



Legislation Text

File #: 130549, Version: 1

130549
SUBSTITUTE
910037

Substitute resolution amending a special privilege for change of ownership to JMH 61 LLC and addition of a covered walk for the premises at 1028-1134 North Jackson Street, in the 4th Aldermanic District.

This resolution amends a special privilege for change of ownership to JMH 61 LLC and addition of a covered walk for the premises at 1028-1134 North Jackson Street.

Whereas, Juneau Village I had requested permission to keep and maintain two bollards in the public right-of-way; and

Whereas, Permission for said bollards was granted under Common Council Resolution File Number 910037 in 1991; and

Whereas, JMH 61 LLC now owns the property; and

Whereas, The applicant is requesting permission to install and maintain a covered walk in the public right-of-way; and

Whereas, Said covered walk 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Numbers 910037 is hereby rescinded; and, be it

Further Resolved, That JMH 61 LLC, c/o Watercrest Investments LLC, 924 East Juneau Avenue, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To install and maintain a covered walk projecting 12 feet 8 inches into the east, 15-foot wide sidewalk area of North Jackson Street. Said covered walk is centered approximately 286 feet north of the northline of East State Street.

The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. The coverings shall be of approved material. All fixtures and materials for illumination of the awning shall be indicated on the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the awning. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

2. To keep and maintain two concrete filled, metal bollards projecting 8 inches into the west 10-foot wide sidewalk area of North Van Buren Street. Said bollards are centered approximately 50 and 75 feet south of the southline of East Juneau Avenue and serve to protect the masonry walls surrounding the parking lot at the subject premises.

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, JMH 61 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 \$85.00. 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 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
Infrastructure Services Division
MDL:clm
January 17, 2014