

October 16, 2002

To the Public Improvements Committee

Subject: Common Council Resolution File Number 020839

Dear Honorable Members:

Returned herewith is Common Council Resolution File Number 020839, being a request by Andes Cleaning Services d/b/a Andes – Magikist Carpet and Rug Cleaners, Inc., for a special privilege to install, use and maintain an excessive door swing projection encroaching into the public right-of-way of the east-west alley bounded by West Fond du Lac Avenue, West Monroe Avenue, North 18th Street and North 19th Street, abutting the building at 1844 West Fond du Lac Avenue.

The request is to use and maintain an excessive door swing encroachment, which is centered approximately 150 feet northwest of the westline of North 18th Street and that projects, when fully open, 3 feet into the 15-foot wide alley. This is greater than the 12 inches allowable by Section 245-4-8 of the Milwaukee Code of Ordinances.

We are not aware of any adverse effects the door swing projection has had on the general use of the public right-of-way. We have, therefore, prepared the attached special privilege resolution, that, if adopted, would allow the excess of the door swing into the public right-of-way.

Very truly yours,

Jeffrey S. Polenske, P.E.
City Engineer

Mariano A. Schifalacqua
Commissioner of Public Works

Martin G. Collins
Commissioner
Department of Neighborhood Services

JJM:cjt
Attachments

..Number

020839

..Version

SUBSTITUTE

..Reference

..Sponsor

THE CHAIR

..Title

Substitute resolution granting a special privilege to Andes Cleaning Services d/b/a Andes-Magikist Carpet and Rug Cleaners, Inc., to use and maintain an excess door swing projection encroaching into the public right-of-way abutting the premises at 1844 West Fond du Lac Avenue, in the 17th Aldermanic District in the City of Milwaukee.

..Analysis

This resolution grants a special privilege to use and maintain an excess door swing projection encroaching into the public right-of-way on the south side of the east-west alley bounded by West Fond du Lac Avenue, West Monroe Avenue, North 18th Street and North 19th Street abutting the premises at 1844 West Fond du Lac Avenue.

..Body

Whereas, Andes Cleaning Services d/b/a Andes-Magikist Carpet and Rug Cleaners, Inc., has applied for a special privilege to use and maintain an excessive door swing projection encroaching on the south side of the east-west alley bounded by West Fond du Lac Avenue, West Monroe Avenue, North 18th Street and North 19th Street adjacent to the premises at 1844 West Fond du Lac Avenue; and

Whereas, Said encroachment may only legally occupy the public way by the granting of a special privilege; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that John F. Andes, 1844 West Fond du Lac Avenue, Milwaukee, WI 53205 is hereby granted the following special privilege:

To use and maintain an excess door swing encroachment at the premises known as 1844 West Fond du Lac Avenue that, when fully open, projects into the public right-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The doorway is centered approximately 150 feet northwest of the westline of North 18th Street and its maximum encroachment is approximately 3 feet into the approximate 20-foot wide alley.

Said door shall be used and maintained to the satisfaction of the Departments of Public Works and Neighborhood Services.

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Andes Cleaning Services d/b/a Andes-Magikist Carpet and Rug Cleaners, 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. The 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 \$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. Both bond and insurance policy shall provide that they shall not be canceled 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 \$35.00. 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 any 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 66.0915((3) 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

..Requestor

Department of Public Works

..Drafter

Infrastructure Services

JJM:cjt

October 16, 2002

020839

CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)
Ref: GEN\FISCALNT.MST

A) DATE: October 16, 2001

File Number: 020839
Original Fiscal Note Substitute

SUBJECT: Substitute resolution granting a special privilege to Andes Cleaning Services d/b/a Andes-Magikist Carpet and Rug Cleaners, Inc., to use and maintain an excess door swing projection encroaching into the public right-of-way abutting the premises at 1844 West Fond du Lac Avenue.

B) SUBMITTED BY Jeffrey S. Polenske, P.E./ City Engineer/Infrastructure Services Division/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENTAL ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Annual billing/initial Inspection		\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:				\$35.00	
TOTALS:			\$2.77/4.04	\$35.00	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) - \$35.00
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

