Legislation Details (With Text)

File #:	971367 **Version:** 1		
Type:	Resolution	**Status:**	Passed
File created:	12/16/1997	**In control:**	PUBLIC WORKS COMMITTEE
On agenda:		**Final action:**	1/20/1998
Effective date:			
Title:	Substitute resolution granting a special privilege to Capital Ventures, L.L.C. for door-swing projections to encroach into the public rights-of-way adjacent to the building at 1312 West Historic Mitchell Street, in the 12th Aldermanic District in the City of Milwaukee.		
Sponsors:	THE CHAIR		
Indexes:	SPECIAL PRIVILEGE PERMITS		
Attachments:			

Date	Ver.	Action By	Action	Result	Tally
12/16/1997	0	COMMON COUNCIL	ASSIGNED TO		
1/5/1998	1	CITY CLERK	DRAFT SUBMITTED		
1/7/1998	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
1/20/1998	1	COMMON COUNCIL	ADOPTED	Pass	16:0
1/27/1998	1	MAYOR	SIGNED		

971637
SUBSTITUTE
69-286
THE CHAIR
Substitute resolution granting a special privilege to Capital Ventures, L.L.C. for door-swing projections to encroach into the public rights-of-way adjacent to the building at 1312 West Historic Mitchell Street, in the 12th Aldermanic District in the City of Milwaukee.

- Analysis -

This special privilege grants Capital Ventures, L.L.C. permission to install and maintain one single door and one double door swing-projection encroaching into the public rights-of-way of West Historic Mitchell Street and South 13th Street adjacent to the building at 1312 West Historic Mitchell Street.

Whereas, The existing buildings at the premises known as 1300-16 West Historic Mitchell Street are undergoing renovation; and

Whereas, An existing marquee which is located above the main entrance to the premises and which is allowed to encroach into the public right-of-way by special privilege is to be removed; and

Whereas, Two exterior doors will be located at the building at 1312 West Historic Mitchell Street which, when fully opened, will encroach into the public rights-of-way of West Historic Mitchell Street and South 13th Street by more than the 12-inches allowable by Section 245-4-8 of the Code of Ordinances; and

Whereas, Said encroachments 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 69-286 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Capital Ventures, L.L.C., 222 East Erie Street, Milwaukee, WI, 53202 is hereby granted the following special privilege:

To install, use and maintain two doors at the building known as 1312 West Historic Mitchell Street 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. A double door, located on the north side of West Historic Mitchell Street, is centered approximately 40 feet west of the westline of South 13th Street, and its maximum encroachment will be approximately 3 feet into the 12-foot wide fully concrete paved sidewalk area. A single door, located on the west side of South 13th Street, is centered approximately 96 feet north of the northline of West Historic Mitchell Street and its maximum encroachment will be approximately 3-feet 6-inches into the 13-foot wide fully concrete paved sidewalk area.

Said doors shall be installed and maintained to the approval of the Commissioners of Public Works and Building Inspection. All applicable permits shall be obtained by the grantee prior to the installation of the doors.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Capital Ventures, L.L.C., 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 $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
December 26, 1997
971367

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