



Legislation Text

File #: 020994, **Version:** 1

020994

SUBSTITUTE

971924

THE CHAIR

Substitute resolution amending a special privilege granted to Regess, LLC, to maintain steps, an excess door-swing encroachment and a bollard in the public rights-of-way adjacent to the property located at 440 West Vliet Street, to now change the name of the grantee of the special privilege to Mix Properties, LLC, in the 6th Aldermanic District in the City of Milwaukee.

Substitute resolution amending a special privilege granted to Regess, LLC, to maintain steps, an excess door-swing encroachment and a bollard in the public rights-of-way adjacent to the property located at 440 West Vliet Street, to now change the name of the grantee of the special privilege to Mix Properties, LLC.

Whereas, Regess, LLC was granted a special privilege under Common Council Resolution File Number 971924, on September 23, 1998, to maintain a set of semicircular steps, an excess door-swing, and a bollard all encroaching into the public rights-of-way adjacent to the property at 440 West Vliet Street; and

Whereas, The current owner of the building is Mix Properties, LLC and should now be named as the grantee of the special privilege; and

Whereas, Our recent field investigation revealed that in addition items that were permitted under Common Council File Number 971924, there are 3 additional bollards at the overhead door along West Vliet Street, which need to be included in a resolution in order to remain; and

Whereas, All of these items may only occupy the public rights-of-way through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 971924 is hereby rescinded; and, be it

Further Resolved, That Mix Properties LLC, 181 North Broadway, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To keep, use and maintain approximately 8-foot 6-inch wide semicircular concrete steps located on the northeast corner of North 5th Street and West Vliet Street, adjacent to the property known as 440 West Vliet Street. Said encroachment is approximately 1.8 feet into the 15-foot wide fully concrete paved public sidewalk areas on the north side of West Vliet Street and the east side of North 5th Street, leaving approximately 13.2 feet for pedestrian usage.
2. To keep and maintain one 4-foot high, 8-inch diameter concrete-filled steel bumper post located approximately 220 feet north of the northline of West Vliet Street and approximately one foot west of the eastline of North 5th Street adjacent to the property known as 440 West Vliet Street.

3. To keep, use and maintain one 39 ½-inch wide excess encroaching door that, when fully open, encroaches in excess of the allowable of Section 245-4-8 of the Code of Ordinances. The excess encroachment is approximately 1.2 feet into the north sidewalk area of West Vliet Street centered approximately 47.5 feet east of the eastline of North 5th Street, adjacent to the property known as 440 West Vliet Street.

4. To keep, use and maintain three 4-foot high, 8-inch diameter steel bumper posts that are centered approximately one foot south of the northline of West Vliet Street and 75, 79 and 99 feet west of the eastline of North 5th Street, adjacent to the property at 440 West Vliet Street.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Mix Properties, 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 \$1,000.00 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 \$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 \$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 66.0425 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 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
May 3, 2004
020994

8/4/04 Clerical correction made - \$10,000 to \$1,000. tjm