



## Legislation Text

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**File #:** 980012, **Version:** 1

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980012

SUBSTITUTE

86-792

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Garland Brothers, Inc. for encroachment into the public right-of-way of boulders, bollards, brick inlay, backup driveways, excessive door swing encroachments, a flag pole and landscaped areas surrounded by a brick curb adjacent to the business located at 607-627 East Polk Street, also known as 114 North Jackson Street, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege to Garland Brothers, Inc. to keep and maintain landscaping boulders, bollards, brick inlay, backup driveways, excessive door swing encroachments, a flagpole and landscaped areas surrounded by a brick curb in the public right-of-way adjacent to 114 North Jackson Street. Whereas, Coachyards Industrial Limited Partnership requested a special privilege in order to maintain and keep boulders, bollards, brick inlay, backup driveways, excessive door swing encroachments, a flagpole and landscaped areas surrounded by a brick curb in the public right-of-way; and

Whereas, Charter Manufacturing Company, Inc., a lessee installed the aforementioned items in conjunction with a paving project; and

Whereas, Permission was granted in 1986 by adoption of Common Council Resolution File Number 86-792; and

Whereas, Coachyards Industrial Limited Partnership sold the property at 114 North Jackson Street to Garland Brothers, Inc.; and

Whereas, A site visit revealed the existence of six additional bollards, one excess door swing encroachment and one gas pipe connection as well as the removal of one backup driveway; and

Whereas, For the liability to be formally transferred to the current owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, That Common Council Resolution File Number 86-792 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Garland Brothers, Inc., 601 Skokie Boulevard, Suite 502, Northbrook, IL 60062, is hereby granted the following special privilege:

1. To keep and maintain nine granite boulders placed at various locations in groups of three within the 15-foot wide public sidewalk area on the northeast side of East Erie Street.
2. To keep and maintain six existing bollards centered approximately 203, 208, 214, 236, 242 and 247 feet south of the southline of East Polk Street and 8, 13, 13, 13, 13 and 8 feet west of the eastline of North Jackson

Street, respectively. These cast iron bollards with brass ball fixtures are 5 inches in diameter and 38 inches in height.

3. To keep and maintain six existing bollards centered approximately 428, 443, 444, 456, 457 and 471 feet south of the southline of East Polk Street. All six bollards are centered approximately 1 foot west of the eastline of North Jackson Street. These concrete bollards are 10 inches in diameter and 5 feet in height.
4. To keep and maintain a brick inlay located completely within a curb push-out area that is 19 feet wide at the main entrance of 114 North Jackson Street and centered approximately 230 feet south of the southline of East Polk Street. The brick inlay occupies an area of the sidewalk approximately 5 feet 6 inches wide and 56 feet long adjacent to the curb.
5. To keep, use and maintain one flagpole centered approximately 217 feet south of the southline of East Polk Street and approximately 7 feet west of the eastline of North Jackson Street. The flagpole is 6 inches in diameter and approximately 30 feet in height.
6. To keep and maintain a raised brick border surrounding each of 2 landscaped areas. The northerly landscaped area begins at a point approximately 203 feet south of the southline of East Polk Street and extends south for a length of approximately 26 feet, as measured along the property line. The second landscaped area begins at a point approximately 236 feet south of the southline of East Polk Street and extends for a length of approximately 12 feet as measured along the property line. The two landscaped areas project a maximum distance of 13 feet into the public way. Plantings within the landscaped areas are subject to approval by the City Forester relative to species and spacing.
7. To keep, use and maintain five backup driveways centered approximately 34, 280, 290, 370 and 379 feet south of the southline of East Polk Street and the service doors are approximately 9.8, 7.8, 7.8, 7.8 and 7.8 feet wide respectively. Vehicles using the backup driveways shall park in such a way so they do not project past the centerline of the street.
8. To keep, use and maintain an excessive door swing projection centered approximately 400 feet south of the southline of East Polk Street. The single door projects a maximum distance of 3.3 feet into the 10-foot wide sidewalk area of North Jackson Street.
9. To keep, use and maintain an excessive door swing projection centered approximately 425 feet south of the southline of East Polk Street. The single door projects a maximum distance of 3 feet into the 10-foot wide sidewalk area of North Jackson Street.
10. To keep and maintain a 3-inch diameter gas pipe centered approximately 413 feet south of the southline of East Polk Street. The pipe comes out of the sidewalk approximately 1 foot 5 inches west of the eastline of North Jackson Street, rises up to a height of 4 feet 3 inches, and bends 90 degrees to go into the building wall. The entire pipe installation stands 4 feet 4 inches tall and projects 1 foot 6 inches west of the eastline of North Jackson Street.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained for the construction/installation of said items.

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. The plant material shall be approved by and maintained to the satisfaction of the City Forester.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Garland Brothers, 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 \$10,000 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 \$500,000 covering bodily injury to any one person and \$1,000,000 covering bodily injury to more than one person in any one accident and \$200,000 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 \$3,454.01. 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 66.0425 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division

MDL:cjt

November 30, 2004

980012