Legislation Details (With Text)

File #:	061360 **Version:** 2		
Type:	Resolution	**Status:**	Passed
File created:	2/27/2007	**In control:**	PUBLIC WORKS COMMITTEE
On agenda:		**Final action:**	10/16/2012
Effective date:			

Title: Substitute resolution amending a special privilege for change of ownership to Midwest Auto Recycling LLC for encroachment into the public right-of-way of a fence and use of a portion of unimproved West Wright Street for the premises at 2431 North 30th Street, in the 15th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Cover letter, 2. Special Privilege Petition, 3. Map as of 8-9-12, 4. Photos as of 8-9-12, 5. Map as of 3-27-08, 6. Photos as of 3-27-08, 7. 8-11-08 Dept of Public Works letter to Mr Finerty, 8. Fiscal Note, 9. Hearing notice list, 10. Hearing Notice List 10/3/12

Date	Ver.	Action By	Action	Result	Tally
2/27/2007	0	COMMON COUNCIL	ASSIGNED TO		
2/28/2007	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
3/27/2008	1	CITY CLERK	DRAFT SUBMITTED		
4/30/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/7/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR PLACING ON FILE	Pass	3:0
5/20/2008	1	COMMON COUNCIL	PLACED ON FILE	Pass	13:0
9/16/2008	1	COMMON COUNCIL	REFERRED TO	Pass	15:0
9/16/2008	1	COMMON COUNCIL	TAKEN FROM FILE	Pass	15:0
9/18/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/24/2008	1	PUBLIC WORKS COMMITTEE	HELD IN COMMITTEE	Pass	5:0
10/9/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/15/2008	1	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	4:0
10/1/2012	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/3/2012	2	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
10/3/2012	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
10/16/2012	2	COMMON COUNCIL	ADOPTED	Pass	15:0
10/19/2012	1	MAYOR	SIGNED		
10/19/2012	2	MAYOR	SIGNED		

061360
SUBSTITUTE 2
921118
THE CHAIR
Substitute resolution amending a special privilege for change of ownership to Midwest Auto Recycling LLC for

encroachment into the public right-of-way of a fence and use of a portion of unimproved West Wright Street for the premises at 2431 North 30th Street, in the 15th Aldermanic District.
Substitute resolution amending a special privilege for change of ownership to Midwest Auto Recycling LLC for encroachment into the public right-of-way of a fence and use of a portion of unimproved West Wright Street for the premises at 2431 North 30th Street.
Whereas, Lev and Ed Inc. requested permission to install and maintain a fence in the public right-of-way and to use a portion of the unimproved West Wright Street; and

Whereas, Permission for said fence was granted in 1993 under Common Council File Number 921118; and

Whereas, Midwest Auto Recycling LLC 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; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 921118 is hereby rescinded; and, be it

Further Resolved, That Midwest Auto Recycling, LLC, 2100A East College Avenue, Cudahy, Wisconsin, 53110, is hereby granted the following special privileges:

1. To keep and maintain an 8-foot tall steel sheet metal fence in the west sidewalk area of North 30th Street. The fence commences at a point approximately 25 feet north of the northline of West Wright Street and extends 50 feet to the north and then continues again at a point approximately 110 feet north of the northline of West Wright Street, extending 105 feet north. The fence encroachment varies from a maximum of 0.8 feet to a minimum of 0.4 feet.

2. To use and maintain a portion of the 60-foot wide, unimproved West Wright Street from the westline of North 30th Street to a point approximately 36 feet west. The grantee shall have permission to gate the area.

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 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, Midwest Auto Recycling, LLC shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.

2. File with the Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.

3. Pay to the City Treasurer an annual fee, which has an initial amount of $754.58. 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 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:dms
August 8, 2012
061360