



## Legislation Details (With Text)

**File #:** 041507 **Version:** 1

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

**File created:** 2/22/2005 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 5/3/2005

**Effective date:**

**Title:** Substitute resolution to grant permission to 173 Broadway, LLC to install and use three doors with excess swing into the public right-of-way for the premises at 167-173 North Broadway, in the 4th Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Petition for Special Privilege.PDF, 2. Drawings or Maps.pdf, 3. DPW letter.pdf, 4. Fiscal note.pdf

Date	Ver.	Action By	Action	Result	Tally
2/22/2005	0	COMMON COUNCIL	ASSIGNED TO		
2/25/2005		PUBLIC WORKS COMMITTEE	REFERRED TO		
4/14/2005	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/14/2005	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/19/2005	1	CITY CLERK	DRAFT SUBMITTED		
4/20/2005	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
5/3/2005	1	COMMON COUNCIL	ADOPTED	Pass	12:0
5/12/2005	1	MAYOR	SIGNED		

041507

### SUBSTITUTE THE CHAIR

Substitute resolution to grant permission to 173 Broadway, LLC to install and use three doors with excess swing into the public right-of-way for the premises at 167-173 North Broadway, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to install, use and maintain three excess door swing encroachments in the public right-of-way of North Broadway for the premises at 167-173 North Broadway.

Whereas, The applicant is refurbishing the building at 167-173 North Broadway; and

Whereas, Said applicant has petitioned to install and use three excess door swing encroachments in the public right-of-way of North Broadway; and

Whereas, All three door swings project further than the 12 inches allowed under Sec. 245-4-8 of the Code of Ordinances of the City of Milwaukee; and

Whereas, Said door swings may only legally encroach into the public right-of-way by the 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 173 Broadway, LLC, 7659 North Longview Drive, Glendale, Wisconsin 53209 is hereby granted the following special privilege:

1. To install, use and maintain an excess door swing encroachment for two single doors centered approximately 125 and 176 feet north of the northline of East Menomonee Street in the 20-foot west sidewalk area of North Broadway. The doors are 3 feet 6 inches wide and, when fully opened, encroach 2 feet 10 inches into the public right-of-way, which is in excess of the 12 inches allowed per Sec. 245-4-8 of City of Milwaukee Code of Ordinances.
2. To install, use and maintain an excess door swing encroachment for a single door centered approximately 151 feet north of the northline of East Menomonee Street in the 20-foot wide west sidewalk area of North Broadway. The door is 5 feet wide and, when fully opened, encroaches 4 feet 3.5 inches into the public right-of-way, which is in excess of the 12 inches allowed per Sec. 245-4-8 of City of Milwaukee Code of Ordinances.

Said above-mentioned door swings shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall be obtained.

Said door swings 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 the grantee, successors and assigns shall provide and keep at least a 10-foot wide paved surface abutting the building, at no cost to the City, for as long as the excess door swing encroachment exists.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, 173 Broadway, 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 \$1,000.00 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 \$50,000.00 covering bodily injury to any one person and \$100,000.00 covering bodily injury to more than one person in any one accident and \$20,000.00 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 66.0425 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Infrastructure Services Division

MDL:cjt

April 13, 2005