Legislation Text

File #: 130551, **Version:** 1

130551
SUBSTITUTE 1
070995
THE CHAIR
Substitute resolution amending a special privilege to Pritzlaff Redevelopment LLC for addition of a platform with steps in the public right-of-way for the premises at 315-333 North Plankinton Avenue, in the 4th Aldermanic District.
This resolution amends a special privilege to Pritzlaff Redevelopment LLC for addition of a platform with steps in the public right-of-way for the premises at 315-333 North Plankinton Avenue.
Whereas, The applicant requested permission to keep and maintain various items in the public right-of-way, for which permission was granted in 2013 under Common Council Resolution File Number 070995; and

Whereas, Subsequently, the applicant removed a backup driveway from the public right-of-way; and

Whereas, The applicant is requesting permission to construct and maintain a platform with steps in the public right-of-way; and

Whereas, Said platform with steps 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 070995 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Pritzlaff Redevelopment LLC, 10535 West College Avenue, Franklin, WI 53132 is hereby granted the following special privileges:

1. To construct and maintain a concrete platform with steps in the south, 15-foot wide sidewalk area of West St Paul Avenue. Said 3-foot 5-inch structure commences at a point approximately 212 feet west of the westline of North Plankinton Avenue and extends west 16 feet 6 inches. Said platform with steps projects 5 feet 9 inches into the public way.

2. To keep and maintain a wood platform with steps in the south, 15-foot wide sidewalk area of West St Paul Avenue. Said structure, including both the steps and the platform, commences at a point approximately 100 feet west of the westline of North Plankinton Avenue and extends a total of 9 feet 6 inches to the west. The steps, which are located to the east of the platform, are 3 feet 8 inches wide and 4 feet 2 inches long. The platform projects 4 feet 7 inches into the public way for a length of 7 feet 2 inches.

3. To keep and maintain two wood steps in the west, 10-foot wide sidewalk area of North Plankinton Avenue. The 9-foot 4-inch wide projects 1 foot into the public way and is centered approximately 302 feet south of the southline of West St Paul Avenue. The 8-foot wide, northern step projects 10 inches into the public way and is centered approximately 247 feet south of the southline of West St Paul Avenue.

4. To keep and maintain a concrete step projecting 8 inches into the west, 10-foot wide sidewalk area of North Plankinton Avenue. The 8-foot 11-inch wide step is centered approximately 226 feet south of the southline of West St Paul Avenue.

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, Pritzlaff Redevelopment 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 $84.85. 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 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 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
Administration Division
MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY
September 18, 2014