



Legislation Text

File #: 020372, Version: 1

020372
SUBSTITUTE
85-1404
THE CHAIR

Substitute resolution amending a special privilege granted to Kendall Manufacturing Co., Inc. to keep and maintain a drawbridge-type loading dock in the public right-of-way adjacent to the property located at 706 South 5th Street, to now change the name of the grantee of the special privilege to JRB VI, LLC, in the 12th Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Kendall Manufacturing Co., Inc. to keep and maintain a drawbridge-type loading dock in the public right-of-way on the south side of West Pierce Street adjacent to the premises known as 706 South 5th Street, to now change the name of the grantee of the special privilege to JRB VI, LLC.

Whereas, Kendall Manufacturing Co., Inc. was granted a special privilege under Common Council Resolution File Number 85-1404, on December 20, 1985, to keep and maintain a loading dock encroaching into the public right-of-way on the south side of West Pierce Street, adjacent to the premises at 706 South 5th Street; and

Whereas, The current owner of the property is JRB VI, LLC, and should now be named as the grantee of the special privilege; and

Whereas, The loading dock 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 85-1404 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that JRB VI, LLC, P.O. Box 674, Milwaukee, WI 53201-0674 is hereby granted the following special privilege:

To keep and maintain a drawbridge-type loading platform attached to the north side of the building at 706 South 5th Street. The platform, centered approximately 85 feet east of the eastline of South 5th Street, projects a maximum distance of approximately 9 feet into the 37.5 foot wide public right-of-way of West Pierce Street. Approximately 2.25 feet of the platform may extend beyond the south curbline at that time. The platform shall project perpendicular from the loading dock door and rest on legs to a height of approximately 4 feet. When the platform is not in use, it shall be stored in an upright position abutting the building; in this position it shall extend a maximum of 9 inches into the public way.

Said loading dock shall be used and maintained to the satisfaction of the Commissioner of Public Works and the Commissioner of the Department of Neighborhood Services.

Said loading dock shall be removed from the public right-of-way, at such future time that it is no longer needed,

to the satisfaction of the Commissioners of the Departments 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, JRB VI, 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 \$3,000.00 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 \$56.00. 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 for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.0915((3) 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 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
September 25, 2002
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