



Legislation Text

File #: 130809, Version: 1

130809
SUBSTITUTE 1
THE CHAIR

Substitute resolution granting a special privilege to Carolyn's Castle LLC to construct and maintain a fence and enclosed raised play area; air conditioners and enclosure; and entrance steps in the public right-of-way for the premises 2490 South 10th Street, in the 14th Aldermanic District.

This resolution grants a special privilege to Carolyn's Castle LLC to construct and maintain a fence and enclosed raised play area; air conditioners and enclosure; and entrance steps in the public right-of-way for the premises 2490 South 10th Street.

Whereas, The applicant is requesting permission to construct and maintain several items in the public right-of-way necessary for its business operations; and

Whereas, Said items 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, By the Common Council of the City of Milwaukee that Carolyn's Castle LLC, 2490 South 10th Street, Milwaukee, WI 53215 is hereby granted the following special privileges:

1. To construct and maintain a chain link fence enclosing a raised play area in the north, 15-foot wide sidewalk area of West Arthur Avenue. Said fence, which projects 4 feet into the public way, commences at a point 63 feet east of the eastline of South 10th Street and extends east 40 feet 8 inches. There are lumber lengths at the base of the fence to support a raised play area enclosed by said fence.
2. To construct and maintain a covered fence enclosure containing two air conditioning units projecting 2 feet into the north, 15-foot wide sidewalk area of West Arthur Avenue. Said 4-foot 4-inch tall enclosure commences approximately 30 feet east of the eastline of South 10th Street and extends east 15 feet 3 inches. Two commercial air conditioning units are enclosed within the fencing.
3. To construct and maintain one set of concrete steps with handrails located at the northeast corner of South 10th Street and West Arthur Avenue. Said steps project a maximum of 3 feet 5 inches into South 10th Street and a maximum of 4 feet 1 inch into West Arthur Avenue. Total area of the step encroachment is 12.57 square feet.

Said above-mentioned items 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 items shall be maintained or removed from the public right-of-way, at such future time as it is 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, Carolyn's Castle 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 Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$263.75. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

December 18, 2014