



Legislation Text

File #: 050116, **Version:** 1

050116
SUBSTITUTE
881303
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Clybourn Investments, LLC for encroachment into the public right-of-way of an excess door swing and building facing for the buildings at 2202-2312 West Clybourn Street, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege to Clybourn Investments, LLC to keep and maintain an excess door swing and building facing encroachment into the public right-of-way for the premises at 2202-2312 West Clybourn Street.

Whereas, H. H. West Company requested permission to keep and maintain an excess door swing and to construct and maintain building facing in the public right-of-way for the buildings at 2202-2312 West Clybourn Street; and

Whereas, Permission for said excess door swing and building facing was granted in 1988 under Common Council Resolution File Number 881303; and

Whereas Clybourn Investments, LLC now owns the premises; and

Whereas, For the liability to be formally transferred to the current owner for the excess door swing and building facing, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, That Common Council resolution file number 881303 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Clybourn Investments, LLC, 2202-2312 West Clybourn Street, Milwaukee, Wisconsin 53233 is hereby granted the following special privileges:

1. To keep and maintain insulation and metal facing material attached to the existing building face at 2222 West Clybourn Street. The encroachment is a maximum of 3 inches into the 12-foot wide sidewalk area of West Clybourn Street commencing at a point approximately 159 feet 6 inches west of the westline of North 22nd Street and extending west 80 feet. The façade covers the entire face of the building starting at a point between 4 feet 5 inches and 6 feet 5 inches above grade except for door and/or window openings. The building face area between grade and the new metal facing is covered with stucco, which also encroaches, but less than that noted above.
2. To keep and maintain insulation and metal facing material attached to the existing building face at 2302 West Clybourn Street. The encroachment is variable to a maximum of 3 inches commencing at a point 239 feet 6 inches west of the westline of North 22nd Street and extending approximately 80 feet 4 inches west. The facade covers the entire building face starting at a point between 6 feet 5 inches and 8 feet 5 inches above grade except for door and/or window openings. The building face area between grade and the facing is covered with stucco, which also encroaches, but less than that noted above.

3. To keep and maintain approximately 3-foot 4-inch wide entrance door, that when open, projects approximately 3-foot 4-inches into the 12-foot wide sidewalk area on the north side of East Clybourn Street at a point approximately 165 feet west of the westline of North 22nd Street.

Said above-mentioned items 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 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, Clybourn Investments, 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 \$10,000 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 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 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 \$44.00. 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 1st 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
February 2, 2006
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