



Legislation Text

File #: 031166, **Version:** 1

031166
SUBSTITUTE
60-2036, 60-2036a
THE CHAIR

Substitute resolution to grant a special privilege to Alvaro and Mayra Aleman to keep and maintain wall encroachments into South 36th Street for the property at 3527-31 West National Avenue, in the new 8th Aldermanic District in the City of Milwaukee.

Substitute resolution to grant a special privilege to Alvaro and Mayra Alevaro to keep and maintain wall encroachments into South 36th Street for the property at 3527-31 West National Avenue.

Whereas, A special privilege resolution, Common Council 60-2036, was adopted in 1960, to allow the Estate of Robert A. Uihlein, Sr. to remodel the west wall of the building at 3527-31 West National Avenue allowing for encroachments into South 36th Street; and

Whereas, Common Council Resolution File Number 60-2036a was adopted in 1965 to change the name of the grantee to Mary I. Uihlein, Marital Trust; and

Whereas, Over time the property ownership has changed, which resulted in changes administratively (that being the procedure prior to 1992); and

Whereas, The present owners are Alvaro and Mayra Aleman, who have submitted an amending Petition, since these wall encroachments require approval of the Common Council; now, be it

Resolved, That Common Council Resolution File Numbers 60-2036 and 60-2036a are hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Alvaro and Mayra Aleman, 3620 West Mequon Road, Mequon, WI 53092 are hereby granted the following special privileges:

1. To keep and maintain the south portion of the entire west wall of the building at 3527-31 West National Avenue encroaching approximately 0.20 feet into the 15-foot east sidewalk area of South 36th Street for a distance of approximately 36.8 feet.
2. To keep and maintain the north portion of the west wall of the building at 3527-31 West National Avenue, for a height of approximately 10.5 feet, encroaching approximately 1.6 feet, for a storefront, into the 15-foot wide east sidewalk area of South 36th Street for a distance of approximately 18.7 feet.

These walls shall be used and maintained to the satisfaction of the Departments of Public Works, Neighborhood Services and City Development and all pertinent sections of the Milwaukee Code of Ordinances.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Alvaro and Mayra Aleman, 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 \$124.30. 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
March 3, 2004
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