



## Legislation Details (With Text)

**File #:** 060750 **Version:** 1

**Type:** Resolution **Status:** Passed

**File created:** 9/26/2006 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 11/14/2006

**Effective date:**

**Title:** Substitute resolution amending a special privilege to Bostik, Inc. for a fence across West Pemberton Avenue for the premises at 3020-24 West Clarke Street and 3026 West Pemberton Avenue, in the 15th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Petition for Special Privilege Amendment and Drawing.PDF, 2. Cover letter, 3. Fiscal Note

Date	Ver.	Action By	Action	Result	Tally
9/26/2006	0	COMMON COUNCIL	ASSIGNED TO		
9/27/2006	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/26/2006	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/31/2006	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
10/31/2006	1	CITY CLERK	DRAFT SUBMITTED		
11/14/2006	1	COMMON COUNCIL	ADOPTED	Pass	15:0
11/21/2006	1	MAYOR	SIGNED		

060750  
SUBSTITUTE  
051692  
THE CHAIR

Substitute resolution amending a special privilege to Bostik, Inc. for a fence across West Pemberton Avenue for the premises at 3020-24 West Clarke Street and 3026 West Pemberton Avenue, in the 15<sup>th</sup> Aldermanic District. This resolution amends a special privilege to Bostik, Incorporated for addition of a fence across West Pemberton Avenue, creating a “locked gate” situation, for the premises at 3020-24 West Clarke Street and 3026 West Pemberton Avenue. Whereas, Bostik, Inc. petitioned for a special privilege to keep and maintain three monitoring wells in the public right-of-way; and

Whereas, Permission for said monitoring wells was granted in 2006 under Common Council File Number 051692; and

Whereas, Bostik, Inc. is now requesting permission to install a fence in the public right-of-way across West Pemberton Avenue, creating a “locked gate” situation; and

Whereas, The applicant is hoping to prevent dumping and illicit activity on its properties at 3020-24 West Clarke Street and 3026 West Pemberton Avenue; and

Whereas, West Pemberton Avenue is a dead end street at this location and the fence does not block access to other properties in the area; and

Whereas, Said fence 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 051692 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Bostik, Inc., 11320 Watertown Plank Road, Wauwatosa, Wisconsin 53226-3434 is hereby granted the following special privileges:

1. To construct and maintain a chain link fence crossing West Pemberton Avenue. Said fence commences at the northline of West Pemberton Avenue and 7 feet 6 inches west of the westline of the north-south alley in the block bounded by West Center Street, West Pemberton Avenue, North 30<sup>th</sup> Street and the Soo Line Railroad; extends south 46 feet 6 inches; then continues east 15 feet 6 inches; then continues south 13 feet 6 inches where said fence enters private property.
2. To keep and maintain three flush-mounted monitoring wells in the vicinity of 3033 West Pemberton Avenue, also known as 3020-24 West Clarke Street. Said monitoring wells are located in the right-of-way of West Clarke Street, centered 15, 14 and 14 feet north of the southline of West Clarke Street and 223 and 134 feet west and 6 feet east of the westline of North 30<sup>th</sup> Street, respectively.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as they are 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, Bostik, 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 \$5,000 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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 \$168.24. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

7. Hold the City of Milwaukee harmless from all claims regarding the remediation process for the property at 3033 West Pemberton Avenue, also known as 3020-24 West Clarke Street, which includes the public right-of-way of West Clarke Street and shall be undertaken at no cost to the City of Milwaukee.

Department of Public Works  
Infrastructure Services Division

MDL:lja

October 10, 2006

060750