



## Legislation Text

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**File #: 031428, Version: 1**

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031428  
SUBSTITUTE  
970716  
THE CHAIR

Substitute resolution amending a special privilege that was granted to Robert A. Johnson to keep and maintain a retaining wall which encroaches into the public right-of-way at 1536 North Jackson Street to now change the name of the grantee of the special privilege to Ragtime Condominiums.

This resolution amends a special privilege granted to Robert A. Johnson to keep and maintain a concrete retaining wall encroaching into the public way on the east side of North Jackson Street, at the building known as 1536 North Jackson Street, to now change the name of the grantee of the special privilege to Ragtime Condominiums.

Whereas, Robert A. Johnson was the owner of the building at 1536 North Jackson Street; and

Whereas, This building was undergoing exterior renovation, which included construction of a retaining wall that encroaches its full thickness of approximately 1-foot 7 inches into the public right-of-way; and

Whereas, The retaining wall has a footing and, therefore, does not comply with the requirements of the Milwaukee Code of Ordinances, Sec. 245-4.6 Retainment Devices in the Public Right-of-Way Abutting Residential Property; and

Whereas, The retaining wall, as constructed, may only be permitted to encroach into the public right-of-way by the granting of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 970716 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Ragtime Condominiums c/o Stacey Roberts, 6311 West North Avenue, Wauwatosa, WI 53213 is hereby granted the following special privilege:

To keep and maintain a retaining wall with footing within the public right-of-way on the east side of North Jackson Street, located at 1536 North Jackson Street. Said concrete retaining wall commences at a point approximately 60 feet south of the southline of North Pleasant Street and extends south for a distance of approximately 25 feet. The retaining wall encroaches into the public right-of-way its full thickness of approximately 1-foot 7 inches. The wall height is approximately 0.9 feet and 1.9 feet above grade at its south and north ends, respectively.

Said retaining wall shall be constructed and maintained to the approval of the Commissioners of Public Works and Building Inspection and all necessary permits shall be procured from the Commissioners of Public Works and Building Inspection. No alteration or replacement of any item may be made without the written approval of the Commissioners of Building Inspection and Public Works.

Said encroachment shall be maintained to the satisfaction of the Commissioners of the Departments of Public Works and Neighborhood Services.

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 the Departments of Public Works and 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, Ragtime Condominiums, 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 \$10,000.00 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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 \$130.55. 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 66.0425 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division  
JJM:cjt  
June 9, 2004  
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