



Legislation Text

File #: 070029, Version: 1

070029
SUBSTITUTE 1
THE CHAIR

Substitute resolution granting a special privilege to Broadway 301, LLC for one single and one set of double excess door swings in the public right-of-way for the premises at 301 North Broadway, in the 4th Aldermanic District.

This resolution grants a special privilege to Broadway 301 LLC for one single and one set of double excess door swings in the public right-of-way for the premises at 301 North Broadway.

Whereas, The applicant is requesting permission to install excess door swings in the public right-of-way; and

Whereas, A site visit confirmed the placement and number of door swings in the public right-of-way; and

Whereas, Said door swings 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 Broadway 301, LLC, c/o Commission Row LLC, 1661 North Water Street, #509, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct and maintain a single door that, when fully open, projects 2 feet 8 inches into the west, 20-foot wide sidewalk area of North Broadway. Said door is centered approximately 116 feet north of the northline of East Buffalo Street. The door swing projects more than the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
2. To construct and maintain one set of double doors, comprised of two 3-foot wide doors, that, when fully open, project 2 feet 8 inches into the west, 20-foot wide sidewalk area of North Broadway. Said doors, which are centered approximately 105 feet north of the northline of East Buffalo Street, project into the public way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

Said above-mentioned items 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 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, Broadway 301, 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 \$1,000.00 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 \$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 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:lja

February 13, 2008

070029

5/14/08 Clerical Correction changed Do to c/o per Patricia Proffitt- dkf