



Legislation Details (With Text)

**File #:** 150430      **Version:** 1

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

**File created:** 7/21/2015      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 1/19/2016

**Effective date:**

**Title:** Substitute resolution granting a special privilege to Roadster LLC to keep and maintain existing building encroachments projecting into the public right-of-way for the premises 1300 North 4th Street, in the 6th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** PERMITS

**Attachments:** 1. Application.pdf, 2. CCF 150430 MAP.pdf, 3. CCF 150430 Photo.pdf, 4. PW LTR 150430.pdf

Date	Ver.	Action By	Action	Result	Tally
7/21/2015	0	COMMON COUNCIL	ASSIGNED TO		
1/6/2016	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
1/19/2016	1	COMMON COUNCIL	ADOPTED	Pass	14:0
1/28/2016	1	MAYOR	SIGNED		

150430  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution granting a special privilege to Roadster LLC to keep and maintain existing building encroachments projecting into the public right-of-way for the premises 1300 North 4<sup>th</sup> Street, in the 6<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Roadster LLC to keep and maintain existing building encroachments projecting into the public rights-of-way of West McKinley Avenue and North 4<sup>th</sup> Street for the premises 1300 North 4<sup>th</sup> Street.

Whereas, The applicant is requesting permission to keep and maintain existing building encroachments in the public right-of-way; and

Whereas, Said building encroachments 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 Roadster LLC, 1300 North 4<sup>th</sup> Street, Milwaukee, WI 53212 is hereby granted the following special privilege:

To keep and maintain portions of the building projecting into the public rights-of-way of North 4<sup>th</sup> Street and West McKinley Avenue. The building projects between 4 and 8 inches into the east, 11-foot wide sidewalk area of North 4<sup>th</sup> Street commencing at a point approximately 7 inches south of the northline of West McKinley Avenue and extending north 152 feet. The building projects between 6 and 7 inches into the north, variable width sidewalk area of West McKinley Avenue commencing at a point approximately 7 inches west of the eastline of North 4<sup>th</sup> Street and extending east 136 feet.

Said above-mentioned building encroachments 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 building encroachments shall be maintained or removed from the public right-of-way, at such future time as it is 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, Roadster 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 Commissioner of Public Works 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 one owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
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 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

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

November 17, 2015