



Legislation Text

File #: 000593, Version: 1

000593
SUBSTITUTE
980160
THE CHAIR

Substitute resolution amending a special privilege granted to Hathaway Condominium Association, Inc., to keep and maintain a covered walk, an excess-swing door encroachment, two raised concrete pedestals on concrete platforms and pipe railing in the public right-of-way adjacent to their property located at 1830 East Kane Place, to now delete reference to the covered walk, as it has been removed from the public right-of-way, in the 3rd Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Hathaway Condominium Association, Inc. to keep and maintain a covered walk, concrete pedestals, flower pots, a door swing and a pipe railing in the public right-of-way on the north side of East Kane Place, adjacent to the premises known as 1830 East Kane Place, to now delete reference to the covered walk, as it has been removed from the public right-of-way.

Whereas, Hathaway Condominium Association, Inc. was granted a special privilege under Common Council Resolution File Number 980160, on September 23, 1998, to keep and maintain a covered walk, an excess-swing door encroachment, two raised concrete pedestals with flower pots on concrete platforms and pipe railing all encroaching into the public right-of-way on the north side of East Kane Place, adjacent to the premises at 1830 East Kane Place; and

Whereas, Field investigation has confirmed that the covered walk has been removed from the public right-of-way, and, therefore, the special privilege needs to be amended; and

Whereas, The remaining items may only occupy the public right-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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 980160 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Hathaway Condominium Association, Inc., 1830 East Kane Place #4, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To keep, use and maintain a 3-foot wide excess-swing entrance door that when fully opened encroaches in excess of the 12 inches allowable by Section 245-4-8 of the Code of Ordinances. The door is centered approximately 30 feet northwest of the westline of North Summit Avenue.
2. To keep and maintain two 2-foot square raised concrete pedestals with a flower pot on top and a raised concrete platform beneath on each side of the entrance door. The maximum encroachment of the pedestals is 2.5 feet. The platforms extend to the public sidewalk, which is 4 feet into the right-of-way. The platforms vary from 3 to 6 inches above the sidewalk. They are approximately 5 feet wide.

3. To keep and maintain a 16-inch high raised pipe railing extending diagonally from the intersection of the sidewalk and the westerly property line toward the building corner.

Said pedestals, platforms, flower pots and pipe railing shall be maintained and used to the approval of the Commissioners of Public Works and 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, Hathaway Condominium Association, Inc., 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 \$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 \$208.02. 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 66.045 of the Wisconsin Statutes (1979), 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
October 10, 2000
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