



Legislation Text

File #: 101428, **Version:** 1

101428

SUBSTITUTE

031693

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Dixon 1818 LLC for retaining walls, steps and various other landscape elements for the premises at 1818 North Hubbard Street, in the 6th Aldermanic District. This resolution amends a special privilege for change of ownership to Dixon 1818 LLC for retaining walls, steps and various other landscape elements for the premises at 1818 North Hubbard Street.

Whereas, EG 1818 Hubbard LLC requested permission to construct and maintain various landscaping elements including retaining walls, steps, concrete walks, and a brick paved patio in the public right-of-way; and

Whereas, Permission for said items was granted in 2004 under Common Council Resolution File Number 031693; and

Whereas, Dixon 1818 LLC presently owns the property; and

Whereas, For the liability for said items to be formally transferred to the applicant, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 031693 is hereby rescinded; and, be it

Further Resolved, That Dixon 1818 LLC, 1818 North Hubbard Street, 2nd Floor, Milwaukee, Wisconsin, 53212, is hereby granted the following special privileges:

1. To keep and maintain an 11-inch wide concrete brick retaining wall commencing at the northline of East Vine Street and extending southerly for a length of 29 feet 1 inch. The wall, which is located between 55 and 40 feet east of the eastline of North Hubbard Street, varies in height from 2 feet to 6 feet tall.
2. To keep and maintain 8-inch wide lannon stone retaining walls within an area between the eastline of North Hubbard Street and a line approximately 60 feet east of the eastline of North Hubbard Street and between the northline of East Vine Street and a line approximately 38 feet south of the northline of East Vine Street. The walls average 2 feet in height and have a total length of 146 feet 11 inches.
3. To keep and maintain two, 4-foot wide concrete sets of steps. Said steps, which are 2 feet 6 inches and 12 feet in length, are located approximately 4 and 20 feet south of the northline of East Vine Street and 30 and 35 feet east of the eastline of North Hubbard Street, respectively.
4. To keep and maintain a rectangular brick patio that commences approximately 4 feet east of the eastline of North Hubbard Street and extends east 16 feet 8 inches. The patio area projects from the northline of East Vine Street and extends 18 feet 6 inches to the south.
5. To keep and maintain concrete sidewalks, including a landing, in the public right-of-way within the area located between the eastline and 60 feet east of the eastline of North Hubbard Street and between the northline and 35 feet south of the northline of East Vine Street.

6. To keep and maintain various landscaping vegetation in the public right-of-way within the area located between the eastline and 60 feet east of the eastline of North Hubbard Street and between the northline and 35 feet south of the northline of East Vine Street.

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, Dixon 1818 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 \$633.87. 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:ns

November 14, 2011

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