



Legislation Text

File #: 991385, Version: 1

991385
SUBSTITUTE
82-310
THE CHAIR

Substitute resolution amending a special privilege granted to Charles O. Conrad to use and maintain an excessive door swing projection encroaching into the public right-of-way abutting the premises at 2241-45 North Hubbard Street, to now change the name of the grantee of the special privilege to Frank and Nuha Awadallah, in the 6th Aldermanic District in the City of Milwaukee.

- Analysis -

This special privilege changes the name of the grantee of a special privilege granting permission to keep and maintain an excessive door swing projection encroaching into the public right-of-way on the south side of East North Avenue, abutting the premises at 2241-45 North Hubbard Street.

Whereas, Charles O. Conrad was granted a special privilege to use and maintain an excessive door swing projection encroaching on the south side of East North Avenue adjacent to the premises at 2241-45 North Hubbard Street; and

Whereas, The current owner of the property is Frank and Nuha Awadallah and should now be named as grantee of the special privilege; and

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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 82-310 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Frank and Nuha Awadallah, 235 East North Avenue, Milwaukee, WI 53212, is hereby granted the following special privilege:

To use and maintain an excess door swing encroachment on the south side of East North Avenue at the building known as 2241-45 North Hubbard 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 19 feet west of the westline of North Hubbard Street and its maximum encroachment is approximately 41 inches into the approximate 13.7-foot wide sidewalk area.

Said door shall be used and maintained to the satisfaction 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 grantees, Frank and Nuha Awadallah, 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 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 for such purposes.
5. Waive the right to contest in any manner the validity of Section 66.045 of the Wisconsin Statutes (1979), 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.

Infrastructure Services Division

JJM:cjt

January 20, 2000

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