



## Legislation Text

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**File #: 080597, Version: 1**

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080597  
SUBSTITUTE 1  
67-1710  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Olympia-Downtown LLC for a building encroachment and addition of a garage door and overhead door housing in the public right-of-way for the premises at 946 North Van Buren Street, in the 4<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to Olympia-Downtown LLC for a building encroachment and addition of a garage door and overhead door housing in the public right-of-way for the premises at 946 North Van Buren Street.

Whereas, Esdras A. Baker requested permission to keep and maintain an existing building encroachment and to construct and maintain a building facade in the public right-of-way; and

Whereas, Permission for said building encroachment and building facade was granted in 1967 under Common Council File Number 67-1710; and

Whereas, Olympia-Downtown LLC now owns the property; and

Whereas, The applicant has removed said building façade from the public right-of-way such that only the building encroachment remains; and

Whereas, A site visit revealed the presence of a garage door and overhead door housing in the public right-of-way; and

Whereas, For the liability for the building encroachment to be formally transferred to the current property owners, the Common Council needs to adopt an amending resolution; and

Whereas, Said garage door and overhead door housing may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 67-1710 is hereby rescinded; and, be it

Further Resolved, That Olympia-Downtown LLC, 14201 West Overland Trail, New Berlin, Wisconsin 53151, is hereby granted the following special privileges:

1. To construct and maintain a garage door with overhead door housing in the south, variable width sidewalk area of East State Street. Said door and door housing are centered approximately 98 feet east of the eastline of North Van Buren Street. Said 8-foot wide garage door projects 4 inches beyond the building face. Said door housing is comprised of two sections: the east section projects 1 foot beyond the building face for a length of 7 feet; the west section projects 2 feet 6 inches beyond the building face for a length of 1 foot 6 inches. The door

housing is located approximately 10 feet above the adjacent sidewalk grade.

2. To keep and maintain a portion of the building projecting an average of 5 inches into the south, variable width sidewalk are of East State Street. Said building encroachment commences at the eastline of North Van Buren Street and extends 127 feet to the east.

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, Olympia-Downtown LLC, 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 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 \$648.96. 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  
October 14, 2008  
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