



Legislation Details (With Text)

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Title: Substitute resolution amending a special privilege to Milwaukee Fortress, LLC for change of ownership for a backup driveway and granting permission for steps and a double excess door swing encroachment for the premises at 100 East Pleasant Street, in the 6th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Petition for a Special Privilege.PDF, 2. DPW-Infra. reply letter, 3. Fiscal note

Date	Ver.	Action By	Action	Result	Tally
9/26/2006	0	COMMON COUNCIL	ASSIGNED TO		
9/27/2006	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
11/15/2006	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/21/2006	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
11/21/2006	1	PUBLIC WORKS COMMITTEE	RECONSIDERED	Pass	5:0
11/21/2006	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
11/21/2006	1	CITY CLERK	DRAFT SUBMITTED		
12/12/2006	1	COMMON COUNCIL	ADOPTED	Pass	15:0
12/21/2006	1	MAYOR	SIGNED		

060684
 SUBSTITUTE 1
 59-1583
 THE CHAIR

Substitute resolution amending a special privilege to Milwaukee Fortress, LLC for change of ownership for a backup driveway and granting permission for steps and a double excess door swing encroachment for the premises at 100 East Pleasant Street, in the 6th Aldermanic District.

This resolution amends a special privilege for change of ownership to Milwaukee Fortress, LLC for a backup driveway and grants permission for steps and a double excess door swing encroachment for the premises at 100 East Pleasant Street, also known at 1718 North 1st Street.

Whereas, Fred M. Feld and Harry A. Stearns petitioned for a special privilege to keep and maintain a loading space and wood platform in the public right-of-way, which serves as a backup driveway; and

Whereas, Permission for said backup driveway was granted in 1959 under Common Council File Number 59-1583; and

Whereas, Milwaukee Fortress, LLC now owns the property; and

Whereas, A site visit revealed the presence of two concrete steps and a double excess door swing encroachment in the public right-of-way; and

Whereas, Said steps and double excess door swing encroachment may only legally encroach into the public right-of-way by the granting of a special privilege resolution by the Common Council; and

Whereas, For the liability for the backup driveway to be formally transferred to the current property 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 File Number 59-1583 is hereby rescinded; and, be it

Further Resolved, That Milwaukee Fortress, LLC, c/o Richard A. Wiegand, 100 East Pleasant Street, Milwaukee, Wisconsin 53212 is hereby granted the following special privileges:

1. To keep and maintain a backup driveway within the east, 22-foot wide sidewalk area of North 1st Street to serve an 11-foot wide loading dock door and a 27-foot long loading platform. Said loading dock door is centered approximately 177 feet north and the loading platform commences at a point 172 feet north of the northline of East Pleasant Street. The North 1st Street right-of-way is 80 feet wide. Vehicles shall occupy the sidewalk area and a portion of the roadway and shall be parked in such a manner so as not to project 8 feet beyond the east curb face of North 1st Street. The grantee is to provide sufficient traffic control to allow for continued two-way traffic while the backup driveway is being used.
2. To keep and maintain two sets of concrete entrance steps in the north, 15-foot wide sidewalk area of East Pleasant Street. Said steps project 1 foot 10 inches into the public way and are 12 feet long. Said steps are centered approximately 72 and 126 feet east of the eastline of North 1st Street.
3. To keep and maintain a double excess door swing encroachment, consisting of two 3-foot wide doors, in the north, 15-foot wide sidewalk area of East Pleasant Street centered approximately 21 feet east of the eastline of North 1st Street. Said doors project 1 foot 6 inches into the public right-of-way, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

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, Milwaukee Fortress, 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 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 \$5,000 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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 \$516.82. 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 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 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.

7. Owner must ensure sufficient traffic control while using the back up driveway to allow continued, safe traffic flow on North 1st Street. Traffic control measures may include, but are not limited to flag persons and traffic cones.

Department of Public Works
Infrastructure Services Division

MDL:lja

November 1, 2006

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