



## Legislation Text

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**File #: 060198, Version: 1**

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060198  
SUBSTITUTE  
971503  
THE CHAIR

Substitute resolution amending a special privilege to Flanders Westborough Delaware, Inc. for change of ownership for a covered walk previously granted permission for the premises at 330 East Kilbourn Avenue, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege for change of ownership to Flanders Westborough Delaware, Inc. for a covered walk previously granted permission for the premises at 330 East Kilbourn Avenue.

Whereas, Kilbourn Investors Limited Partnership petitioned for a special privilege to keep and maintain a covered walk in the public right-of-way; and

Whereas, Permission for said items was granted in 1998 under Common Council File Number 971503; and

Whereas, Flanders Westborough Delaware, Inc. now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 971503 is hereby rescinded; and, be it

Further Resolved, That Flanders Westborough Delaware, Inc., c/o Tishman Speyer Properties, 330 East Kilbourn Avenue, Suite 805, Milwaukee, Wisconsin 53202 is hereby granted the following special privilege:

To keep and maintain a covered walk at the East Kilbourn Avenue entrance to the building at 330 East Kilbourn Avenue. Said covered walk, 10 feet in width, is centered approximately 69 feet west of the westline of North Milwaukee Street and projects approximately 13 feet 6 inches into the north, 15-foot wide sidewalk area of East Kilbourn Avenue. The covered walk is supported by the building at one end and by one vertical support at each corner closest to the curb. Two additional supports are located approximately 5 feet north of the corner supports. All of the vertical supports are each supported by a foundation. The area, perpendicular to the curb, between the corner support and the northerly support is allowed to be in-filled with clean tempered glazing. The structure is approximately 1 foot 6 inches from the curb. The minimal vertical clearance between the bottom edge of the structure and the sidewalk below shall be 8 feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 7 feet above the sidewalk level. The covering shall be of any approved material.

All fixtures and materials for illumination of covered walks shall be indicated upon construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

The grantee is required to keep and maintain “Loading Zone” or “No Parking Zone” status adjacent to the covered walk location for as long as the covered walk occupies the public right-of-way.

Said above-mentioned covered walk 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 covered walk 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, Flanders Westborough Delaware, 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 \$3,000.00 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 \$75.00. 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 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

June 15, 2006

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