



## Legislation Text

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**File #: 061184, Version: 1**

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061184  
SUBSTITUTE 1  
951263  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to 828 North Broadway LLC for a double excess door swing and for addition of two moveable planters and an ash can for the premises at 828 North Broadway, in the 4<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to 828 North Broadway LLC for a double excess door swing and grants permission for two moveable planters and an ash can for the premises at 828 North Broadway.

Whereas, 828 North Broadway Partnership requested permission for a double excess door swing to project into the public right-of-way; and

Whereas, Permission for said doors was granted in 1996 under Common Council Resolution File Number 951263; and

Whereas, Several site visits revealed the presence of up to two moveable planters and an ash can; and

Whereas, 828 North Broadway LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

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

Resolved, By the Common Council of the City of Milwaukee, that 828 North Broadway LLC, c/o Equity Real Estate Management, 828 North Broadway, Suite 500, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To keep and maintain a double excess door swing encroachment comprised of two 3-foot wide doors that when fully open project into the public way in excess of the 12 inches allowed under Section 248-4-8 of the Milwaukee Code of Ordinances. Said doors are centered approximately 150 feet south of the southline of East Kilbourn Avenue and project 2 feet 4 inches into the east, 20-foot wide sidewalk area of North Broadway.
2. To keep and maintain an ash can in the east, 20-foot wide sidewalk area of North Broadway adjacent to the double excess door swing of Item #1 above. Said plastic ash can measures 18 inches in diameter at the base, where it is widest, and 40 inches tall.
3. To keep and maintain two moveable planters in the east, 20-foot wide sidewalk area of North Broadway centered on the aforementioned double excess door swing of Item #1 above. Said planters measure 20 inches in diameter and 20 inches tall.

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, 828 North Broadway, LLC, 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. 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 \$47.65. 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:lja

January 26, 2007

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