



Legislation Text

File #: 051523, **Version:** 1

051523

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Onyx to construct and maintain a covered walk in the public right-of-way for the premises at 3120 West Villard Avenue, in the 1st Aldermanic District in the City of Milwaukee.

Substitute resolution granting a special privilege to Onyx to install and maintain a covered walk in the public right-of-way for the premises at 3120 West Villard Avenue.

Whereas, Onyx is requesting permission to construct, keep and maintain a covered walk at the main entrance to its business; and

Whereas, Said covered walk 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 Onyx 4830 North 47th Street, Milwaukee, Wisconsin 53218, is hereby granted the following special privilege:

To construct, keep and maintain a covered walk at the property known as 3120 West Villard Avenue. Said covered walk, 9 feet in width, shall be centered approximately 152 feet west of the westline of North 31st Street and shall encroach 9 feet 6 inches into the 11-foot fully concrete paved sidewalk area on the north side of West Villard Avenue. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below shall be 7 feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a adopted July 24, 1962. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 7 feet above the sidewalk level. The covering shall be of approved material.

All fixture and materials for illumination of covered walks shall be indicated upon the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The business may be indicated only on the vertical portion of the covering and not to exceed 8 inches in height.

The grantee shall apply for and maintain "Loading Zone" or "No Parking" status adjacent to the proposed covered walk location and maintain this status as long as the covered walk occupies the public right-of-way.

Said above-mentioned covered walk shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said covered walk 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, Onyx, 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. 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 \$75.00. 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 no 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:lja
May 8, 2006
051523

Clerical correction made -- jro -- 10/09/08