



Legislation Details (With Text)

File #: 010821 **Version:** 1

Type: Resolution **Status:** Passed

File created: 10/12/2001 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:** 4/15/2003

Effective date:

Title: Substitute resolution granting a special privilege to The Newark Group, Inc. to keep, use and maintain two lights with tall bases and a chain link fence, which encroach into the public way of North Newhall Street in the vicinity of 1514 East Thomas Avenue, in the 3rd Aldermanic District in the City of Milwaukee.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Specail Privilege Application.PDF, 2. Cover Letter.pdf, 3. Fiscal Note.pdf

Date	Ver.	Action By	Action	Result	Tally
10/12/2001	0	COMMON COUNCIL	ASSIGNED TO		
10/17/2001		PUBLIC WORKS COMMITTEE	REFERRED TO		
3/13/2003	1	CITY CLERK	DRAFT SUBMITTED		
3/27/2003	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/27/2003	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/2/2003	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
4/15/2003	1	COMMON COUNCIL	ADOPTED	Pass	16:0
4/16/2003	1	MAYOR	SIGNED		

010821

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to The Newark Group, Inc. to keep, use and maintain two lights with tall bases and a chain link fence, which encroach into the public way of North Newhall Street in the vicinity of 1514 East Thomas Avenue, in the 3rd Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to The Newark Group, Inc. to keep, use and maintain two lights with tall bases and a chain link fence, which encroach into the public way on the west side of North Newhall Street, near the premises known as 1514 East Thomas Avenue.

Whereas, The Newark Group, Inc., d/b/a Wisconsin Paperboard Co. (WP) is the owner of the property at 1514 East Thomas Avenue; and

Whereas, WP petitioned for and was granted the request to have the block of East Thomas Avenue from North Newhall Street to North Cambridge Avenue vacated in 2001; and

Whereas WP desired to designate the entrance to their campus on the west side of North Newhall Street at vacated East Thomas Avenue by constructing two brick faced columns with lamp posts on top (lights with tall bases) that were to be located within the public right-of-way; and

Whereas, The lights may only be permitted to encroach into the public right-of-way by the granting of a special privilege by the Common Council; and

Whereas, Our recent field viewing determined that the lights with tall bases are in place and also that south of the transitioning fence, which is south of the south column, there is an existing chain link fence for a parking area that is located generally along the public sidewalk and which encroaches into the public right-of-way on the west side of North Newhall Street and in order to continue to do so also requires approval by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that The Newark Group, Inc. d/b/a Wisconsin Paperboard Co., 1514 East Thomas Avenue, Milwaukee, WI 53211, is hereby granted the following special privileges:

1. To keep, use and maintain two 6-foot high lights on top of 4-foot square, 6-foot high concrete bases, having the appearance of brick facing, located on the west side of North Newhall Street in the vicinity of vacated East Thomas Avenue, centered approximately 1 foot east of the westline of North Newhall Street, and approximately 19.5 feet south of the northline and 17.5 feet north of the southline of vacated East Thomas Avenue, respectively. There is 1 inch diameter PVC conduit extending through the columns onto adjacent private property for the electrical power.

2. To keep, use and maintain a six-foot high chain link fence, with barbed wire on top, extending south approximately 180 feet from the transitioning fence from the south column, which fronts a parking area. This fence encloses a parking area and encroaches approximately 3 feet along the public sidewalk.

Said lights with tall bases and fence shall be constructed, kept, used and maintained to the approval of the Commissioners of Public Works and Neighborhood Services and all necessary permits shall be procured from the Commissioners of Public Works and City Development. No alteration or replacement of any item may be made without the written approval of the Commissioners of Neighborhood Services and Public Works;

and, be it

Further Resolved, That The Newark Group, Inc. is hereby notified that at such future time the lights, tall bases or fence are no longer needed, they will be physically and financially responsible for removing said items from the public right-of-way; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, The Newark Group, 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 \$8,000.00 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 \$97.22. 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 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 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 12, 2003
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