



Legislation Text

File #: 980778, Version: 1

980778
SUBSTITUTE
85-1185
THE CHAIR

Substitute resolution amending a special privilege granted to Health Organization for Public Ethics for one door-swing projection to encroach into the public right-of-way adjacent to the building at 1032-36 South Cesar E. Chavez Drive to now change the name of the grantee of the special privilege to 16th Street Community Health Center, Inc., in the 12th Aldermanic District in the City of Milwaukee.

- Analysis -

This special privilege amends a special privilege granted to Health Organization for Public Ethics to keep and maintain one excess door-swing projection encroaching into the public right-of-way adjacent to the building at 1032-36 South Cesar E. Chavez Drive to now change the name of the grantee of the special privilege to 16th Street Community Health Center, Inc.

Whereas, Health Organization for Public Ethics was granted a special privilege under Common Council Resolution File Number 85-1185, adopted on October 22, 1985, to allow a door swing projection into the public right-of-way at the building known as 1032-36 South 16th Street, now known as Cesar E. Chavez Drive; and

Whereas, The current owner of the property is 16th Street Community Health Center, Inc. and should now be named as grantee of the special privilege; and

Whereas, Said encroachment can only be allowed 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 85-1185 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that 16th Street Community Health Center, Inc., 1032 South Cesar E. Chavez Drive, Milwaukee, WI 53204; is hereby granted the following special privilege:

To keep, use and maintain one door at the building known as 1032-36 South Cesar E. Chavez Drive that, when fully opened, will project 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 door, located on the east side of South Cesar E. Chavez Drive, is centered approximately 30 feet north of the northline of West Washington Street and its maximum encroachment is approximately 2.17 feet into the 10-foot wide fully concrete paved sidewalk area.

Said door shall be used and maintained to the approval of the Commissioners of Public Works and Building Inspection.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, 16th Street Community Health Center, Inc., 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. 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

October 21, 1998

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