



## Legislation Details (With Text)

**File #:** 080118 **Version:** 1

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

**File created:** 5/20/2008 **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 JGV LLC for an overhead door housing and bollards encroaching into the public right-of-way for the premises at 3811 North Port Washington Avenue, in the 6th 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. picture for 3811 W Port Washington Ave, 5. Map, 6. 080118 Hearing notice list

Date	Ver.	Action By	Action	Result	Tally
5/20/2008	0	COMMON COUNCIL	ASSIGNED TO		
5/21/2008	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		

080118  
SUBSTITUTE 1  
920973  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to JGV LLC for an overhead door housing and bollards encroaching into the public right-of-way for the premises at 3811 North Port Washington Avenue, in the 6<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to JGV LLC for an overhead door housing and bollards encroaching into the public right-of-way for the premises at 3811 North Port Washington Avenue.

Whereas, Larson & Company, Inc. requested permission to install and maintain an overhead door housing and two bollards in the public right-of-way; and

Whereas, Permission for said items was granted in 1992 under Common Council File Number 920973; and

Whereas, JGV 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Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 920973 is hereby rescinded; and, be it

Further Resolved, That JGV LLC, 1324 North 8<sup>th</sup> Street, Milwaukee, Wisconsin 53205, is hereby granted the following special privileges:

1. To keep and maintain an overhead door housing with door guides projecting 2 feet into the west, 8-foot wide sidewalk area of North Port Washington Avenue. The total width of the door housing with guides is 25 feet 2 inches. The door housing, centered approximately 143 feet north of the northline of West Vienna Avenue, is a minimum of 14 feet above the adjacent sidewalk grade.
2. To keep and maintain two 5-foot tall bollards in the west, 8-foot wide sidewalk area of North Port Washington Avenue. Said bollards are centered approximately 131 and 156 feet north of the northline of West Vienna Avenue and 1 foot 7 inches east of the westline of North Port Washington Avenue.

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, JGV 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 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 \$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 \$36.17. 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:ns

July 8, 2008