



## Legislation Text

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**File #: 130810, Version: 0**

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130810  
SUBSTITUTE 1  
70-366

Substitute resolution amending a special privilege to Milwaukee Plating Company for removal of two sets of concrete steps and for addition of set of metal steps and a single concrete step for the premises at 1434 North 4<sup>th</sup> Street, in the 6<sup>th</sup> Aldermanic District.

This resolution amends a special privilege to Milwaukee Plating Company for removal of two sets of concrete steps and for addition of set of metal steps and a single concrete step for the premises at 1434 North 4<sup>th</sup> Street.

Whereas, The applicant requested permission to construct and maintain two sets of concrete steps in the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 70-366 in 1970; and

Whereas, Both sets of concrete steps have been removed from the public right-of-way; and

Whereas, The applicant is requesting permission to install and maintain a set of metal steps in the public right-of-way; and

Whereas, A site visit revealed the presence of a single concrete step in the public right-of-way; 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 70-366 is hereby rescinded; and, be it

Further Resolved, That Milwaukee Plating Company, 1434 North 4<sup>th</sup> Street, Milwaukee, Wisconsin 53212 is hereby granted the following special privileges:

1. To install and maintain a set of metal steps with integral landing projecting 3 feet 1 inch into the east, 11-foot wide sidewalk area of North 4th Street. Said set of metal steps commences at a point approximately 4 feet north of the northline of east-west alley abutting the subject premises and extends north 8 feet 2 inches.
2. To construct and maintain a single concrete step projecting 6 inches into the east, 11-foot wide sidewalk area of North 4<sup>th</sup> Street. Said 7-foot 10-inch long step is centered approximately 115 feet north of the northline of the east-west alley abutting the subject premises.

Said 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 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, Milwaukee Plating Company, 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 \$49.69. 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 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:clm  
January 24, 2014