



Legislation Details (With Text)

**File #:** 070465      **Version:** 1

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

**File created:** 7/11/2007      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 9/25/2007

**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to Mars Direct, LLC for the front wall of the building to encroach in the public right-of-way for the premises at 734-38 West Historic Mitchell Street, in the 12th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition, 2. Cover letter, 3. Fiscal Note, 4. Picture 1, 5. Picture 2, 6. Map

| Date      | Ver. | Action By              | Action                   | Result | Tally |
|-----------|------|------------------------|--------------------------|--------|-------|
| 7/11/2007 | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 7/12/2007 | 1    | PUBLIC WORKS COMMITTEE | REFERRED TO              |        |       |
| 7/30/2007 | 1    | CITY CLERK             | DRAFT SUBMITTED          |        |       |
| 9/7/2007  | 1    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 9/12/2007 | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 5:0   |
| 9/25/2007 | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 14:0  |
| 10/2/2007 | 1    | MAYOR                  | SIGNED                   |        |       |

070465  
 SUBSTITUTE 1  
 58-1511  
 THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Mars Direct, LLC for the front wall of the building to encroach in the public right-of-way for the premises at 734-38 West Historic Mitchell Street, in the 12<sup>th</sup> Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Mars Direct, LLC for the front wall of the building to encroach in the public right-of-way for the premises at 734-38 West Historic Mitchell Street.

Whereas, M. L. Mayer requested permission to remodel and maintain the front wall of his building in the public right-of-way; and

Whereas, Permission for said building wall was granted in 1958 under Common Council File Number 58-1511; and

Whereas, Mars Direct, LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 58-1511 is hereby rescinded; and, be it

Further Resolved, That Mars Direct, LLC, 233 Taylor Street, Little Chute, Wisconsin 54140, is hereby granted the following special privilege:

To keep and maintain the front wall of the building at 734-38 West Historic Mitchell Street. Said wall projects 1 foot 10 inches into the north, 10-foot wide sidewalk area of West Historic Mitchell Street. Said wall commences at the eastline of South 8<sup>th</sup> Street and ends at a point approximately 50 feet to the east.

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

Said building wall 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, Mars Direct, 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 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 \$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 \$435.73. 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 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:lja

July 23, 2007

070465