



Legislation Details (With Text)

**File #:** 111560      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 3/20/2012      **In control:** COMMON COUNCIL  
**On agenda:**      **Final action:** 2/11/2014  
**Effective date:**

**Title:** Substitute resolution granting a special privilege to 332 Milwaukee LLC to install and maintain storm enclosure in the public right-of-way for the premises at 332 North Milwaukee Street, in the 4th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Petition and Drawing, 2. Map, 3. Photos, 4. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
3/20/2012	0	COMMON COUNCIL	ASSIGNED TO		
3/22/2012	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
1/24/2014	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/24/2014	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
1/29/2014	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
2/11/2014	0	COMMON COUNCIL	ADOPTED	Pass	13:0
2/12/2014	0	MAYOR	SIGNED		

111560  
SUBSTITUTE 1

Substitute resolution granting a special privilege to 332 Milwaukee LLC to install and maintain storm enclosure in the public right-of-way for the premises at 332 North Milwaukee Street, in the 4<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to 332 Milwaukee LLC to install and maintain a storm enclosure in the public right-of-way for the premises at 332 North Milwaukee Street.

Whereas, The applicant is requesting permission to install and maintain storm enclosure; and

Whereas, Said storm enclosure 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 332 Milwaukee LLC, 117 North Milwaukee Street, Milwaukee, WI 53202 is hereby granted the following special privilege:

To install and maintain a 4-foot long storm enclosure projecting 3 feet 9 inches into the east, 12-foot wide sidewalk area of North Milwaukee Street. Said wood storm enclosure is centered approximately 79 feet south of the southline of East St. Paul Avenue.

Said storm enclosure shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said storm enclosure 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, 332 Milwaukee 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 \$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 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:clm  
January 15, 2014