



Legislation Details (With Text)

**File #:** 970801      **Version:** 1

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

**File created:** 9/2/1997      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 11/4/1997

**Effective date:**

**Title:** Substitute resolution granting a special privilege to Opportunities Industrialization Center for two excess door-swing projections to encroach into the public right-of-way adjacent to the building at 2933 -57 North Dr. Martin Luther King Jr. Drive, in the 6th Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
9/2/1997	0	COMMON COUNCIL	ASSIGNED TO		
10/15/1997		PUBLIC WORKS COMMITTEE	REFERRED TO		
10/17/1997	1	CITY CLERK	DRAFT SUBMITTED		
10/22/1997	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
11/4/1997	1	COMMON COUNCIL	ADOPTED	Pass	16:0
11/13/1997	1	MAYOR	SIGNED		

970801  
SUBSTITUTE

**THE CHAIR**

Substitute resolution granting a special privilege to Opportunities Industrialization Center for two excess door-swing projections to encroach into the public right-of-way adjacent to the building at 2933-57 North Dr. Martin Luther King Jr. Drive, in the 6th Aldermanic District in the City of Milwaukee.

- Analysis -

This special privilege grants Opportunities Industrialization Center permission to install and maintain two excess door-swing projections encroaching into the public right-of-way of North Dr. Martin Luther King Jr. Drive adjacent to the building at 2933-57 North Dr. Martin Luther King Jr. Drive.

Whereas, An existing building at the premises known as 2933-57 North Dr. Martin Luther King Jr. Drive is undergoing renovation; and

Whereas, Two exterior doors will be located at the building which, when fully opened, will encroach into the public right-of-way of North Dr. Martin Luther King Jr. Drive by more than the 12-inches allowable by Section 245-4-8 of the Code of Ordinances; and

Whereas, Said encroachment can only be allowed through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Opportunities Industrialization Center of Greater Milwaukee, 2835 North 32nd Street, Milwaukee, WI, 53210 is hereby granted the following special privilege:

To install, use and maintain two excess door-swing encroachments at the building known as 2933-57 North Dr. Martin Luther King Jr. Drive that, when fully opened, will project 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 two doors, located on the west side of North Dr. Martin Luther King Jr. Drive, are centered approximately 950 and 1,045 feet south of the southline of West Chambers Street and their maximum encroachment will be approximately 3-

feet 6-inches and 3 feet, respectively, into the 12-foot wide fully concrete paved sidewalk area.

Said doors shall be installed and maintained to the approval of the Commissioners of Public Works and Building Inspection. All applicable permits shall be obtained by the grantee prior to the installation of the doors.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Opportunities Industrialization Center, 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. 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

October 14, 1997

970801