



Legislation Text

File #: 031293, Version: 1

031293
SUBSTITUTE
880937
THE CHAIR

Substitute resolution to grant a special privilege to 224 West Vine Street Condominium Association to keep and maintain a porch and stair encroachments into West Vine Street for the property at 224 West Vine Street, in the 6th Aldermanic District in the City of Milwaukee.

Substitute resolution to grant a special privilege to 224 West Vine Street Condominium Association to keep and maintain a porch and stair encroachments into West Vine Street for the property at 224 West Vine Street.

Whereas, A special privilege resolution, Common Council Resolution File Number 880937, was adopted in 1988, to allow the construction of a porch structure with stairs abutting the building at 224 West Vine Street allowing for encroachments into West Vine Street; and

Whereas, One of the present owners, Todd Gustke has submitted an amending Petition, since these encroachments require approval of the Common Council; now, therefore, be it

Resolved, That Common Council Resolution File Number 880937 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that 224 West Vine Street Condominium Association, 224 West Vine Street, Milwaukee, WI 53212 is hereby granted the following special privilege:

To construct and maintain a porch and stair structure encroaching approximately 5 feet into the public right-of-way. The 26-foot wide structure is to be centered at a door approximately 120 feet east of the eastline of North Dr. Martin Luther King Jr. Drive. The structure consists of wood decking treads and risers above grade with concrete foundations.

The porch and stair structure shall have been constructed and be maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services in accordance with the Milwaukee Building Code and Zoning Ordinances. All necessary permits shall have been obtained from the Commissioners of Public Works and City Development.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, 224 West Vine Street Condominium Association 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 \$10,000.00 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 \$100,000 covering bodily injury to any one person and \$500,000 covering bodily injury to more than one person in any one accident and \$50,000 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 \$422.42. 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 66.0425 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
JJM:cjt
031293
March 3, 2004