



## Legislation Details (With Text)

**File #:** 020247      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 6/4/2002      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 9/24/2002

**Effective date:**

**Title:** Substitute resolution amending a special privilege granted to Raushenberger Realty Corporation to maintain a backup driveway serving 3 recessed docks in the public right-of-way adjacent to their property located at 189-93 North Broadway, to now change the name of the grantee of the special privilege to Lofts on Broadway LLC, in the 4th Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Application.PDF, 2. Cover Letter.pdf, 3. Fiscal Note.pdf

Date	Ver.	Action By	Action	Result	Tally
6/4/2002	0	COMMON COUNCIL	ASSIGNED TO		
6/5/2002		PUBLIC WORKS COMMITTEE	REFERRED TO		
9/6/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/6/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/6/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/9/2002	1	CITY CLERK	DRAFT SUBMITTED		
9/11/2002	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
9/24/2002	1	COMMON COUNCIL	ADOPTED	Pass	16:0
10/3/2002	1	MAYOR	SIGNED		

020247

SUBSTITUTE

62-1329

THE CHAIR

Substitute resolution amending a special privilege granted to Raushenberger Realty Corporation to maintain a backup driveway serving 3 recessed docks in the public right-of-way adjacent to their property located at 189-93 North Broadway, to now change the name of the grantee of the special privilege to Lofts on Broadway LLC, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Raushenberger Realty Corporation to maintain a backup driveway serving 3 recessed docks in the public right-of-way adjacent to their property located at 189-93 North Broadway, to now change the name of the grantee of the special privilege to Lofts on Broadway LLC.

Whereas, Raushenberger Realty Corporation was granted a special privilege under Common Council Resolution File Number 62-1329, on July 24, 1962, to operate and maintain three backup driveways encroaching into the public right-of-way on the south side of East Chicago Street adjacent to the premises at 189-93 North Broadway; and

Whereas, The current owner of the property is Lofts on Broadway LLC and should now be named as the

grantee of the special privilege; and

Whereas, The building is being renovated from manufacturing to residential and will ultimately not need loading docks, but for the present will only need access to one of the dock doors; so that, in addition to a change of name, a reduction in size will also be necessary; and

Whereas, The backup driveway may only continue to occupy the public right-of-way 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 62-1329 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that the Lofts on Broadway LLC, 1661 North Water Street, c/o Managing Partner, Milwaukee, WI 53202, is hereby granted the following special privilege:

To keep, maintain and use a backup driveway serving a 10 foot wide dock between the curb and property line on the south side of East Chicago Street, approximately 108 feet west of the westline of North Broadway. The sidewalk area is 15 feet wide at this location, and the roadway width is 50 feet. Vehicles using said driveway during loading and unloading operations may occupy and obstruct the public right-of-way only to the centerline of East Chicago Street.

Said backup driveway shall be used and maintained to the satisfaction of the Commissioners of Public Works and Neighborhood Services.

At such future time that the driveway is no longer needed, it shall be removed from the public right-of-way to the satisfaction of the Commissioners of Public Works and Neighborhood Services and which at a minimum shall consist of sidewalk replacement and restoration of curb/gutter under Department of Public Works permit; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Lofts on Broadway 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 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 \$4,000.00 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 \$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 \$1,200. 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 66.0915((3) 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 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

September 4, 2002

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