



Legislation Text

File #: 010893, **Version:** 1

010893

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Burlington Coat Factory Warehouse Corporation to erect and maintain an informational/directional sign placed in the public right-of-way on the north side of West Zellman Court for a store at 1501 West Zellman Court, in the 13th Aldermanic District in the City of Milwaukee.

This special privilege grants the applicant permission to erect and maintain an informational/directional sign located on top of a fixed pole placed in the public right-of-way on the north side of West Zellman Court, near the premises at 1501 West Zellman Court.

Whereas, The applicant desires to erect and maintain an informational/directional sign placed in the public right-of-way to replace an existing sign now on adjacent private property recently sold for motel development; and

Whereas, The sign is proposed to be attached to the top of a fixed pole that is to be placed in the public right-of-way of West Zellman Court, to indicate the location of a store located approximately 600 feet west of South 13th Street; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Burlington Coat Factory Warehouse Corp., 1501 West Zellman Court, Milwaukee, WI 53221, is hereby granted the following special privilege:

To erect and maintain an advertising/directional sign to be placed in the public right-of-way on the north side of West Zellman Court. The sign is to be located approximately 1640 feet west of the westline of South 13th Street and 4 feet south of the northline of West Zellman Court. Said sign is to be approximately 5 feet high and 14 feet wide placed atop a 10-inch diameter pole, and shall have a minimum vertical clearance of 15 feet above the sidewalk area grade.

Said sign shall be erected/constructed and maintained to the satisfaction of the Commissioners of Public Works and Neighborhood Services and all necessary permits shall be procured from the Commissioners of Neighborhood Services and Public Works. No alteration or replacement of any item may be made without the written approval of the Commissioners 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, Burlington Coat Factory Warehouse Corporation, 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 \$2,000.00 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 \$35.00. 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 66.0915(3) 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 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
January 28, 2002
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