



Legislation Text

File #: 061186, Version: 1

061186
SUBSTITUTE 1
910647
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Brian Jost for a double excess door swing to project into the public right-of-way for the premises at 118-22 South 2nd Street, in the 12th Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to Brian Jost for a double excess door swing to project into the public right-of-way for the premises at 118-22 South 2nd Street.

Whereas, Thomas J. Rudig requested permission to construct and maintain a double excess door swing in the east sidewalk area of South 2nd Street; and

Whereas, Permission for said double excess door swing was granted in 1991 under Common Council File Number 910647; and

Whereas, Brian Jost 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; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 910647 is hereby rescinded; and, be it

Further Resolved, That Brian Jost, 126 South 2nd Street, Milwaukee, Wisconsin 53204, is hereby granted the following special privilege:

To keep and maintain a double excess door swing comprised of two 3-foot wide doors that, when fully open, project 1 foot 9 inches into the east 9-foot wide sidewalk area of South 2nd Street. Said doors are centered approximately 378 feet north of the northline of West Seeboth Street. Said doors project into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

Said above-mentioned double excess door swing shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said double excess door swing 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, Brian Jost, 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 \$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 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 5, 2007
061186