



Legislation Text

File #: 090569, **Version:** 1

090569

SUBSTITUTE 1

000084

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Wisconsin Lutheran College, Inc. and for addition of a set of concrete steps in the public right-of-way for the premises at 529 North 89th Street, in the 10th Aldermanic District.

This resolution amends a special privilege for change of ownership to Wisconsin Lutheran College Inc for an underground conduit and for addition of a set of concrete steps in the public right-of-way for the premises at 529 North 89th Street.

Whereas, Wisconsin Lutheran College Conference, Inc. requested permission to install and maintain an underground conduit in the public right-of-way; and

Whereas, Permission for said underground conduit was granted in 2000 under Common Council Resolution File Number 000084; and

Whereas, The present owner of the property is Wisconsin Lutheran College, Inc.; and

Whereas, A site visit revealed the presence of a set of steps in the public right-of-way; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 000084 is hereby rescinded; and, be it

Further Resolved, That Wisconsin Lutheran College, Inc., 8800 West Bluemound Road, Milwaukee, WI 53226 is hereby granted the following special privileges:

1. To construct and maintain a set of concrete steps projecting 4 feet 5 inches into the east, 15-foot wide sidewalk area of North 89th Street. The steps commence at a point approximately 162 feet north of the northline of West Bluemound Road and extend north 4 feet. There is a handrail at the edge of the steps.
2. To keep and maintain a 3-inch diameter underground conduit crossing under the 60-foot wide right-of-way of North 89th Street at a point approximately 198 feet north of the northline of West Bluemound Road. Said conduit is located, at minimum, 2 feet below 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, Wisconsin Lutheran College 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 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 \$95.00. 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 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
December 8, 2009
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