



## Legislation Text

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**File #:** 031054, **Version:** 1

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031054  
SUBSTITUTE  
67-792  
THE CHAIR

Substitute resolution to grant an amended special privilege to Metropolitan Lovell Street LLC, to keep and maintain a movable loading and unloading dock in the alley alongside of the south lot line of the premises known as 728 North James Lovell Street, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

Substitute resolution to grant a special privilege to Metropolitan Lovell Street LLC, to construct and maintain a movable loading and unloading dock in the alley alongside of the south lot line of the premises known as 728 North James Lovell Street.

Whereas, A special privilege resolution, Common Council Resolution File Number 67-792, was adopted in 1967 to allow the Milmer Corporation to install a movable loading and unloading dock, which, when in use, encroached approximately 10 feet into the 15-foot wide south east-west alley in the block bounded by West Wells Street, West Wisconsin Avenue, North 6<sup>th</sup> Street and North 7<sup>th</sup> Street (now known as North James Lovell Street); and

Whereas, Over time the property ownership has changed, which resulted in changes administratively (that being the procedure prior to 1992); and

Whereas, The present owner is Metropolitan Lowell Street LLC, who has submitted an amending Petition, since the dock, when encroaching requires approval of the Common Council; now, therefore, be it

Resolved, That Common Council Resolution File Number 67-792 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Metropolitan Lovell Street LLC, N16 W23233 Stone Ride Drive, Waukesha, WI 53188, is hereby granted the following special privilege:

To keep, use and maintain a movable loading and unloading dock, which, when in use, projects into a public alley. Said dock being approximately 11 feet long and projects approximately 10 feet into the east-west alley, which runs alongside the south lot line at the premises known as 728 North James Lovell Street. The west edge of said dock is located approximately 117 feet east of the eastline of North James Lovell Street; and, be it

Further Resolved, That said dock shall be installed, used and maintained to the satisfaction of the Commissioner of Public Works and the Commissioner of the Department of Neighborhood Services and the necessary permits shall have been procured; and, be it

Further Resolved, That when not in use, said dock shall be drawn up against the building so as not to obstruct the public use of the alley; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special

privilege the grantee, Metropolitan Lovell Street 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 \$10,000.00 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 \$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 \$55.97. 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 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 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

JJM:cjt

March 3, 2004

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