



Legislation Text

File #: 030113, **Version:** 1

030113

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Plant Two Corporation in the vicinity of 338-48 South Water Street, that grants permission to park boats and boat trailers on an unnamed street, in the 12th Aldermanic District in the City of Milwaukee.

This resolution grants permission for boats and boat trailers to be parked on an unnamed, unimproved street located between South Water Street and the Milwaukee River under secure conditions including a "locked gate" situation.

Whereas, There appears to be a need for space to park boats and boat trailers, in the vicinity of the Milwaukee River; and

Whereas, It appears to have been occurring on an unnamed, generally unimproved street in the vicinity of #318 and #330-48 South Water Street; and

Whereas, The abutting owners attempted unsuccessfully to have the street vacated; and

Whereas, It does not appear to be detrimental to allow the proposed surface usage to occur under the special privilege procedure; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Plant Two Corporation, 735 North Water Street, #1600, Milwaukee, 53202 is hereby granted permission to park boats and boat trailers on the unnamed street located between South Water Street and the Milwaukee River. Said street is located approximately 150 feet northerly of East Florida Street. The following conditions (rights and responsibilities) are incorporated into the usage:

1. A "locked gate" situation is allowed from South Water Street.
2. No motor vehicles can be parked in this space.
3. There is no limit on the number of trailers or boats (whatever space will bear).
4. Any fuel spillage shall be promptly recovered and the area "cleaned up."
5. Access for inspection, cleaning or reconstruction to the utilities presently located in this street shall be provided with "shared" keys or other locking arrangements.
6. Temporary removal or relocation of the boats or boat trailers due to item 5 above shall not be at the expense of the utility owners.
7. Surface paving shall be allowed by written request and subsequent written approval only and shall not be at

the City's expense.

8. No illegal or immoral activities shall occur in this space.

9. No fuel shall be stored in this space.

10. The space is understood to extend only to within 20 feet of the dock wall.

11. The space is understood to be approximately 36 feet in width; and, be it

Further Resolved, That all applicable permits relative to this site use and all provisions of the Milwaukee Code of Ordinances regulating use of lands and storage of materials adjacent to the Milwaukee River shall be adhered to; and, be it

Further Resolved, That this legislation shall expire on September 30, 2005; however, if development plans for the abutting lands occurs earlier, then upon implementation of those plans, the legislation shall expire earlier; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Plant Two Corporation, a Wisconsin Corporation, 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 \$10,000.00 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 \$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 \$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 \$1,613.60. 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 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 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 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

JJM:cjt

June 26, 2003

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