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Title: Substitute resolution granting a special privilege to Greenwich Avenue, LLC for five platforms with steps for the premises at 2451-53 North Cramer Street, in the 3rd Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Special Privilege Petition.PDF, 2. Drawings.PDF, 3. Cover letter, 4. Fiscal note, 5. Sub. 2 Fiscal note

Date	Ver.	Action By	Action	Result	Tally
9/6/2006	0	COMMON COUNCIL	ASSIGNED TO		
9/7/2006	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
11/15/2006	1	CITY CLERK	DRAFT SUBMITTED		
11/15/2006	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/21/2006	1	PUBLIC WORKS COMMITTEE	SUBSTITUTED	Pass	5:0
11/21/2006	2	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
11/21/2006	2	PUBLIC WORKS COMMITTEE	RECONSIDERED	Pass	5:0
11/21/2006	2	PUBLIC WORKS COMMITTEE	HELD IN COMMITTEE	Pass	5:0
12/4/2006	2	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/12/2006	2	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
12/12/2006	2	COMMON COUNCIL	ADOPTED	Pass	15:0
12/21/2006	2	MAYOR	SIGNED		

060535
SUBSTITUTE 2
THE CHAIR

Substitute resolution granting a special privilege to Greenwich Avenue, LLC for five platforms with steps for the premises at 2451-53 North Cramer Street, in the 3rd Aldermanic District.

This resolution grants a special privilege to Greenwich Avenue, LLC for five platforms with steps for the premises at 2451-53 North Cramer Street.

Whereas, The Greenwich Avenue, LLC is in the process of constructing a new five unit condominium development; and

Whereas, As part of the new development the applicant wants to construct concrete platforms with stairs in the public right-of-way; and

Whereas, Said items will be located between the property line and the sidewalk and there will be a minimum of 6 inches between the sidewalk and any of said items; 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 Greenwich Avenue, LLC, 544 East Ogden Avenue, Suite 700-145, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct and maintain four concrete platforms with steps in the north, 22-foot wide sidewalk area of East Greenwich Avenue. The 12-foot 3-inch long platforms with steps are to be centered approximately 56, 79, 103 and 125 feet west of the westline of North Cramer Street. Said platforms will project 3 feet 7 inches into the public right-of-way. Total area for these platforms is 175.6 square feet.
2. To construct and maintain one concrete platform with steps in the west, 20-foot wide sidewalk area of North Cramer Street. Said platform commences at a point 2 feet 7 inches south of the northline of East Greenwich Avenue and ends at a point 17 feet 10 inches to the north. Said platform projects 3 feet 9 inches into North Cramer Street. A small portion of this platform projects into East Greenwich Avenue commencing at the westline of North Cramer Street and ending at a point 2 feet 9 inches west of the westline of North Cramer Street. Said platform projects 2 feet 7 inches into East Greenwich Avenue. Total area of said platform with steps is 73.65 square feet.

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, Greenwich Avenue, 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 \$215.55. 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.

Department of Public Works

Infrastructure Services Division

MDL:lja

November 15, 2006

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