



## Legislation Text

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**File #:** 080116, **Version:** 1

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080116  
SUBSTITUTE 1  
79-2555-a  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Badger Truck Center, Inc. for a fence and an aerial communications cable in the public right-of-way for the premises at 2301 West St. Paul Avenue, in the 8<sup>th</sup> Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Badger Truck Center Inc for a fence and an aerial communications cable in the public right-of-way for the premises at 2301 West St. Paul Avenue.

Whereas, SIVA Truck Leasing, Inc. requested permission to construct and maintain an aerial communications cable and a fence in the public right-of-way; and

Whereas, Permission for said items was granted in 1981 under Common Council Resolution File Number 77-2555-a; and

Whereas, Badger Truck Center Inc now owns the property; and

Whereas, For the liability for said 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By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 79-2555-a is hereby rescinded; and, be it

Further Resolved, That Badger Truck Center, Inc., PO Box 1530, Milwaukee, Wisconsin 53201, is hereby granted the following special privileges:

1. To keep and maintain an aerial communication cable crossing West St Paul Avenue to connect the properties at 2326 West St Paul Avenue and 2301 West St Paul Avenue. Said cable crosses the 70-foot wide public right-of-way of St Paul Avenue perpendicularly at a point approximately 350 feet west of the east property line of 2326 West St Paul Avenue. The cable is attached to a light pole located north of the northline of West St Paul Avenue and crosses to a sign pole located south of the southline of West St Paul Avenue.

2. To keep and maintain a chain link fence in the south sidewalk area of West St Paul Avenue adjacent to the property at 2301 West St Paul Avenue. Said fence is located 3 feet 6 inches north of the southline of West St Paul Avenue. Said fence is approximately 388 feet long and 7 feet tall.

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, Badger Truck Center, 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 \$1,000.00 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 \$1922.61. 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.

Department of Public Works  
Infrastructure Services Division

MDL:ns  
September 25, 2008  
080116