



Legislation Details (With Text)

**File #:** 041557      **Version:** 1

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

**File created:** 3/16/2005      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 12/13/2005

**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to South KK Real Estate, LLC for encroachment into the public right-of-way of items previously granted permission for the building at 2797 South Kinnickinnic Avenue, in the 14th Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition, 2. DPW letter, 3. Fiscal Note

Date	Ver.	Action By	Action	Result	Tally
3/16/2005	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
3/16/2005	0	COMMON COUNCIL	ASSIGNED TO		
11/11/2005	1	CITY CLERK	DRAFT SUBMITTED		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/22/2005	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
12/13/2005	1	COMMON COUNCIL	ADOPTED	Pass	15:0
12/20/2005	1	MAYOR	SIGNED		

041557  
SUBSTITUTE  
84-744  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to South KK Real Estate, LLC for encroachment into the public right-of-way of items previously granted permission for the building at 2797 South Kinnickinnic Avenue, in the 14<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege to South KK Real Estate, LLC for encroachment into the public right-of-way of a platform and barrier-free ramp for the building at 2797 South Kinnickinnic Avenue.

Whereas, 2<sup>nd</sup> Venture, Inc. requested permission to construct and maintain a platform and barrier-free access ramp in the west sidewalk area of South California Street; and

Whereas, Permission was granted in 1985 by adoption of Common Council Resolution File Number 85-744; and

Whereas, South KK Real Estate, LLC bought the property; and

Whereas, For the liability to be formally transferred to the current owner, the Common Council needs to adopt an

amending resolution; now, therefore, be it

Resolved, That Common Council Resolution File Number 85-744 is hereby rescinded; and, be it;

Further Resolved, By the Common Council of the City of Milwaukee, that South KK Real Estate, LLC, 1522 North Prospect Avenue, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To keep and maintain a concrete platform and barrier-free access ramp in the 15-foot wide, west sidewalk area of South California Street centered approximately 54 feet north of the northline of East Montana Avenue. Said platform and ramp encroach 4 feet into the public right-of-way for a length of 13 feet.
2. To keep, use and maintain an excess door swing encroachment, consisting of a single door, in the 15-foot wide, west sidewalk area of South California Street. Said door swings open over the platform of item #1 and when fully open projects 2 feet 6 inches into the public right-of-way, which is in excess of the 12 inches allowed under Sec. 245-4-8 of the Code of Ordinances of the City of Milwaukee.

Said above-mentioned 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, South KK Real Estate, 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 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 \$92.73. 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 no 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:cjt

October 27, 2005

041557