



## Legislation Text

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**File #: 990283, Version: 1**

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SUBSTITUTE

### THE CHAIR

Substitute resolution granting a special privilege to Liphatech, Inc. for one excess door-swing projection and two steel pipe bollards to encroach into the public right-of-way adjacent to the building at 3101 West Custer Avenue, in the 9th Aldermanic District in the City of Milwaukee.

- Analysis -

This special privilege grants Liphatech, Inc. permission to install and maintain one excess door-swing projection and two steel pipe bollards encroaching into the public right-of-way of West Custer Avenue adjacent to the building at 3101 West Custer Avenue.

Whereas, An addition is being constructed to a building at 3101 West Custer Avenue and one exterior door, which will be located in the existing building near the addition will, when fully opened, encroach into the public right-of-way of West Custer Avenue by more than the 12-inches allowable by Section 245-4-8 of the Code of Ordinances; and

Whereas, Two concrete filled steel pipe bollards are proposed to be located in the sidewalk area adjacent to the building at 3101 West Custer Avenue on either side of a new 12-foot wide overhead door in the addition at the premises; and

Whereas, Said encroachments can only be allowed 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 Liphatech, Inc., 3101 West Custer Avenue, Milwaukee, WI 53209, is hereby granted the following special privileges:

1. To install, use and maintain one door at the building known as 3101 West Custer Avenue that, when fully opened, will project into the public right-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The door, located on the south side of West Custer Avenue, is centered approximately 60 feet 7 inches west of the westline of North 31st Street, extended, and its maximum encroachment is approximately 3 feet into the 18-foot wide sidewalk area.
2. To install and maintain two 6-inch diameter, 48-inch high concrete filled steel pipe bollards located within the 18-foot wide public sidewalk area adjacent to the premises at 3101 West Custer Avenue. The bollards will be centered approximately 70 feet 4 inches and 82 feet 10 inches west of the westline of North 31st Street, extended, and one foot north of the southline of West Custer Avenue.

Said door and bollards shall be used and maintained to the approval of the Departments of Public Works and Neighborhood Services. All applicable permits shall be obtained by the grantee prior to the installation of the door and bollards.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Liphatech, 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 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 \$1,000 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 \$35. 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

July 13, 1999

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