



Legislation Text

File #: 061199, **Version:** 1

061199

SUBSTITUTE 1

THE CHAIR

Substitute resolution granting a special privilege to Terrace Row, LLC for a building encroachment at the third floor elevation for the premises at 755-785 East Kilbourn Avenue, in the 4th Aldermanic District.

This resolution grants a special privilege to Terrace Row, LLC for a building encroachment at the third floor building elevation for the premises at 755-785 East Kilbourn Avenue.

Whereas, Terrace Row, LLC is in the process of designing and constructing a new condominium development; and

Whereas, As part of the development, the applicant is requesting permission for a portion of the third floor to project into the public right-of-way; and

Whereas, Said building projection may only legally encroach into the public right-of-way by 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, Terrace Row, LLC, PO Box 511448, Milwaukee, Wisconsin 53203 is hereby granted the following special privilege:

To construct and maintain a building encroachment approximately 24 feet above the adjacent sidewalk grade. Said building encroachment will project 5 feet into the south sidewalk area of East Kilbourn Avenue, which varies in width from 19 feet wide at North Cass Street to 15 feet wide at North Van Buren Street. Said building encroachment commences at the westline of North Cass Street and extends 125 feet to the west.

Said above-mentioned building encroachment shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said building encroachment shall be maintained or removed from the public right-of-way, at such future time as it is 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, Terrace Row, 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 \$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 \$2,141.47. 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 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:lja
February 1, 2007
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