



Legislation Text

File #: 070540, **Version:** 1

070540
SUBSTITUTE 1
970801
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Philadelphia Church of God in Christ, Inc. for two excess door swings and for addition of a security camera encroaching in the public right-of-way for the premises at 2933-2957 North Dr. Martin L. King Dr., in the 6th Aldermanic District.

This resolution amends a special privilege for change of ownership to Philadelphia Church of God in Christ, Inc. for two excess door swings and for addition of a security camera encroaching in the public right-of-way for the premises at 2933-2957 North Dr. Martin L. King Dr.

Whereas, Opportunities Industrialization Center requested permission to construct and maintain two excess door swings in the public right-of-way; and

Whereas, Permission for said door swings was granted in 1997 under Common Council File Number 970801; and

Whereas, A site visit revealed the presence of a security camera in the public right-of-way; and

Whereas, Philadelphia Church of God in Christ, Inc. now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

Whereas, Said camera 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Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 970801 is hereby rescinded; and, be it

Further Resolved, That Philadelphia Church of God in Christ, Inc., 2933-57 North Martin L. King Jr. Dr, Milwaukee, Wisconsin 53212, is hereby granted the following special privileges:

1. To install and maintain a security camera projecting into the 12-foot wide west sidewalk area of North Martin L. King Jr. Drive. Said camera, centered approximately 945 feet south of the southline of West Chambers Street, is in a 2-foot diameter spherical enclosure approximately 20 feet above grade. Said camera and enclosure project approximately 3 feet into the public way.

2. To keep and maintain two excess door swings that project into the public right-of-way more than the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. The two doors, located along the west, 12-foot wide sidewalk area of North Martin L. King Jr. Drive, are centered approximately 950 and 1045 feet south of the southline of West Chambers Street and project 3 feet 6 inches and 3 feet, respectively, into the public right-of-way.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items 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, Philadelphia Church of God in Christ, 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 \$35.00. 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 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

October 8, 2007

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