



Legislation Text

File #: 980563, Version: 1

980563
SUBSTITUTE
891212
THE CHAIR

Substitute resolution amending a special privilege granted to Patricia L. Koch and Joel T. Weiss to keep and maintain a raised wooden deck partially located in the public right-of-way on the North Cambridge Avenue side of the property at 1504 East Newport Avenue, to now change the name of the grantee of the special privilege to William and Wendy Boyce, in the 3rd Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution amends a special privilege granted to Patricia L. Koch and Joel T. Weiss to keep and maintain a raised wooden deck in the public right-of-way on the east side of North Cambridge Avenue at 1504 East Newport Avenue to now change the name of the grantee of the special privilege to William and Wendy Boyce.

Whereas, Patricia L. Koch and Joel T. Weiss were granted a special privilege under Common Council Resolution File Number 891212, on November 17, 1989, to keep and maintain a raised wooden deck constructed partially in the public sidewalk area on the east side of North Cambridge Avenue abutting the property at 1504 East Newport Avenue; and

Whereas, William and Wendy Boyce are now the owners of this property and a name change is needed in order to reflect the new owners; and

Whereas, This deck may only be located within the public right-of-way by 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 891212 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that William and Wendy Boyce, 1504 East Newport Avenue, Milwaukee, WI 53211, are hereby granted the following special privilege:

To keep and maintain a raised wooden deck in the east sidewalk area in North Cambridge Avenue, specifically located and dimensioned as follows: a portion of the deck beginning at a point approximately 23 feet north of the northline of East Newport Avenue, where the encroachment is approximately 2.25 feet and extending approximately 28 feet north where the encroachment is approximately 8.65 feet together with an approach portion approximately 4 feet in width extending from the west edge of the main portion of the deck approximately 12 feet. The approach portion is approximately 1.5 feet above grade and the remainder of the deck in the right-of-way is approximately an additional 1.5 feet above grade. The main portion of the deck is trapezoidal shape.

The deck shall be used and maintained to the approval of the Commissioners of Public Works and Building Inspection. Said item shall be removed from the public right-of-way at such future time that it is no longer needed, to the satisfaction 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, William and Wendy Boyce, 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 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 \$352.32. 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

September 29, 1998

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