



## Legislation Details (With Text)

<b>File #:</b>	080598	<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 David Jorgensen LLC and Craig Jorgensen LLC for a fence in the public right-of-way for the premises at 236 South Water Street, in the 12th 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		
10/7/2008	1	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		

080598  
SUBSTITUTE 1  
80-1337  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to David Jorgensen LLC and Craig Jorgensen LLC for a fence in the public right-of-way for the premises at 236 South Water Street, in the 12<sup>th</sup> Aldermanic District. Substitute resolution amending a special privilege for change of ownership to David Jorgensen LLC and Craig Jorgensen LLC for a fence in the public right-of-way for the premises at 236 South Water Street.

Whereas, Admiral's Warf, Inc. requested permission to construct and maintain a fence in the public right-of-way; and

Whereas, Permission for said fence was granted in 1980 under Common Council File Number 80-1337; and

Whereas, David Jorgensen LLC and Craig Jorgensen LLC now own the property; and

Whereas, For the liability for the fence to be formally transferred to the current property owners, 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 80-1337 is hereby rescinded; and, be it

Further Resolved, That David Jorgensen LLC and Craig Jorgensen LLC, W233 N2847 Round Circle West, Pewaukee, Wisconsin 53072, are hereby granted the following special privilege:

To keep and maintain a fence in the east sidewalk area of South Water Street commencing at a point 1-foot south of the southline of East Pittsburgh Avenue and projecting south approximately 76 feet to an angle point. Said fence runs parallel and 5 feet west of the eastline of South Water Street within the 10-foot wide sidewalk area. From the angle point the fence continues south approximately 170 feet, running parallel and 10 feet west of the eastline of South Water Street within the 15-foot wide sidewalk area.

Said above-mentioned fence shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said fence 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 grantees, David Jorgensen LLC and Craig Jorgensen 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 \$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 \$2096.60. 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

October 1, 2008

080598