



## Legislation Text

---

**File #:** 141676, **Version:** 1

---

141676  
SUBSTITUTE 1  
931216

Substitute resolution amending a special privilege for change of ownership to 611 W National Avenue Milwaukee LLC for historic building encroachments in the public right-of-way for the premises at 611 West National Avenue, in the 12<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to 611 W National Avenue Milwaukee LLC for historic building encroachments in the public right-of-way for the premises at 611 West National Avenue.

Whereas, Esperanza Unida Incorporated had requested permission to construct and maintain a fence and to keep and maintain various building encroachments; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 931216 in 1993; and

Whereas, 611 W National Avenue Milwaukee LLC now owns the property; and

Whereas, A portion of the public right-of-way has been vacated so that the fence and all of the building encroachments on South 6<sup>th</sup> Street are no longer in the public right-of-way; and

Whereas, Said remaining building encroachments may only continue to 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 931216 is hereby rescinded; and, be it

Further Resolved, That 611 W National Avenue Milwaukee LLC, Attn: Cal Schultz, 420 South Koeller Street, Suite 230, Oshkosh, WI 54902, is hereby granted the following special privilege:

To keep and maintain historic building encroachments projecting 1 foot 8 inches into the south, 8-foot wide sidewalk area of West National Avenue. Said building encroachments commence at a point approximately 6 inches west of the westline of South 6<sup>th</sup> Street and extend west approximately 145 feet.

Said items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said items 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, 611 W National Avenue Milwaukee 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 \$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 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 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 1<sup>st</sup> 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

October 26, 2015