



Legislation Details (With Text)

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

**File created:** 6/16/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 9/22/2009

**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to Obstar Investments LLC for a covered walk in the public right-of-way for the premises at 3120 West Villard Avenue, in the 1st Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition, 2. Letter from Dept of Public Works, 3. Fiscal note, 4. Map, 5. Pictures, 6. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
6/16/2009	0	COMMON COUNCIL	ASSIGNED TO		
6/18/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
8/27/2009	1	CITY CLERK	DRAFT SUBMITTED		
9/4/2009	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/10/2009	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
9/22/2009	1	COMMON COUNCIL	ADOPTED	Pass	14:0
10/1/2009	1	MAYOR	SIGNED		

090266  
SUBSTITUTE 1  
051523  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Obstar Investments LLC for a covered walk in the public right-of-way for the premises at 3120 West Villard Avenue, in the 1<sup>st</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to Obstar Investments LLC for a covered walk in the public right-of-way for the premises at 3120 West Villard Avenue.

Whereas, Onyx LLC requested permission to install and maintain a covered walk in the public right-of-way; and

Whereas, Permission for said covered walk was granted in 2006 under Common Council Resolution File Number 051523; and

Whereas, Obstar Investments LLC owns the subject covered walk; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 051523 is hereby rescinded; and, be it

Further Resolved, That Obstar Investments LLC, 4830 North 47<sup>th</sup> Street, Milwaukee, WI 53218 is hereby granted the following special privilege:

To keep and maintain a covered walk projecting 9 feet 6 inches into the north, 11-foot wide fully paved sidewalk area of

West Villard Avenue. The 9-foot wide covered walk is centered approximately 152 feet west of the westline of North 31<sup>st</sup> Street. The minimal vertical clearance between the skirt of the covered walk and the sidewalk below is 7 feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. 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. No guy wire brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The coverings shall be of approved material. All fixtures and materials for illumination of the covered walks 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 covered walks. 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.

The grantee is required to keep a "Loading Zone" or "No Parking" status adjacent to each covered walk as long as the covered walks occupy the public right-of-way.

Said above-mentioned covered walk shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said covered walk 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, Obstar 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 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 \$75.00. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division

MDL:ns

August 20, 2009

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