Legislation Text

File #: 071560, **Version:** 1

071560
SUBSTITUTE 1
031086
THE CHAIR
Substitute resolution amending a special privilege for change of ownership to El Rey Enterprises, LLP for a building façade and excess door swing in the public right-of-way for the premises at 704-10 West National Avenue, in the 12th Aldermanic District.
Substitute resolution amending a special privilege for change of ownership to El Rey Enterprises, LLP for a building façade and excess door swing in the public right-of-way for the premises at 704-10 West National Avenue.
Whereas, West Grand Corporation requested permission to keep and maintain a building façade and excess door swing in the north sidewalk area of West National Avenue; and

Whereas, Permission for said items was granted in 2004 under Common Council File Number 031086; and

Whereas, El Rey Enterprises, LLP now owns the property; 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 031086 is hereby rescinded; and, be it

Further Resolved, That El Rey Enterprises, LLP, 916 South Cesar E. Chavez Drive, Milwaukee, Wisconsin 53204, is hereby granted the following special privileges:

1. To keep and maintain a metal building façade projecting 11 ½ inches into the north, 8-foot wide sidewalk area of West National Avenue. Said façade commences at a point approximately 75 feet west of the westline of South 7th Street and extends 75 feet to the west.

2. To keep and maintain an excess door swing projecting 3 feet 7 ½ inches, when fully open, into the north, 8-foot wide sidewalk area of West National Avenue. Said door swing is centered approximately 88 feet west of the westline of South 7 th Street. Said door, when fully open, projects into the public right-of-way more than 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, El Rey Enterprises, LLP, 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 $5,000 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 $319.79. 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
March 27, 2008
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