



Legislation Details (With Text)

File #: 120066 **Version:** 1
Type: Resolution **Status:** Passed
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On agenda: **Final action:** 4/22/2014
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Title: Substitute resolution amending a special privilege for change of ownership to AIM Investments LLC and for addition of a concrete platform for the premises at 728 East Brady Street, in the 3rd Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Petition and Drawings, 2. Cover Letter, 3. Map, 4. Photos, 5. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
5/22/2012	0	COMMON COUNCIL	ASSIGNED TO		
4/4/2014	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/7/2014	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/9/2014	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
4/22/2014	1	COMMON COUNCIL	ADOPTED	Pass	14:0
4/28/2014	1	MAYOR	SIGNED		

120066
SUBSTITUTE 1
000562

Substitute resolution amending a special privilege for change of ownership to AIM Investments LLC and for addition of a concrete platform for the premises at 728 East Brady Street, in the 3rd Aldermanic District.

This resolution amends a special privilege for change of ownership to AIM Investments LLC and for addition of a concrete platform for the premises at 728 East Brady Street.

Whereas, AMB Enterprises Incorporated requested permission to install and maintain a covered walk and moveable planters in the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 000562 in 2000; and

Whereas, AIM Investments LLC, the applicant, now owns the subject premises; and

Whereas, The applicant is requesting permission to install and maintain a concrete platform in the public right-of-way; and

Whereas, A site visit revealed the presence of three bollards 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 000562 is hereby rescinded; and, be it

Further Resolved, That AIM Investments LLC, 728 East Brady Street, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct and maintain a 5-foot wide concrete platform projecting 4 feet 10 inches into the west, 16-foot wide sidewalk area of North Cass Street. Said concrete platform, which is 6 inches in height, is centered approximately 60 feet north of the northline of East Brady Street.
2. To install and maintain three, 5-inch diameter, concrete-filled metal bollards in the public right-of-way. Two of said bollards are centered 3 inches in the north, 13-foot sidewalk area of East Brady Street at points approximately 60 and 87 feet west of the westline of North Cass Street. A third bollard is centered 3 inches east of the westline of North Cass Street at a point approximately 82 feet north of the northline of East Brady Street.
3. To install and maintain a cigarette butt disposal bin in the north, 13-foot wide sidewalk area of East Brady Street. Said disposal bin is centered approximately 34 feet west of the westline North Cass Street and 10 feet south of the northline of East Brady Street. The plastic disposal bin is 1-foot square at the base.
4. To keep and maintain five moveable planters in the north, 13-foot sidewalk area of East Brady Street. Said planters are located along the building face and are spaced between the building windows.
5. To keep and maintain a covered walk projecting 10 feet into the north, 13-foot wide sidewalk area of East Brady Street. The 12-foot 9-inch wide covered walk is centered approximately 27 feet west of the westline of North Cass Street.

The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. The coverings shall be of approved material. All fixtures and materials for illumination of the awning shall be indicated on the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the awning. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

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, AIM Investments 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 \$272.63. 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.

Department of Public Works
Infrastructure Services Division

MDL:clm

March 18, 2014

120066