



## Legislation Details (With Text)

<b>File #:</b>	080606	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	9/2/2008	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	10/29/2008
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution amending a special privilege for change of ownership to Mark Clough for a concrete step and excess door swing and addition of an air conditioner and vent pipes in the public right-of-way for the premises at 3935 West Vliet Street, in the 15th Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Special Privilege Petition, 2. Cover letter, 3. Fiscal Note, 4. Pictures, 5. Map, 6. Hearing notice list		

Date	Ver.	Action By	Action	Result	Tally
9/2/2008	0	COMMON COUNCIL	ASSIGNED TO		
9/2/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/8/2008	0	CITY CLERK	DRAFT SUBMITTED		
10/9/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/15/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
10/29/2008	1	COMMON COUNCIL	ADOPTED	Pass	12:0
11/3/2008	1	MAYOR	SIGNED		

080606  
SUBSTITUTE 1  
82-543  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Mark Clough for a concrete step and excess door swing and addition of an air conditioner and vent pipes in the public right-of-way for the premises at 3935 West Vliet Street, in the 15<sup>th</sup> Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Mark Clough for a concrete step and excess door swing and addition of an air conditioner and vent pipes in the public right-of-way for the premises at 3935 West Vliet Street.

Whereas, Westside Development Corporation requested permission to construct and maintain a concrete platform with step in the public right-of-way; and

Whereas, Permission for said concrete platform with step was granted in 1982 under Common Council File Number 82-543; and

Whereas, Said concrete platform with step was never built, but the concrete step and excess door swing that were at the proposed location still exists; and

Whereas, Mark Clough now owns the property; and

Whereas, For the liability for the concrete step and door swing to be formally transferred to the current property owner,

the Common Council needs to adopt an amending resolution; and

Whereas, A site visit revealed the presence of vent pipes and an air conditioner in the public right-of-way; and

Whereas, Said vent pipes and air conditioner 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 82-543 is hereby rescinded; and, be it

Further Resolved, That Mark Clough, 3935 West Vliet Street, Milwaukee, Wisconsin 53208, is hereby granted the following special privileges:

1. To install and maintain an air conditioner projecting 1 foot into the east, 15-foot wide sidewalk area of North 40<sup>th</sup> Street. Said 2-foot wide air conditioner is centered approximately 45 feet south of the southline of West Vliet Street and is, at minimum, 7 feet above the adjacent sidewalk grade.
2. To construct and maintain three vent pipes in the east, 15-foot wide sidewalk area of North 40<sup>th</sup> Street. Said pipes are located approximately 32 feet south of the southline of West Vliet Street at grade. Two of said pipes are 4 inches in diameter and one is 3 inches in diameter.
3. To keep and maintain a concrete step projecting 1 foot 3 inches into the east, 15-foot wide sidewalk area of North 40 Street. Said 3-foot 10-inch long concrete step is centered approximately 38 feet south of the southline of West Vliet Street.
4. To keep and maintain an excess door swing that, when fully open, projects 2 feet 2 inches into the east, 15-foot wide sidewalk area of North 40<sup>th</sup> Street. Said door is centered approximately 38 feet south of the southline of West Vliet Street and opens over the concrete step mentioned above. Said door, when fully open, projects in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

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, Mark Clough, 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 \$35.00. 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

September 23, 2008

080606