIPMENT REPAIR:

OTHER: \$250.00

TOTALS: \$2.77/4.04 \$250.00

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX

BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

- 1-3 YEARS     3-5 YEARS    Annual Cost Billing - \$2.77/4.04
- 1-3 YEARS     3-5 YEARS    Annual Fee (Income) - \$250.00
- 1-3 YEARS     3-5 YEARS

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:  
Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE