



Legislation Text

File #: 140466, Version: 1

140466

SUBSTITUTE 1

Substitute resolution granting a special privilege to Audi Investments LLC to construct and maintain a wood platform with steps, concrete step, fence, and gas meter in the public right-of-way for the premises at 1438 West Hayes Avenue, in the 12th Aldermanic District.

This resolution grants a special privilege to Audi Investments LLC to construct and maintain a wood platform with steps, concrete step, fence, and gas meter in the public right-of-way for the premises at 1438 West Hayes Avenue.

Whereas, The applicant requested permission to construct a new wood platform with steps adjacent to its property; and

Whereas, A site visit revealed the presence of an entrance step, fence, and gas meter in the public right-of-way; and

Whereas, Said items 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 Audi Investments LLC, 14975 West Glenora Avenue, New Berlin, Wisconsin, 53151 is hereby granted the following special privileges:

1. To construct and maintain a wooden platform with steps projecting 3 feet 7 inches into the east, 15-foot wide sidewalk area of South 15th Street. Said 2 foot tall platform with steps commences at a point approximately 35 feet north of the northline of West Hayes Avenue and extends north 7 feet 4 inches.
2. To construct and maintain a concrete step at the intersection of the northline of West Hayes Avenue and South 15th Street. Said circular step projects up to 10 inches into the north, 15-foot wide sidewalk area of West Hayes Avenue and up to 1 foot 1 inch into the east, 15-foot wide sidewalk area of South 15th Street.
3. To construct and maintain a wood fence enclosing the applicant's backyard, which projects 3 feet 11 inches into the east, 15-foot wide sidewalk area of South 15th Street. Said fence commences at a point approximately 97 feet north of the northline of West Hayes Avenue and extends south 10 feet 8 inches.
4. To construct and maintain a 2 foot 6 inch tall gas meter in the east, 15-foot wide sidewalk area of South 15th Street. Said meter is centered approximately 17 feet north of the northline of West Hayes Avenue and occupies at an area 4 feet 9 inches long and 1 foot 4 inches deep.

Said 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, Audi Investments 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 Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$127.29. 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 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

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

November 21, 2014