



Legislation Text

File #: 110407, **Version:** 1

110407
SUBSTITUTE 1
THE CHAIR

Substitute resolution granting a special privilege to Jeraug Inc to construct and maintain a raised patio in the public right-of-way for the premises at 7602 West Lisbon Avenue, in the 5th Aldermanic District.

This resolution grants a special privilege to Jeraug Inc to construct and maintain a raised patio consisting of a concrete block retaining wall, concrete slab and metal fence in the public right-of-way for the premises at 7602 West Lisbon Avenue.

Whereas, The applicant is requesting permission to construct and maintain a raised patio in the public right-of-way; and

Whereas, Said raised patio consists of a concrete block retaining wall, concrete slab and metal fence; and

Whereas, Said patio 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 Jeraug Inc, c/o David Peschek, 7602 West Lisbon Avenue, Milwaukee, Wisconsin 53222, is hereby granted the following special privilege:

To construct and maintain a raised patio consisting of a concrete block retaining wall, concrete slab and metal fence. Said raised patio projects 11 inches into the west, 12-foot wide sidewalk area of North 76th Street and commences at a point approximately 100 feet north of the northline of West Lisbon Avenue and extends 41 feet to the north. The patio is 1-foot 3-inches above the adjacent sidewalk grade.

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

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 acceptance of this special privilege the grantee, Jeraug 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 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 \$67.57. 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
Infrastructure Services Division

MDL:slm

December 5, 2011

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