



Legislation Text

File #: 970876, Version: 1

970876
SUBSTITUTE
77-796
THE CHAIR

Substitute resolution granting a special privilege to Stein's Inc., to install and maintain two protective retracting aluminum grille units in the public way on the south side of West Wisconsin Avenue at the front of the premises known as 715 West Wisconsin Avenue, in the 4th Aldermanic District of the City of Milwaukee.

- Analysis -

This resolution grants a special privilege to Stein's Inc. to install and maintain two protective retracting aluminum grille units and their housings in the public way adjacent to the property located at 715 West Wisconsin Avenue. The grilles, when in place, cover display windows and door for security purposes during non-business hours of this jewelry store.

Whereas, Stein's Inc. was previously granted a special privilege on October 25, 1977, to install and maintain three protective gates and their overhanging housings, at the store located at 706 West Wisconsin Avenue, and same are to be removed from the public right-of-way; and

Whereas, Steins Inc. has since moved across the street to the premises at 715 West Wisconsin Avenue and believe similar type protective gates are required; and

Whereas, Stein's Inc. is therefore desirous to install and maintain two protective retracting aluminum grille units that encroach into the public way of West Wisconsin Avenue to provide for security at the jewelry store located at 715 West Wisconsin Avenue; and

Whereas, This type of item may only legally occupy the public right-of-way by the granting of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 77-796 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Steins, Inc., 715 West Wisconsin Avenue, Milwaukee, WI 53233, is hereby granted the following special privilege:

To utilize the public way adjacent to the front of the premises known as 715 West Wisconsin Avenue for the purpose of installing and maintaining two protective retracting aluminum grille units together with their side guides and overhanging hoods. One retractable unit is approximately 25 feet wide and is centered approximately 85 feet west of the westline of North 7th Street; a second unit is approximately 15 feet wide and is centered approximately 105 feet west of the westline of North 7th Street. The overhanging hood enclosures into which the aluminum grille units will retract shall encroach approximately 1 foot 6 inches into the public right-of-way on the south side of West Wisconsin Avenue. The vertical clearance between the overhanging hoods and the sidewalk below shall be approximately 10 feet.

Said retracting aluminum grille units and all components shall be designed using appropriate materials, installed and maintained to the approval of the Commissioners of Public Works and Building Inspection and shall be constructed in accordance with the appropriate standards and policies set by the Common Council of the City of Milwaukee. The applicant, Stein's Inc. shall submit plans and procure a building permit for said units and components from the Commissioner of Building Inspection.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Stein's, Inc. 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. 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 \$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. 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 \$40.05. 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

November 6, 1997

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