



Legislation Text

File #: 050030, **Version:** 1

050030

SUBSTITUTE

011267

THE CHAIR

Substitute resolution amending a special privilege to Button Block, LLC for encroachment into the public right-of-way of existing items for the building at 500-510 North Water Street, in the 4th Aldermanic District in the City of Milwaukee. This grants an amended special privilege to Button Block, LLC for encroachment into the public right-of-way of one excess door swing encroachment for the building at 500-510 North Water Street.

Whereas, Taxman Investment Company, former owner of the building at 500-510 North Water Street, requested permission to construct balconies and to keep an existing excess door swing encroachment; and

Whereas, Permission was granted in 2002 by adoption of Common Council File Number 011267; and

Whereas, A site visit revealed that the balconies were not constructed; and

Whereas, Button Block, LLC now owns the subject building; and

Whereas, The excess door swing 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Resolved, That Common Council File Number 011267 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Button Block, LLC, 735 West Wisconsin Avenue, Suite 610, Milwaukee, Wisconsin 53233 is hereby granted the following special privilege:

To use and maintain an excess door swing encroachment at the building known as 500-510 North Water Street that, when fully open, projects 2 feet 6 inches into the 14-foot wide public alley in the block bounded by North Broadway, East Clybourn Street, East Michigan Street, and North Water Street. This projection is in excess of the 12-inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. The doorway is centered approximately 6 feet north of the northline of East Clybourn Street.

Said above-mentioned excess door swing 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 excess door swing 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, Button Block, 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 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 no 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 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

MDL:cjt

October 27, 2005

050030