



## Legislation Text

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**File #: 071111, Version: 1**

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071111  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution granting a special privilege to Arora's, LLC for three sets of concrete steps encroaching in the public right-of-way for the premises at 1700-1706 West Mitchell Street, in the 12<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Arora's, LLC for three sets of concrete steps encroaching in the public right-of-way for the premises at 1700-1706 West Mitchell Street.

Whereas, Arora's, LLC is requesting permission to install and maintain a set of concrete steps within the public right-of-way; and

Whereas, A site visit revealed the presence of two additional sets of concrete steps encroaching into the public right-of-way; and

Whereas, Said concrete steps 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 Arora's, LLC, 6963 South Carmel Drive, Franklin, WI 53132 is hereby granted the following special privilege:

1. To construct and maintain two sets of concrete steps in the north 12-foot wide sidewalk area of West Mitchell Street. The first set of steps is 4 feet wide and is centered approximately 26 feet west of the west line of South 17<sup>th</sup> Street. The second set of steps is 8 feet wide and is centered approximately 36 feet west of the west line of South 17<sup>th</sup> Street. Both sets of steps project into the public right-of-way approximately 2 feet.

2. To keep and maintain a third set of concrete steps that project approximately 3 feet 6 inches into the west 15-foot sidewalk area of South 17<sup>th</sup> Street and approximately 2 feet 9 inches into the north 12-foot sidewalk area of West Mitchell Street. Total area of said set of steps within the public right-of-way is 11 square feet.

Said above-mentioned concrete steps shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

Said concrete steps shall be maintained or removed from the public right-of-way, at such future time as it is 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, Arora's, 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 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 \$40.22. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division  
MDL:lja  
January 17, 2008  
071111

5/14/08 Clerical correction changed Milwaukee to Franklin per Patricia Proffitt - dkf