



Legislation Text

File #: 080356, Version: 0

080356
ORIGINAL
070997
THE CHAIR

Resolution correcting a special privilege resolution for the premises at 715 West Wisconsin Avenue, in the 4th Aldermanic District.

This resolution corrects a special privilege by changing the name of the grantee to Stein's Jewelers LLC for encroachment into the public right-of-way of aluminum grille units covering the windows and entrances for the premises at 715 West Wisconsin Avenue.

Whereas, Stein's Jewelers LLC filed a Special Privilege Amendment form to keep and maintain aluminum grills in the public right-of-way; and

Whereas, Shafton Family Limited Partnership owns the property; and

Whereas, Normally a special privilege is granted to the owner of a property; however in this case the owner of the property cannot obtain a surety bond for the aluminum grilles because it does not own them; and

Whereas, Stein's Jewelers LLC needs the aluminum grilles for security purposes and has obtained a surety bond in its name; and

Whereas, For the liability to be formally transferred to Stein's Jewelers LLC, 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 070997 is hereby rescinded; and, be it

Further Resolved, Stein's Jewelers LLC, 715 West Wisconsin Avenue, Milwaukee, WI 53203, is hereby granted the following special privilege:

To keep and maintain two protective, retractable, aluminum grille units with side guides and overhanging hoods covering the front windows and entrances. One unit is 25 feet long and is centered approximately 95 feet west of the west line of North James Lovell Street, and the second unit is approximately 13 feet long and centered approximately 115 feet west of the west line of North James Lovell Street. The aluminum housing units that the grills retract into project approximately 1 foot 6 inches into the south 15-foot sidewalk area of West Wisconsin Avenue. The vertical clearance between the hood and the sidewalk area is approximately 8 feet.

Said above-mentioned aluminum grille units shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said aluminum grille units 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, Stein's Jewelers 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 \$71.63. 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: ns
June 4, 2008