



Legislation Text

File #: 020618, Version: 1

020618
SUBSTITUTE
71-1376
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Pete’s Marketplace Incorporated, and for change of excess facade encroachment into the public right-of-way for the building at 1407-1409 South Muskego Avenue, in the 12th Aldermanic District in the City of Milwaukee.

This resolution formally grants an amended special privilege to Pete’s Marketplace Incorporated to keep and maintain a recently refurbished excess facade encroachment for the building at 1407-1409 South Muskego Avenue.

Whereas, Floyd Gainer, Mildred Gainer, Cecilia Steffan, Marie Zystowski, and Badger Federal Savings and Loan Association requested permission to construct and maintain an excess facade encroachment as part of a previous refurbishment of the building; and

Whereas, Permission was granted in 1971 by adoption of Common Council Resolution File Number 71-1376; and

Whereas, Pete’s Marketplace, Inc. is the current owner of the property; and

Whereas, The owner of Pete’s Marketplace Incorporated, Peter Tsitiridis, refurbished the exterior of the building by removing the old facade and replacing it with a new one and, thus, changing the limits of the facade encroachment; and

Whereas, A site survey shows the existence of a fence on the property that encroaches into the public right-of-way; and

Whereas, Said items may only legally encroach into the public right-of-way by the granting of a special privilege adopted by the Common Council; now, therefore, be it

Resolved, That Common Council Resolution File Number 71-1376 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Pete’s Marketplace, Inc., 1400 South Union Street, Milwaukee, Wisconsin 53204 is hereby granted the following special privileges:

1. To keep and maintain an excess facade encroachment in the west, 13-foot wide fully paved sidewalk area of South Muskego Avenue. Said encroachment commences at a point 10 feet south of the southline of West Greenfield Avenue extended and continues south for a distance of approximately 40 feet. Said building facade encroaches an average of 1 foot.

2. To keep and maintain a fence in the west, 13-foot wide fully paved sidewalk area of South Muskego Avenue. Said fence commences at the corner of the building at 1407-1409 South Muskego Avenue,

which is a point approximately 51 feet south of the southline of West Greenfield Avenue extended, and continues south for a distance of approximately 28 feet where it continues in a westerly direction back onto private property. Said fence encroaches an average of 3 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 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, Pete's Marketplace Incorporated, 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 such bond to be approved by the City Attorney. This 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 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 \$189.79. 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 no 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:cjt

November 3, 2005
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