



Legislation Text

File #: 131755, **Version:** 1

131755
SUBSTITUTE 1
080119
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to R & R Holdings LLC for various items in the public right-of-way for the premises at 1301-1307 East Brady Street, in the 3rd Aldermanic District. This resolution amends a special privilege for change of ownership to R & R Holdings LLC for entrance steps, planter boxes, and shelf with planter in the public right-of-way for the premises at 1301-1307 East Brady Street. Whereas, Mimma's Café Incorporated had requested permission to keep and maintain various items in the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 080119 in 2008; and

Whereas, R & R Holdings LLC now owns the property; and

Whereas, For the liability for said various items to be formally transferred to the current property owner, 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Numbers 080119 is hereby rescinded; and, be it

Further Resolved, That R & R Holdings LLC, 1633 North Prospect Avenue, Unit 22C, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To keep and maintain three existing sets of entrance steps projecting 4 feet 6 inches into the south variable width sidewalk area of East Brady Street. Said steps are 4 feet 6 inches, 4 feet 8 inches and 6 feet wide and are centered approximately 20, 38 and 55 feet east of the eastline of North Arlington Place, respectively.
2. To keep and maintain three planter boxes projecting 11 inches into the south variable width sidewalk area of East Brady Street. The planter boxes vary in length between 11 feet and 16 feet. Said planter boxes are mounted to the building face at a height of 4 feet 2 inches above the sidewalk grade.
3. To keep and maintain a platform with steps in the public right-of-way of North Arlington Place. Said 9-foot long platform with steps project 4 feet 6 inches into the east variable width sidewalk area of North Arlington Place. Said platform with steps is centered approximately 6 feet south of the southline of East Brady Street.
4. To keep and maintain a wood shelf over utility pipes, which projects 2 feet 4 inches into the east, variable width sidewalk area of North Arlington Place. The wood shelf, which supports a decorative planter, is approximately 7 feet in length and is centered approximately 16 feet south of the southline of East Brady Street.

5. To keep and maintain a set of steps projecting 2 feet 8 inches into the east variable width sidewalk area of North Arlington Place. Said steps are 5 feet 6 inches in length and are centered approximately 65 feet south of the southline of East Brady 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. All necessary permits shall have been obtained prior to the granting of this special privilege.

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, R & R Holdings 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 \$551.40. 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:clm
April 23, 2014
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