



Legislation Details (With Text)

File #: 050315 **Version:** 1

Type: Resolution **Status:** Passed

File created: 7/6/2005 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:** 9/26/2006

Effective date:

Title: Substitute resolution amending a special privilege for change of ownership and for construction of a platform with step to Jewel Currie for the premises at 2203 North 5th Street, in the 6th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Special Privilege Petition.PDF, 2. Drawing.pdf, 3. Cover letter, 4. Fiscal Note

Date	Ver.	Action By	Action	Result	Tally
7/6/2005	0	COMMON COUNCIL	ASSIGNED TO		
7/7/2005		PUBLIC WORKS COMMITTEE	REFERRED TO		
9/8/2006	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/13/2006	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
9/26/2006	1	COMMON COUNCIL	ADOPTED	Pass	15:0
10/5/2006	1	MAYOR	SIGNED		

050315
SUBSTITUTE 1
900717
THE CHAIR

Substitute resolution amending a special privilege for change of ownership and for construction of a platform with step to Jewel Currie for the premises at 2203 North 5th Street, in the 6th Aldermanic District.

This resolution amends a special privilege for change of ownership to Jewel Currie and for construction of a concrete platform with step for the premises at 2203 North 5th Street, also known as 502 West Garfield Avenue.

Whereas, Boobie's Place, Inc. requested permission to construct and maintain a raised planter area, platform with steps and an excess door swing encroachment in the public right-of-way; and

Whereas, Permission for these items was granted in 1990 under Common Council Resolution File Number 900717; and

Whereas, A site visit revealed that the raised planter area, platform with steps and excess door swing encroachment had been removed from the public right-of-way; and

Whereas, A new concrete platform with step had been constructed; and

Whereas, Said concrete platform with step may only legally encroach into the public right-of-way by the 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 900717 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Jewel Currie, 234 East Reservoir Avenue, #103, Milwaukee, Wisconsin 53212 is hereby granted the following special privilege:

To construct and maintain a concrete platform with step in the 16-foot west sidewalk area of North 5th Street centered approximately 24 feet north of the northline of West Garfield Avenue. Said 4-foot 2-inch long platform encroaches 2 feet 1 inch. There is one, 1-foot wide step attached to the north side of the platform which encroaches 1 foot 7 inches.

Said above-mentioned concrete platform with step 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 concrete platform with step 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, Jewel Currie, 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 \$3,000 such bond to be approved by the City Attorney. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled 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 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
Infrastructure Services Division
MDL:lja
August 10, 2006
050315