



## Legislation Text

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**File #:** 060005, **Version:** 1

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060005

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to North Avenue Community Development Corporation to install and maintain trash receptacles and moveable planters in the public right-of-way for various premises on West North Avenue, in the 15<sup>th</sup> Aldermanic District in the City of Milwaukee.

Substitute resolution granting a special privilege to North Avenue Community Development Corporation to install and maintain six concrete trash receptacles and two concrete moveable planters in the public right-of-way for various premises along West North Avenue.

Whereas, North Avenue Community Development Corporation wants to install trash receptacles and moveable planters in the public right-of-way; and

Whereas, Said items 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 North Avenue Development Corporation, 3341 West North Avenue, Milwaukee, Wisconsin 53208, is hereby granted the following special privileges:

1 To install and maintain two rectangular concrete moveable planters in the south, 8-foot sidewalk area of West North Avenue, abutting the premises at 3301-41 West North Avenue. Said planters measure 36 inches long, 18 inches wide, and 14 inches tall.

2 To install and maintain six, 24-inch diameter concrete trash receptacles. Four of the trash receptacles will be located in the south, 8-foot wide sidewalk area of West North Avenue, of which two will abut 3301-41 West North Avenue, one will abut 3701 West North Avenue, and one will abut 3801 West North Avenue. One trash receptacle will be located in the east, 8-foot wide sidewalk area of North 35<sup>th</sup> Street, north of West North Avenue, abutting 3420 West North Avenue. The last trash receptacle will be located in the east, 15-foot wide sidewalk area of North 36 Street, south of West North Avenue, abutting 3525 West North Avenue.

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, North Avenue Community Development 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 \$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

\$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 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 \$120.00. 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.

7. North Avenue Community Development Corporation shall be responsible for all maintenance of trash receptacles, including emptying, and planters.

Department of Public Works  
Infrastructure Services Division  
MDL:lja  
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