



Legislation Text

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050120
SUBSTITUTE
THE CHAIR

Substitute resolution to grant a special privilege to Historic Third Ward Association Incorporated to construct and maintain non-code compliant marquees and a sunscreen awning in the public right-of-way for the premises at 400 North Water Street, in the 4th Aldermanic District in the City of Milwaukee.

This resolution formally grants a special privilege to Historic Third Ward Association Incorporated to construct and maintain five non-code compliant marques and a sunscreen awning in the public right-of-way for the premises at 400 North Water Street.

Whereas, Historic Third Ward Association Incorporated petitioned for permission for several non-code complaint marques and a sunscreen awning to project into the public right-of-way; and

Whereas, Said non-code complaint marques, which do not meet the requirements of Section 245-10 of the Milwaukee Code of Ordinances, and sunscreen awning have been constructed; and

Whereas, Said items may only legally encroach into the public right-of-way by the granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Historic Third Ward Association Incorporated, 219 North Milwaukee Street, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct and maintain a sunscreen awning projecting 10 feet 8 inches into the north 15-foot wide sidewalk area of East St. Paul Avenue. Said sunscreen awning commences approximately 3 feet east of the eastline of North Water Street and ends at a point 248 feet 7 ½ inches east of the starting point. Said sunscreen awning is located 29 feet 1 inch above the sidewalk grade below.
2. To construct and maintain five marquees that are not located over doorways and, as such, do not meet the requirements of Section 245-10 of the Milwaukee Code of Ordinances. Three of said marquees project 7 feet 6 inches into the 9-foot wide, east sidewalk area of North Water Street and are centered approximately 41, 31, and 20 feet north of the northline of East St. Paul Avenue. Two of said marquees project 7 feet into the 20-foot walk area of North Broadway and are centered approximately 20 and 30 feet north of the northline of East St. Paul Avenue. All five of said marquees are 9 feet 6 inches wide.

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 accepting this special privilege the grantee, Historic Third Ward Association Incorporated, 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. 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 \$100,000 covering bodily injury to any one person and \$200,000 covering bodily injury to more than one person in any one accident and \$40,000 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 \$312.07. 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 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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