Legislation Text

File #: 971383, **Version:** 1

971383
SUBSTITUTE

THE CHAIR
Substitute resolution amending a special privilege to De Marini's Supper Club on KK Inc. for a trash receptacle and an air intake duct located in the public right-of-way adjacent to their property located at 2988-96 South Kinnickinnic Avenue, to now add 2 trash receptacles and to change the name of the grantee of the special privilege to Maynards Sports Connection, L.L.C., in the 14th Aldermanic District in the City of Milwaukee.

- Analysis -

Substitute resolution amending a special privilege to De Marini's Supper Club on KK Inc. for a trash receptacle and an air intake duct in the public right-of-way on the north side of East Rusk Avenue adjacent to the building known as 2988-96 South Kinnickinnic Avenue, to now change the name of the grantee of the special privilege to Maynards Sports Connection, L.L.C.

Whereas, De Marini's Supper Club on KK Inc. was granted a special privilege under Common Council Resolution File Number 86-214, on July 8, 1986, for encroachment of a trash receptacle and an exhaust fan (which really is an air intake duct) into the public right-of-way of East Rusk Avenue; and

Whereas, The current owner of the building is Maynards Sports Connection, L.L.C. and should now be named as the grantee of the special privilege; and

Whereas, Mr. Maynard has recently indicated that he needs to have three trash receptacles, due to separation of recycling materials from regular garbage; and

Whereas, Encroachment of trash receptacles and the air intake duct into the public right-of-way can only be allowed through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 86-214 is hereby rescinded; and, be it

Further Resolved, By the Common Council of Milwaukee that Maynards Sports Connection L.L.C., 2988-96 South Kinnickinnic Avenue, Milwaukee, WI 53207, is hereby granted the following special privileges:

1. To place, use and maintain three 4-wheeled trash receptacles in the 15-foot wide north sidewalk area of East Rusk Avenue. Said receptacles abut the south side of the building at 2988-96 South Kinnickinnic Avenue and lie north of the 6-foot wide sidewalk, beginning approximately 7 feet east of the eastline of South Kinnickinnic Avenue and extending approximately 21 feet east. Said receptacles shall be approximately 7 feet long, 4.5 feet high, and 3.5 feet in width. No change may be made in the size or location of said receptacle without the written approval of the Commissioners of Public Works and the Building Inspection. The receptacles and adjacent sidewalk area shall be maintained to the satisfaction of the Commissioners of Public Works, Building Inspection and Health. the receptacles shall be kept closed when not being loaded or unloaded.

2. To use and maintain an air intake duct located in the public way of East Rusk Avenue abutting the south side of the building at 2988-96 South Kinnickinnic Avenue. Said duct is attached directly to the south side of the building centered approximately 22 feet east of the eastline of South Kinnickinnic Avenue. Said duct shall project a maximum of 2.5 feet into the public way and be approximately 2.7 feet in width. The duct shall be maintained to the satisfaction of the Commissioners of Public Works and Building Inspection.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Maynards Sports Connection, L.L.C., 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 bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of $1,000.00 such bond to be approved by the City Attorney. The applicant shall also 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 one owner on the area or areas

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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 canceled 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 $35.00. 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 any 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.
Infrastructure Services Division
JJM:cjt
September 2, 1998
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