



## Legislation Text

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**File #: 981033, Version: 1**

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981033  
SUBSTITUTE

### THE CHAIR

Substitute resolution granting a special privilege to Jansen Group, Inc. for a protective concrete enclosure around an existing telephone pedestal to encroach into the public right-of-way of West Bradley Road adjacent to the premises at 8355 West Bradley Road, in the 9th Aldermanic District in the City of Milwaukee.

### - Analysis -

This special privilege grants Jansen Group, Inc. permission to place a protective concrete enclosure around an existing telephone pedestal, which encroaches into the public right-of-way of West Bradley Road adjacent to the premises at 8355 West Bradley Road.

Whereas, Jansen Group, Inc. proposes to place a protective concrete enclosure around an existing telephone pedestal partially encroaching into the public right-of-way on the south side of West Bradley Road, near a driveway entrance to the premises at 8355 West Bradley Road; and

Whereas, Encroachment of the protective enclosure in the public right-of-way can only be allowed through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that the Jansen Group, Inc., 8355 West Bradley Road, Milwaukee, Wisconsin 53233, is hereby granted the following special privilege:

To place, use and maintain a protective concrete enclosure around an existing telephone pedestal in the public right-of-way on the south side of West Bradley Road. Said enclosure is to be centered approximately 651 feet east of the eastline of North 86th Street and will encroach approximately 5 feet into the 16-foot wide sidewalk area. The 4-foot high, 7-foot 8-inch wide enclosure will be constructed of concrete with a spread footing located below grade, and will be used to hide/disguise and protect an existing telephone pedestal located on the adjacent property.

Said protective enclosure shall be placed, used and maintained to the approval of the Commissioners of Public Works and Building Inspection; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Jansen Group, 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 \$1,000.00 such bond to be approved by the City Attorney. The 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 \$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. Both bond and insurance policy shall provide that they shall not be canceled 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 \$49.52. 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 any 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division  
JJM:cjt  
December 3, 1998  
981033