Legislation Text

File #: 071368, **Version:** 1

071368
SUBSTITUTE 1
THE CHAIR
Substitute resolution granting a special privilege to Lance Quigley to construct and maintain a covered walk for the premises at 5822 West Fond du Lac Avenue, in the 2nd Aldermanic District.
This resolution grants a special privilege to Lance Quigley to construct and maintain a covered walk for the premises at 5822 West Fond du Lac Avenue.
Whereas, Lance Quigley is requesting permission to construct a covered walk in the public right-of-way; 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 Lance Quigley, 5822 West Fond du Lac Avenue, Milwaukee, WI 53218, is hereby granted the following special privileges:

To install and maintain a covered walk in the northerly, 13-foot wide sidewalk area of West Fond du Lac Avenue centered approximately 171 feet westerly of the westline of North 58th Street. The covered walk will be 8 feet wide and will project 11 feet into the public way.

The covered walk shall be supported by the building and two vertical supports near each corner closest to the curb along each side of the covered walk. Each vertical support nearest the curb will be 2 feet from the present curbline. There will be an opening 8 feet wide between the vertical supports, which will parallel the curb. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below must be 7 feet 6 inches.

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 wire brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination of the covered walks shall be indicated on 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 walks. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

The grantee is required to keep a “Loading Zone” or “No Parking” status adjacent to the covered walks as long as the covered walk occupies the public right-of-way.

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

Said item 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, Lance Quigley, 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 $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 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:ns
April 8, 2008
071368