



Legislation Text

File #: 070996, Version: 1

070996

SUBSTITUTE 1

020979

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Marquette University for encroachment into the public right-of-way of entrance steps and excess door swings for the premises at 1124-1138 West Wells Street, in the 4th Aldermanic District.

This resolution amends a special privilege for change of ownership to Marquette University for encroachment into the public right-of-way of entrance steps and excess door swings for the premises at 1124-1138 West Wells Street.

Whereas, St James Estates LLC requested permission to keep and maintain two sets of entrance steps and an excess door swing in the public right-of-way; and

Whereas, Permission for said items was granted in 2003 under Common Council File Number 020979; and

Whereas, A site visit revealed the presence of a second excess door swing; and

Whereas, Marquette University now owns the property; and

Whereas, Said second excess door swing may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; and

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

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 020979 is hereby rescinded; and, be it

Further Resolved, That Marquette University, PO Box 1881, Milwaukee, WI 53201, is hereby granted the following special privileges:

1. To keep and maintain a set of steps projecting 2 feet 6 inches into east 9 foot wide sidewalk area of North 12th Street. Said 10-foot long steps have metal railings and are centered approximately 47 feet north of the northline of West Wells Street.
2. To keep and maintain a 9-foot wide concrete step projecting 1 foot 2 inches into the 10-foot wide north sidewalk area of West Wells Street. Said step is centered approximately 35 feet east of the eastline of North 12th Street.
3. To keep and maintain an excess door swing projecting 1 foot 6 inches into the 10-foot wide north sidewalk area of West Wells Street. Said door is centered approximately 38 feet east of the eastline of North 12th Street. Said door projects into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances and opens over the aforementioned step.
4. To keep and maintain an excess door swing projecting 2 feet 7 inches into the north 10-foot wide sidewalk area of West Wells Street. Said door is centered approximately 25 feet east of the eastline of North 12th Street. Said door projects into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of

Ordinances.

Said above-mentioned 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, Marquette University 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 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 \$48.68. 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 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
January 4, 2008
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