



Legislation Text

File #: 020979, **Version:** 1

020979

SUBSTITUTE

048022

THE CHAIR

Substitute resolution amending a special privilege that was most recently held by Jeremiah Hegarty to maintain a set of steps encroaching into the public right-of-way of North 12th Street, at the building located at 1120-30 West Wells Street, to now change the name of the grantee of the special privilege to St. James Estates LLC, and to add two other existing items, in the 4th Aldermanic District in the City of Milwaukee.

Substitute resolution amending a special privilege that was most recently held by Jeremiah Hegarty to maintain a set of steps encroaching into the public right-of-way of North 12th Street, at the building located at 1120-30 West Wells Street, to now change the name of the grantee of the special privilege to St. James Estates LLC, and to add two other existing items.

Whereas, Most recently Jeremiah Hegarty was the grantee of a special privilege, Common Council Resolution File Number 048022, that originally was granted on October 8, 1931 for a step encroachment into the public right-of-way of North 12th Street at the building located at 1120-38 West Wells Street; and

Whereas, Over time through a series of owners, including Jeremiah Hegarty's mother, which in turn passed to him, the property now is owned by St. James Estates LLC, who should now be named as the grantee of the special privilege; and

Whereas, Our field investigation disclosed that there are still step encroachments on the North 12th Street side of the property, and in addition, there is a step and excess door swing encroachment on the West Wells Street side of the property, which in order to remain requires formal approval; and

Whereas, These encroachments may only occupy the public rights-of-way 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 048022 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that St. James Estates LLC, P.O. Box 252, Marion, WI 54950 is hereby granted the following special privileges:

1. To keep, use and maintain an existing set of steps with 3 risers at 1120-38 West Wells Street, which project into the fully concrete paved east sidewalk area of North 12th Street. Said steps are centered approximately 47 feet north of the northline of West Wells Street. Said 10.1-foot wide steps with metal railings on each side project approximately 2.5 feet into the 9-foot wide sidewalk area.
2. To keep, use and maintain an existing approximately 9-foot wide step, which projects approximately 1.2 feet into the 10-foot wide fully concrete paved north sidewalk area of West Wells Street for the building at 1120-38

West Wells Street. Said step is centered approximately 35 feet east of the eastline of North 12th Street.

3. To keep, use and maintain an excess door swing encroachment totaling approximately 1.5 feet, centered approximately 38 feet east of the eastline of North 12th Street. Said 3.5-foot wide door is located within a 7.5-foot wide opening, not centered on the step of item 2 above.

Said encroachments shall be maintained to the satisfaction of the Commissioners of the Departments of Public Works and Neighborhood Services.

Said items shall be removed from the public rights-of-way, at such future time that they are no longer needed, to the satisfaction of the Commissioners of the Departments of Public Works and 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, St. James Estates 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 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 \$3,000.00 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 \$50,000 covering bodily injury to any one person and \$10,000 covering bodily injury to more than one person in any one accident and \$20,000 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. 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 \$44.85. 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 66.0425 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.
- Department of Public Works
Infrastructure Services Division

JJM:cjt
June 26, 2003
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