

..Number

130807

..Version

SUBSTITUTE

..Reference

..Sponsor

..Title

Substitute resolution granting a special privilege to SK Management LLC to construct and maintain a retaining wall and two sets of steps in the public right-of-way for the premises at 2669-2673 South Clement Avenue, in the 14th Aldermanic District.

..Analysis

This resolution grants a special privilege SK Management LLC to construct and maintain a retaining wall and two sets of concrete steps in the public right-of-way for the premises at 2669-2673 South Clement Avenue.

..Body

Whereas, The applicant has constructed a new retaining wall in the public right-of-way in order to beautify its property with a terraced garden space; and

Whereas, A site visit revealed the presence of two sets of concrete steps in the public right-of-way; and

Whereas, Said items 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 SK Management LLC, 3723 South 1st Street, Milwaukee, WI 53207 is hereby granted the following special privileges:

1. To construct and maintain a concrete block retaining wall projecting 1 foot 7 inches into the west, 15-foot wide sidewalk area of South Clement Avenue. Said 11-inch wide retaining wall commences at a point approximately 210 feet north of the northline of East Pryor Avenue and extends 32 feet 6 inches to the north.
2. To construct and maintain two sets of concrete steps projecting 1 foot 7 inches in the west, 15-foot wide sidewalk area of South Clement Avenue. Said sets of steps, which are each 3 feet 4 inches wide, are centered approximately 208 and 242 feet north of the north line of East Pryor Avenue.

Said 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, SK Management 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 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 \$102.14. 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 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.
- ..Requestor
Department of Public Works
..Drafter
Administrative Services Division
MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY
May 16, 2014