



## Legislation Text

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**File #:** 000602, **Version:** 1

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000602

### SUBSTITUTE

Substitute resolution granting a special privilege to Lyon Street Condominium Association to install and maintain fences (railings) in the public rights-of-way abutting the premises at 1112 East Lyon Street, in the 3<sup>rd</sup> Aldermanic District of the City of Milwaukee.

This resolution grants a special privilege to Lyon Street Condominium Association to install and maintain fences (railings) at three locations in the public rights-of-way of North Humboldt Avenue and East Lyon Street abutting the premises at 1112 East Lyon Street.

Whereas, The applicant desires to install three separate fenced-in areas within the public rights-of-way of North Humboldt Avenue and East Lyon Street adjacent to the property at 1112 East Lyon Street in order to minimize existing pedestrian cut-throughs; and

Whereas, Said fences 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 Lyon Street Condominium Association, 1116 East Lyon Street, Milwaukee, WI 53202, is hereby granted the following special privilege:

To install and maintain a 40-inch high wrought iron fence at three locations encroaching into the public rights-of-way of North Humboldt Avenue and East Lyon Street, adjacent to the premises at 1112 East Lyon Street specifically described as follows: 1) commencing at a point on the northline of East Lyon Street, approximately 90 feet east of the eastline of North Humboldt Avenue, and then extending southerly approximately 4 feet 1 inch into the 15-foot wide sidewalk area and then extending easterly approximately 8 feet 10 inches to a point and then extending approximately 4 feet 1 inch to the northline of East Lyon Street: 2) commencing at a point on the eastline of North Humboldt Avenue, approximately 12 feet 4 inches north of the northline of East Lyon Street, and then extending westerly approximately 4 feet 3 inches into the 22.75-foot wide sidewalk area and then extending southerly approximately 16 feet 4 inches to a point and then extending easterly approximately 44 feet 4 inches on the north side of East Lyon Street to a point and then extending northerly approximately 4 feet 1 inch to the northline of East Lyon Street. A gate will be located at the east end of the enclosure; and 3) commencing at a point on the eastline of North Humboldt Avenue, approximately 120 feet north of the northline of East Lyon Street, extends westerly approximately 4 feet 11 inches into the 22.75-foot wide sidewalk area, to a point and then extending northerly approximately 11 feet 8 inches to an existing chain link fence, which extends easterly to the eastline of North Humboldt Avenue.

Said fences shall not encroach onto the concrete sidewalks at these locations.

Said fences 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 prior to placement of the fences

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Lyon Street Condominium Association, 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 \$1,575.01. 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  
September 25, 2000  
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