



Legislation Text

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150291
SUBSTITUTE 1
THE CHAIR

Substitute resolution granting a special privilege to Mc Fond Properties LLC to keep and maintain concrete steps and moveable planters in the public right-of-way for the premises 2025 West Fond du Lac Avenue, in the 15th Aldermanic District.

This resolution grants a special privilege to Mc Fond Properties LLC to keep and maintain two concrete steps and two moveable planters in the public right-of-way for the premises 2025 West Fond du Lac Avenue.

Whereas, The applicant is requesting permission to keep and maintain two previously existing steps in the public right-of-way; and

Whereas, A site visit revealed the presence of two moveable planters in the public right-of-way; and

Whereas, Said items may only legally encroach into the public right-of-way by 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 Mc Fond Properties LLC, 2025-27 West Fond du Lac Avenue, Milwaukee, WI 53212 is hereby granted the following special privileges:

1. To keep and maintain two concrete steps projecting into the north, 8-foot wide sidewalk area of West Fond du Lac Avenue. The east, 6-foot 7-inch long step, which is centered approximately 201 feet west of the westline of North 20th Street, projects 7 inches into the public way. The west, 3-foot 1-inch long step, which is centered approximately 213 feet west of the westline of North 20th Street, projects 4 inches into the public way.
2. To install and maintain two moveable planters in the north, 8-foot wide sidewalk area of West Fond du Lac Avenue. Each of the planters is located about one of the aforementioned entrance steps. Both planters are 16 inches in diameter and height.

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 it is 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, Mc Fond Properties 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 Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.

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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

September 3, 2015