



## Legislation Text

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**File #:** 010807, **Version:** 1

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010807

SUBSTITUTE

000602

THE CHAIR

Substitute resolution amending a special privilege granted 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, to now change the configuration of one of the fences, in the 3<sup>rd</sup> Aldermanic District of the City of Milwaukee. This resolution amends a special privilege granted 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, to now change the configuration of one of the fences. Whereas, Lyon Street Condominium Association was granted a special privilege under Common Council Resolution File Number 000602, on November 8, 2000, to install and maintain wrought iron fences at three locations encroaching into the public rights-of-way adjacent to the premises at 1112 East Lyon Street; and

Whereas, The configuration and style of one of the fences at the northeast corner of East Lyon Street and North Humboldt Boulevard has changed such that the special privilege must be amended; 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 000602 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Lyon Street Condominium Association which includes 1112-1116 East Lyon Street and 1506-1514 North Humboldt Avenue, with the contact location as 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 non-contiguous locations encroaching into the public rights-of-way of North Humboldt Avenue and East Lyon Street, adjacent to the premises 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 for a distance of approximately 4 feet 1 inch into the 15-foot wide sidewalk area and then extending easterly for a distance of approximately 8 feet 10 inches to a point and then extending northerly for a distance of approximately 4 feet 1 inch to the northline of East Lyon Street; 2) commencing at a point approximately 6 feet west of the eastline of North Humboldt Avenue, approximately 12 feet 4 inches north of the northline of East Lyon Street, and then extending westerly for a distance of approximately 1 foot 7 inches into the 22.75-foot wide sidewalk area and then extending southerly for a distance of approximately 16 feet 4 inches to a point and then extending easterly for a distance of approximately 44 feet 4 inches on the north side of East Lyon Street to a point and then extending northerly approximately 1 foot; 3) commencing at a point on the eastline of North Humboldt Avenue, approximately 120 feet north of the northline of East Lyon Street, then extending westerly for a distance of approximately 4 feet 11

inches into the 22.75-foot wide sidewalk area, and then extending northerly for a distance of 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. Two large rocks, as landscape features, that are located in the public right-of-way within the area of the fence (indicated as 2) above may remain, if desired.

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 and Department of City Development 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 \$569.47. 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 66.0915((3) 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

January 28, 2002  
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