



Legislation Text

File #: 091544, Version: 1

091544
SUBSTITUTE 1
940480
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Lenox Street Properties, Inc for a storage silo, five dumpsters, a backup driveway and a ventilation duct for the premises at 2039 South Lenox Street, in the 14th Aldermanic District.

This resolution amends a special privilege for change of ownership to Lenox Street Properties, Inc for a storage silo, five dumpsters, a backup driveway and a ventilation duct for the premises at 2039 South Lenox Street.

Whereas, Aluminum Casting and Engineering Company requested permission to install and maintain a storage silo, a security camera, five dumpsters, a backup driveway and a ventilation duct in the public right-of-way; and

Whereas, Permission for said items was granted in 1994 under Common Council Resolution File Number 940480; and

Whereas, The Milwaukee Code of Ordinances has been revised such that the security camera is permitted to occupy the public right-of-way; and

Whereas, Lenox Street Properties, Inc now owns the property, and

Whereas, For the liability for said items to be formally transferred to the applicant, 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 940480 is hereby rescinded; and, be it

Further Resolved, That Lenox Street Properties, Inc, 6990 North Barnett Lane, Fox Point, Wisconsin, 53217, is hereby granted the following special privileges:

1. To keep and maintain an 11-foot diameter storage silo for storage of sand projecting into the east side of the South Aldrich Street right-of-way. Said 12-foot tall silo is centered approximately 142 feet north of the northline of East Bay Street and 6 feet west of the eastline of South Aldrich Street. The silo is centered on top of a 12-foot square and 12-inch thick concrete slab.
2. To keep and maintain five dumpsters along the eastline of South Aldrich Street. Said dumpsters are 7 feet long, 5 feet wide and 5 feet tall and presently project 7 feet into the public way. The dumpsters are centered approximately 186, 193, 200, 207 and 303 feet north of the northline of East Bay Street.
3. To keep and maintain a loading space, also known as a backup driveway, serving an 8-foot wide and 16-foot tall loading dock door. The loading space extends south from a point approximately 307 feet north of the northline of East Bay Street.
4. To keep and maintain an exhaust ventilation duct projecting 1 foot 6 inches into the east side of South Aldrich Street. Said duct measures 3-feet square and is centered approximately 167 feet north of the northline of East Bay Street. Said duct is 15 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 it is 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, Lenox Street Properties, 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 Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$119.52. 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

July 20, 2011

091544