



## Legislation Details (With Text)

**File #:** 071656      **Version:** 1

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

**File created:** 4/9/2008      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 7/30/2008

**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to HPM Enterprises Inc for a fence, excess gate swing, access card reader and bollards in the public right-of-way for the premises at 2620 West Silver Spring Drive, in the 1st Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition, 2. Letter from Dept of Public Works, 3. Fiscal note, 4. pictures of 2620 W Silver Spring Dr, 5. map, 6. 071656 Hearing notice list

Date	Ver.	Action By	Action	Result	Tally
4/9/2008	0	COMMON COUNCIL	ASSIGNED TO		
4/11/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
7/8/2008	1	CITY CLERK	DRAFT SUBMITTED		
7/9/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
7/16/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
7/30/2008	1	COMMON COUNCIL	ADOPTED	Pass	12:0
8/6/2008	1	MAYOR	SIGNED		

071656  
SUBSTITUTE 1  
951718  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to HPM Enterprises Inc for a fence, excess gate swing, access card reader and bollards in the public right-of-way for the premises at 2620 West Silver Spring Drive, in the 1<sup>st</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to HPM Enterprises Inc for a fence, excess gate swing, access card reader and bollards in the public right-of-way for the premises at 2620 West Silver Spring Drive. Whereas, Henri's Food Products Company Inc requested permission to construct and maintain a fence, concrete bollards and access card reader in the public right-of-way; and

Whereas, Permission for said items was granted in 1996 under Common Council File Number 951718; and

Whereas, HPM Enterprises, 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; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 951718 is hereby rescinded; and, be it

Further Resolved, That HPM Enterprises, Inc, 411 East Wisconsin Avenue, Suite 2040, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To keep and maintain a 6-foot tall chain link fence encroaching 1-foot into the east sidewalk area of North 27<sup>th</sup> Street and the north sidewalk area of West Silver Spring Drive. In North 27<sup>th</sup> Street, said fence commences at a point 18 feet north of the northline of West Silver Spring Drive and extends north 100 feet. In West Silver Spring Drive, said fence commences at a point approximately 23 feet east of the eastline of North 27<sup>th</sup> Street and extends 140 feet east.
2. To use and maintain an excess gate swing that projects into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said 4-foot wide gate is centered approximately 24 feet east of the eastline of North 27<sup>th</sup> Street and, when fully open, projects 3 feet into the north-south 20-foot wide alley abutting the property.
3. To keep and maintain a 5-inch by 9-inch access card reader in the east sidewalk area of North 27<sup>th</sup> Street. Said box is centered approximately 10 feet west of the eastline of North 27<sup>th</sup> Street and 2 feet south of the southline of the abutting north-south public alley. Said box is mounted on a pole to a height of 4 feet and is connected to a rolling gate via underground conduit located under the sidewalk.
4. To keep and maintain five concrete bollards in the public right-of-way, two in the west sidewalk area of North 27<sup>th</sup> Street and three in the east sidewalk area of North 27<sup>th</sup> Street. The two bollards located in the west side of North 27<sup>th</sup> Street are centered approximately 21 and 22 feet east of the westline of North 27<sup>th</sup> Street and 95 and 96 feet north of the northline of West Silver Spring Drive, respectively. The three bollards in the east side of North 27<sup>th</sup> Street are centered approximately 1, 9, and 13 feet west of the eastline of North 27<sup>th</sup> Street and 2 feet south of the southline of the abutting north-south public alley. It should be noted that the bollards do not interfere with the paved public sidewalk on either side of North 27<sup>th</sup> Street.

Said 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, HPM Enterprises 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 \$3,000 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 \$103.16. 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.

Department of Public Works  
Infrastructure Services Division

MDL: nas  
July 3, 2008  
071656