



## Legislation Text

---

**File #: 001163, Version: 1**

---

001163  
SUBSTITUTE  
63-1597  
THE CHAIR

Substitute resolution amending a special privilege granted to Isadore Sax to construct and maintain an exterior stairway enclosure leading to the second floor of the property at 1103 Old World 3<sup>rd</sup> Street, to now construct a new, larger stair enclosure to replace the existing one at the same location, and change the name of the grantee of the special privilege to Old World Development LLC, in the 4th Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Isadore Sax to construct and maintain an exterior stairway enclosure leading to the second floor of the property at 1103 Old World 3<sup>rd</sup> Street, to now construct a new, larger stair enclosure to replace the existing enclosure at the same location and change the name of the grantee of the special privilege to Old World Development LLC.

Whereas, Isadore Sax was granted a special privilege under Common Council Resolution File Number 63-1597, adopted on August 1, 1963, to construct and maintain an exterior stairway enclosure leading to the second floor of the property at 1103 Old World 3<sup>rd</sup> Street; and

Whereas, The new owner of the premises is Old World Development LLC, and should now be named as the grantee of the special privilege; and

Whereas, The new owner wishes to replace the existing stair enclosure with a larger enclosure at the same location; and

Whereas, Said new stair enclosure may only legally occupy the public right-of-way by the granting 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 63-1597 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Old World Development LLC, 1661 North Water Street, #509, Milwaukee, WI 53202, is hereby granted the following special privilege:

To construct and maintain an approximate 41.25-foot (including the door swing) long and 6-foot 4 inch (maximum) wide stair enclosure on the north side of West Highland Avenue, adjacent to the property known as 1103 Old World 3<sup>rd</sup> Street. Said stair enclosure shall be constructed of glass, brick and concrete and shall encroach its full width into the 15-foot wide fully concrete paved sidewalk area, and shall rise two stories above the sidewalk. The enclosure shall begin approximately 21 feet west of the westline of Old World 3<sup>rd</sup> Street and extend west. An approximate 3-foot wide door may open outward at the east end of the structure as a part of this encroachment.

All necessary permits shall be procured from the Departments of Public Works and City Development prior to construction of the enclosure

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Old World Development 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 \$5,000.00 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 \$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. 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 \$2,141.18. 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 66.091 (3) of the Wisconsin Statutes (1999), or the amount of the annual fixed fee, payable on or before July 1<sup>st</sup> 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

March 23, 2001

001163