



Legislation Text

File #: 080120, **Version:** 1

080120
SUBSTITUTE 1
73517
73517-a
50-1074
53-704
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Jonas Builders, Inc. Restated Pension Plan for encroachment into the public right-of-way of a guard house, an overhead electric line and a tunnel for the premises at 2748 North 32nd Street, in the 15th Aldermanic District.

This resolution amends a special privilege for change of ownership to Jonas Builders, Inc. Restated Pension Plan for encroachment into the public right-of-way of a guard house, an overhead electric line and a tunnel for the premises at 2748 North 32nd Street.

Whereas, Briggs and Stratton Corporation requested permission to keep and maintain a guard house projecting into the public right-of-way; and

Whereas, Permission for said guard house was granted in 1955 under Common Council File Number 73517-a; and

Whereas, Briggs and Stratton Corporation requested permission to construct and maintain a tunnel in the public right-of-way; and

Whereas, Permission for said tunnel was granted in 1950 under Common Council Resolution File Number 50-1074; and

Whereas, Briggs and Stratton Corporation requested permission to construct and maintain an overhead electric power transmission line in the public right-of-way; and

Whereas, Permission for said overhead electric power transmission line was granted in 1953 under Common Council Resolution File Number 53-704; and

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

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Numbers 73517, 73517-a, 50-1074 and 53-704 are hereby rescinded; and, be it

Further Resolved, That Jonas Builders, Inc. Restated Pension Plan, 3939 West McKinley Avenue, Milwaukee, WI 53208, is hereby granted the following special privileges:

1. To keep and maintain a section of a guard house projecting 3 feet into the east, 11-foot wide sidewalk area

of North 32nd Street. Said guard house commences approximately 366 feet north of the northline of West Center Street and extends 17 feet 6 inches to the north.

2. To keep and maintain a tunnel under and crossing the 60-foot wide right-of-way of North 32nd Street at a point approximately 118 feet north of the northline of West Center Street. Said tunnel is 5 feet wide and 7 feet 6 inches tall.

3. To keep and maintain an overhead electric power transmission line crossing the 60-foot right-of-way of North 32nd Street. Said power line is located at a point approximately 143 feet north of the northline of West Center Street at an approximate elevation of 30 feet above the adjacent grade.

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, Jonas Builders, Inc. Restated Pension Plan, 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. 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 \$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 \$20,000 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 \$76.66. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Infrastructure Services Division

MDL: ns

June 13, 2008

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