



## Legislation Text

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**File #: 011140, Version: 1**

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011140

SUBSTITUTE

REF:

THE CHAIR

Substitute resolution granting a special privilege to Jerome Kahn to install, use and maintain an excess door swing projection encroaching into the public right-of-way abutting the premises at 1001 Old World 3rd Street, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This special privilege grants a special privilege to install, use and maintain an excess door swing projection encroaching into the public right-of-way on the north side of West State Street, abutting the premises at 1001 Old World 3rd Street.

Whereas, Jerome Kahn has applied for a special privilege to install, use and maintain an excessive door swing projection encroaching on the north side of West Juneau Avenue adjacent to the premises of 1001 Old World Third Street.

Whereas, Said encroachment may only legally occupy the public way by the granting of a special privilege; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Jerome Kahn, 500 West Bradley Road, No. A118, Fox Point, WI 53217, is hereby granted the following special privilege:

To install, use and maintain an excess door swing encroachment at the building known as 1001 Old World 3rd Street that, when fully open, projects into the public right-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The doorway is centered approximately 80-feet west of the westline of Old World 3rd Street and its maximum encroachment is approximately 20 inches into the approximate 12-foot wide sidewalk area.

Said door shall be used and maintained to the satisfaction of the Departments of Public Works and Neighborhood Services.

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee Jerome Kahn, 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. 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 annual fee which has an initial amount of \$35.00. 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 of such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0195(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, as invoiced.
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

Drafter

Infrastructure Services Division

JJM:bdz

January 25, 2002

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