



## Legislation Details (With Text)

<b>File #:</b>	090957	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	12/1/2009	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	5/4/2010
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution granting a special privilege to New Land Enterprises LLP to construct and maintain a covered walk in the public right-of-way for the premises at 1751 North Farwell Avenue, in the 3rd Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Special Privilege Petition, 2. Letter, 3. Fiscal Note, 4. Pictures, 5. Map, 6. Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
12/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
4/1/2010	1	CITY CLERK	DRAFT SUBMITTED		
4/15/2010	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/15/2010	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/21/2010	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
5/4/2010	1	COMMON COUNCIL	ADOPTED	Pass	13:0
5/10/2010	1	MAYOR	SIGNED		

090957

SUBSTITUTE 1

THE CHAIR

Substitute resolution granting a special privilege to New Land Enterprises LLP to construct and maintain a covered walk in the public right-of-way for the premises at 1751 North Farwell Avenue, in the 3<sup>rd</sup> Aldermanic District.

This resolution grants a special privilege to New Land Enterprises LLP to construct and maintain a covered walk in the public right-of-way for the premises at 1751 North Farwell Avenue.

Whereas, El Bashaa LLC has filed a petition for special privilege to allow a covered walk to occupy the public right-of-way; and

Whereas, New Land Enterprises LLP owns the property and has agreed to be responsible for the covered walk and the requirements for the special privilege; and

Whereas, Said covered walk may only 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 New Land Enterprises LLP, PO Box 511448, Milwaukee, WI 53203 is hereby granted the following special privilege:

To construct and maintain a covered walk projecting 9 feet into the west, 11-foot wide fully paved sidewalk area of North Farwell Avenue. The 10-foot wide covered walk is centered approximately 39 feet southerly of the southline of East Royall Place. The minimal vertical clearance between the skirt of the covered walk and the sidewalk below is 8 feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wire brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The coverings shall be of approved material. All fixtures and materials for illumination of the covered walks shall be indicated on the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walks. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

The grantee is required to keep a "Loading Zone" or "No Parking" status adjacent to the covered walk as long as the covered walk occupies the public right-of-way.

Said above-mentioned covered walk shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said covered walk 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, New Land Enterprises LLP, 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 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 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 \$75.00. 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 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  
Infrastructure Services Division

MDL:ns

March 22, 2010

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