



## Legislation Details (With Text)

**File #:** 101514 **Version:** 1

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

**File created:** 4/12/2011 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 7/6/2011

**Effective date:**

**Title:** Substitute resolution amending a special privilege to Town Dogs LLC for addition of a bicycle corral for the premises at 2211 North Prospect Avenue, in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Cover Letter, 2. Petition and Drawings, 3. Map, 4. Photos, 5. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
4/12/2011	0	COMMON COUNCIL	ASSIGNED TO		
4/14/2011	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
6/20/2011	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/22/2011	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
7/6/2011	1	COMMON COUNCIL	ADOPTED	Pass	15:0
7/11/2011	1	MAYOR	SIGNED		

101514  
SUBSTITUTE  
961879  
THE CHAIR

Substitute resolution amending a special privilege to Town Dogs LLC for addition of a bicycle corral for the premises at 2211 North Prospect Avenue, in the 3<sup>rd</sup> Aldermanic District.

This resolution amends a special privilege to Town Dogs LLC for addition of a bicycle corral for the premises at 2211 North Prospect Avenue.

Whereas, The applicant is requesting permission to construct and maintain a bicycle corral in the public right-of-way, specifically in the west parking lane of North Prospect Avenue; and

Whereas, Previously, the applicant had requested permission to construct and maintain various items in the public right-of-way; and

Whereas, Permission for said items was granted in 1997 under Common Council Resolution File Number 961879; and

Whereas, Said items 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 961879 is hereby rescinded; and, be it

Further Resolved, That Town Dogs LLC, c/o Alterra Coffee Roasters Inc, 2999 North Humboldt Boulevard, Milwaukee, Wisconsin, 53212, is hereby granted the following special privileges:

1. To construct and maintain a bicycle corral projecting 6 feet 7 inches into the west, 8-foot wide parking lane of North Prospect Avenue. The bicycle corral commences at a point approximately 59 feet north of the northline of East Kenilworth Place and extends north 28 feet 9 inches. Said corral is surrounded by a 3-foot tall railing on three sides and contains several bicycle racks. There are two rubber parking stops, one on the north end and one on the south end of the corral.
2. To keep and maintain an 11-foot 6-inch wide concrete platform with steps centered approximately 88 feet north of the north line of East Kenilworth Place. Said steps project between 3 feet and 4 feet 8 inches into the west, 18-foot wide sidewalk area of North Prospect Avenue.
3. To keep and maintain a 1-foot wide masonry wall projecting 5 feet 6 inches into the west, 18-foot wide sidewalk area of North Prospect Avenue. Said wall abuts the aforementioned platform and steps.

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

Said items shall be maintained or removed from the public right-of-way, at such future time as it is 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, Town Dogs 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 Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$150.60. 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

May 31, 2011

101514