



## Legislation Text

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**File #: 091084, Version: 1**

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091084  
SUBSTITUTE  
020481  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Glorioso Real Estate LLC for a non-code compliant marquee, for removal of various items from the public right-of-way, and for addition of a stationary planter for the premises at 1011 East Brady Street, in the 3<sup>rd</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to Glorioso Real Estate LLC for a non-code compliant marquee, for removal of various items from the public right-of-way, and for addition of a stationary planter for the premises at 1011 East Brady Street, also known as 1696 North Astor Street.

Whereas, Hotel Pharmacy Inc. d/b/a Brady Street Pharmacy requested permission to keep and maintain in-ground planters, tree box outs with grates and guards, a building encroachment and a bench in the public right-of-way; and

Whereas, Permission for said items was granted in 2002 under Common Council Resolution File Number 020481; and

Whereas, The bench, in-ground planters, tree grates and guards were removed from the public right-of-way; and

Whereas, The building encroachment, which is a non-code compliant marquee, is still present in the public right-of-way; and

Whereas, Glorioso Real Estate LLC now owns the subject property; and

Whereas, A site visit revealed the presence of a new stationary planter projecting into the public right-of-way; and

Whereas, For the liability for said non-code compliant marquee to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

Whereas, Said new stationary planter 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 020481 is hereby rescinded; and, be it

Further Resolved, That Glorioso Real Estate LLC, 1020 East Brady Street, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To construct and maintain a raised stationary planter projecting into the public right-of-way at the intersection of the southline of East Brady Street and the eastline of North Astor Street. The planter projects 1 foot 6 inches into the south, 13-foot wide sidewalk area of East Brady Street and into the east, 22-foot 6-inch wide sidewalk area of North Astor Street. The planter is 3 feet tall and is enclosed by a 7.5-inch thick wall. Said planter is 18 feet 3 inches long on the East Brady Street side and 18 feet 5 inches long on the North Astor Street side.

2. To keep and maintain a historic, non-code compliant marquee projecting into the south sidewalk area of East Brady Street and the east sidewalk area of North Astor Street. The marquee, which is considered historic to the building, does not conform to Section 245-10-3 of the Milwaukee Code of Ordinances in that it exceeds the width of the entrance doorway

by more than the 10 feet allowed.

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

Said items 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, Glorioso Real Estate 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 Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$65.36. 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: ns

May 12, 2011

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