



## Legislation Text

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**File #: 090895, Version: 1**

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090895  
SUBSTITUTE 1  
67-1711  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Demano Inc. for a concrete platform with stairs and for addition of two concrete steps for the premises at 1006 East Brady Street, in the 3<sup>rd</sup> Aldermanic District. This resolution amends a special privilege for change of ownership to Demano Inc for a concrete platform with stairs and for addition of two concrete steps for the premises at 1006 East Brady Street.

Whereas, Joseph Regano, Sharon Dempsey and Dennis Dempsey requested permission to construct and maintain a concrete platform with steps in the public right-of-way; and

Whereas, Permission for said items was granted in 1967 under Common Council Resolution File Number 67-1711; and

Whereas, Demano Inc. now owns the property; and

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

Whereas, Said concrete steps may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; and

Whereas, For the liability for said concrete platform with steps 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 67-1711 is hereby rescinded; and, be it

Further Resolved, That Demano Inc., 1004 East Brady Street, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To keep and maintain a concrete platform with steps projecting 4 feet into the east, 16-foot wide sidewalk area of North Astor Street. Said 7 foot 8 inch long platform with steps is centered approximately 38 feet north of the northline of East Brady Street.
2. To keep and maintain two concrete steps in the north, 13-foot wide sidewalk area of East Brady Street. The west step, which is located adjacent to the intersection of North Astor Street and East Brady Street, projects 1 foot 4 inches into East Brady Street for a length of 6 feet 2 inches. The east step, which is located approximately 22 feet east of the eastline of North Astor Street, projects 2 feet 7 inches into East Brady Street for a length of 5 feet 6 inches.

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 items 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, Demano 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 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 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 \$161.67. 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: ns

March 17, 2010

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