



Legislation Text

File #: 021145, **Version:** 1

021145
SUBSTITUTE
892062
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Schlitz Rivercenter, LLC for encroachments into the public right-of-way of a fence and light pole for the building at 1505-55 North Rivercenter Drive, in the 4th Aldermanic District in the City of Milwaukee.

Substitute resolution to grant an amended special privilege to Schlitz Rivercenter, LLC to keep and maintain a fence and light pole in the public right-of-way adjacent to 1505-55 North Rivercenter Drive.

Whereas, The Brewery Works, Inc. requested a special privilege in order to maintain and keep a fence and light pole in the public right-of-way; and

Whereas, Permission was granted in 1990 by adoption of Common Council Resolution File Number 892062; and

Whereas, The Brewery Works, Inc. has become Schlitz Rivercenter, LLC; and

Whereas, For the liability to be formally transferred to the current owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, That Common Council Resolution File Number 892062 is hereby rescinded; and be it

Further Resolved, By the Common Council of the City of Milwaukee, that Schlitz Rivercenter, LLC 1555 North Rivercenter Drive, Suite 204, Milwaukee, Wisconsin 53212, is hereby granted the following special privilege:

1. To keep, use and maintain a decorative pipe rail fence extending northerly to the southline of East Pleasant Street approximately 11 feet 4 inches to the Pleasant Street Bridge railing being the south edge of the paved public walk of East Pleasant Street in the vicinity of the Milwaukee River. Said fence is approximately 3 feet 6 inches in height and consists of four horizontal rails. The encroachment is located approximately 30 feet west of the intersection of the west bank of the Milwaukee River and the southline of East Pleasant Street.

2. To keep and maintain an existing concrete light pole located approximately 2 feet north of the southline of East Pleasant Street. This light pole is similar to those light poles located in the river walk south of this location on the abutting premises. The light pole is located approximately 30 feet west of the intersection of the west bank of the Milwaukee River and the southline of East Pleasant Street. The light pole is approximately 12 feet in height.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioner of Public Works and Department of Neighborhood Services. Permits shall have been obtained, as necessary, to install these items.

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 Commissioner 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, Schlitz Rivercenter, 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 surety company duly incorporated in the state of Wisconsin, or duly licensed to do business in this state, in the sum of \$3,000 such bond to be approved by the city attorney. This 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 \$100,000 covering bodily injury to any one person and \$200,000 covering bodily injury to more than one person in any one accident and \$40,000 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 cancelled 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 \$60.00. 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 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 1 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
MDL:ah

December 1, 2004

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