



Legislation Text

File #: 980410, Version: 1

980410
SUBSTITUTE
69-3004
THE CHAIR

Substitute resolution amending a special privilege granted to Albert I. Becker and Mrs. Sylvia Blankstein to construct and maintain an enclosed basement entrance stairwell located in the public right-of-way adjacent to the building located at 4131 West Capitol Drive, to now change the name of the grantees of the special privilege to Nasser and Zuheir Abdallah, in the 10th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution amends a special privilege granted to Albert I. Becker and Mrs. Sylvia Blankstein to construct and maintain an enclosed basement entrance stairwell located in the public right-of-way at the building located at 4131 West Capitol Drive, to now change the name of the grantees of the special privilege to Nasser and Zuheir Abdallah.

Whereas, Albert I. Becker and Mrs. Sylvia Blankstein were granted a special privilege under Common Council Resolution File Number 69-3004,, on April 28, 1970, to construct and maintain an enclosed basement entrance stairwell to the building at 4131 West Capitol Drive; and

Whereas, The current owners of the property are Nasser and Zuheir Abdallah and should now be named as the grantees of the special privilege; and

Whereas, The structure may only occupy the public right-of-way through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 69-3004 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Nasser and Zuheir Abdallah, 4131 West Capitol Drive, Milwaukee, WI 53216, are hereby granted the following special privilege:

To keep and maintain an enclosed basement entrance stairwell to the store at 4131 West Capitol Drive located in the sidewalk area between the property line and the curb, on the east side of North 42nd Street. The enclosure encroaches approximately 4 feet into the public right-of-way, beginning at a point approximately 4 feet south of the southline of West Capitol Drive and extends south for a distance of approximately 21 feet.

Said building enclosure shall be maintained to the satisfaction of the Commissioners of Public Works and Building Inspection.

Said item shall be removed from the public right-of-way, at such future time that it is no longer needed, to the satisfaction of the Commissioners of Public Works and Building Inspection.

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Nasser and Zuheir Abdallah, 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 \$3,000.00 such bond to be approved by the City Attorney. The 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 \$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. Both bond and insurance policy shall provide that they shall not be canceled 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 \$220.25. 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 any 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

December 3, 1998

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