



Legislation Details (With Text)

**File #:** 051434      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 2/28/2006      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 5/9/2006

**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to Green Fields Trading Company, Inc. to keep and maintain two covered walks for the premises at 1800 North Farwell Avenue, in the 3rd Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition.PDF, 2. Cover letter, 3. Fiscal Note, 4. Picture

| Date      | Ver. | Action By              | Action                   | Result | Tally |
|-----------|------|------------------------|--------------------------|--------|-------|
| 2/28/2006 | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 3/1/2006  | 1    | PUBLIC WORKS COMMITTEE | REFERRED TO              |        |       |
| 4/20/2006 | 1    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 4/26/2006 | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 4:0   |
| 5/9/2006  | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 15:0  |
| 5/15/2006 | 1    | MAYOR                  | SIGNED                   |        |       |

051434  
 SUBSTITUTE 1  
 021089  
 THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Green Fields Trading Company, Inc. to keep and maintain two covered walks for the premises at 1800 North Farwell Avenue, in the 3<sup>rd</sup> Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege to Green Fields Trading Company, Inc. to keep and maintain two covered walks, one projecting into the north side of East Royall Place and one projecting into the east side of North Farwell Avenue for the premises at 1800 North Farwell Avenue.

Whereas, Greenfield’s requested a special privilege to keep and maintain two covered walks; and

Whereas, Permission was granted in 2003 by adoption of Common Council Resolution File Number 021089; and

Whereas, Green Fields Trading Company, Inc. is the current owner; and

Whereas, For the liability to be formally transferred to the current owner, 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 021089 is hereby rescinded; and, be it;

Further Resolved, That Green Fields Trading Company, Inc., 1800 North Farwell Avenue, Milwaukee, Wisconsin 53202 is hereby granted the following special privilege:

To keep and maintain two covered walks at the premises known as 1800 North Farwell Avenue. One of said covered walks projects approximately 8 feet into the north, 15-foot wide public sidewalk area of East Royall Place and is centered approximately 7 feet east of the eastline of North Farwell Avenue. This covered walk is supported by the building and two vertical supports near each corner closest to the curb along each side of the covered walk.

The second of said covered walks projects approximately 9 feet into the east, 11-foot wide public sidewalk area of North Farwell Avenue and is centered approximately 6 feet north of the northline of East Royall Place. This covered walk is supported by the building and three vertical supports, two near each corner closest to the curb along each side of the covered walk and one at the center of the covered walk. Due to the unique nature of the building entrance, this covered walk exceeds the width of the doorway opening plus one foot one either side.

Said covered walks shall generally be constructed in accordance with the policies set forth in the Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frames shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material.

The above mentioned covered walks shall be used and maintained to the approval of the Commissioners of Public Works and 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, Green Fields Trading Company, 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. 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 \$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 \$150.00. 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 no 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.
7. No items shall be hung from the covered walks such that they are lower than 8 feet above the sidewalk level.

Department of Public Works  
Infrastructure Services Division

MDL:lja  
March 30, 2006  
051434