



## Legislation Text

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**File #:** 000487, **Version:** 1

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000487

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to The United Church for a fence and timber wall abutting the property at 2906-12 West Scott Street encroaching into South 29<sup>th</sup> and West Scott Streets in the 16<sup>th</sup> Aldermanic District in the City of Milwaukee

Substitute resolution granting a special privilege to The United Church for a fence and timber wall abutting the property at 2906-12 West Scott Street encroaching into South 29<sup>th</sup> and West Scott Streets in the 16<sup>th</sup> Aldermanic District in the City of Milwaukee

Whereas, The United Church has a daycare center occupying a portion of their building located at 2906-12 West Scott Street; and

Whereas, They had been using a portion of a neighboring property for a play area; and

Whereas, That property became no longer available; and

Whereas, They determined that, if a play area could be established by placing a fence in the public right-of-way of South 29<sup>th</sup> Street, the requirements of size could be met and by stacking timbers along the sidewalk, a level playing surface could be obtained; and

Whereas, This cannot occur without adoption of a special privilege resolution by the Common Council; and

Whereas, It has recently been determined that they submitted a Petition for a special privilege; however, the file was assigned to the Public Improvements Committee but somehow never got referred to the Department of Public Works in the traditional procedure but now has; and

Whereas, A recent field viewing revealed that a chain link fence and timbers are in place; now, therefore, be it

Resolved, That The United Church, 2906-12 West Scott Street, Milwaukee, 53215, is hereby granted the following special privileges:

1. To keep, use and maintain an approximately 4.7-foot high, 65-foot long, including a 4-foot wide (people) gate, chain link fence located along the sidewalk on the west side of South 29<sup>th</sup> Street beginning approximately 10 feet north of the northline of West Scott Street (an extension of the south building face) and extends north. The encroachment is approximately 4.2 feet. The posts are located upon and among 2 to 3, stacked 5 ½-inch high timbers. The gate is able to swing inward.

2. To keep and maintain 2-3 stacked, 5 ½-inch high timbers along the sidewalk of South 29<sup>th</sup> and West Scott Streets extending south from the south end of the fence, above, for approximately 8 feet and then diagonally southwesterly and then westerly for approximately 14.8 feet with an encroachment of 4.3 feet on South 29<sup>th</sup>

Street and 4.3 feet on West Scott Street.

Said fence and timbers shall be constructed, used and maintained to the approval of the Departments of Public Works and Neighborhood Services/ City Development. All applicable permits shall have been obtained by the grantee. Said items shall be removed from the public right-of-way at such future time that they are no longer needed, to the satisfaction of the Commissioners of Public Works and 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, The United Church, 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 \$2,000.00 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 \$173.39. 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

JJM:cjt

March 17, 2003

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