



Legislation Text

File #: 071157, Version: 1

071157
SUBSTITUTE 1
971334

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Roundy's Supermarkets, Inc. for encroachment into the public right-of-way of North Broadway of a commemorative monument adjacent to the premises at 241 North Broadway, in the 4th Aldermanic District.

This resolution amends a special privilege for change of ownership to Roundy's Supermarkets, Inc. for encroachment into the public right-of-way of North Broadway of a commemorative monument adjacent to the premises at 241 North Broadway.

Whereas, Roundy's, Inc. requested permission to construct and maintain a commemorative monument in honor of its 125th anniversary; and

Whereas, Permission for said monument was granted in 1998 under Common Council File Number 971334; and

Whereas, Roundy's Supermarkets, Inc. is now the entity responsible for the monument; and

Whereas, For the liability to be formally transferred to the current responsible party, 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 971334 is hereby rescinded; and, be it

Further Resolved, That Roundy's Supermarkets, Inc., P.O. Box 473, MS-2650, Milwaukee, WI 53201, is hereby granted the following special privilege:

To keep and maintain a red granite monument outside the northwest corner of the gazebo-like structure located in the 28-foot wide median area of North Broadway between East Buffalo Street and East Chicago Street. The monument is located 135 feet south of the southline of East Buffalo Street and 39 feet east of the westline of North Broadway. Said monument is 20 inches wide, 16 inches deep, 34 inches high at the front top edge and 35 inches high in the rear top edge and has a bronze plaque on the top surface.

Said above-mentioned monument shall be used, kept and maintained to them' satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said historical monument shall be maintained or removed from the public right-of-way, 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, Roundy's Supermarkets, 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 \$1,000.00 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 \$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 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 \$35.00. 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 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 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
February 11, 2008
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