



## Legislation Text

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**File #: 050018, Version: 1**

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050018  
SUBSTITUTE  
990633  
THE CHAIR

Substitute resolution amending a special privilege to David Larsen Enterprises Incorporated for change of ownership for a covered walk previously granted permission for the building at 6709 West Capitol Drive, in the 2<sup>nd</sup> Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege for change of ownership to David Larsen Enterprises Incorporated for the building at 6709 West Capitol Drive.

Whereas, Bistricky-Irsch-Grosse-Larson Brothers Funeral Home petitioned for a special privilege to keep and maintain a covered walk; and

Whereas, Permission for said covered walk was granted in Common Council File Number 990633; and

Whereas, Church and Chapel Funeral Home applied for the special privilege; and

Whereas, David Larsen Enterprises Incorporated actually owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 990633 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that David Larsen Enterprises Incorporated, 380 Bluemound Road, Waukesha Wisconsin 53188 is hereby granted the following special privilege:

1. To keep and maintain an existing covered walk at 6709 West Capitol Drive. Said covered walk, 8 feet 4 inches in width, is centered approximately 110 feet west of the westline of North 67<sup>th</sup> Street and shall encroaches 11 feet into the 12-foot fully concrete paved sidewalk area on the south side of West Capitol Drive.
2. The covered walk is supported by the building and two vertical supports on private property and by two vertical supports near each corner closest to the curb along each side of the covered walk. Each vertical support nearest the curb is centered approximately 2 feet 6 inches from the curblines. There is an 8-foot 4-inch opening between the vertical supports, which parallels the curb face. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below shall be 8 feet.
3. Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a adopted July 24, 1962. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 7 feet above the sidewalk level. The covering shall be of approved material. All fixtures and materials for illumination of covered walks shall be indicated upon the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The business may be indicated only on the vertical portion of the covering and not to exceed 2 feet 6 inches in height.

4. The grantee is required to apply for, obtain and maintain "Loading Zone" or "No Parking" status adjacent to the proposed covered walk location and maintain this status as long as the covered walk occupies the public right-of-way.

Said above-mentioned covered walk 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 covered walk 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 acceptance of this special privilege the grantee, David Larsen Enterprises 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 \$2,000.00 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 \$75.00. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division

MDL:cjt

January 31, 2006

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