



Legislation Text

File #: 060480, **Version:** 1

060480

SUBSTITUTE 1

THE CHAIR

Substitute resolution to grant a special privilege to Rosenblatt Property Exchange, LLC to construct and maintain a double excess door swing encroachment for the premises at 177-181 North Broadway, in the 4th Aldermanic District. Substitute resolution granting a special privilege to Rosenblatt Property Exchange, LLC to construct and maintain a double excess door swing encroachment for the premises at 177-181 North Broadway.

Whereas, Rosenblatt Property Exchange, LLC, the applicant, desires to construct a double excess door swing encroachment at a renovated entrance for a new tenant; and

Whereas, The applicant is removing an existing encroachment that did not have a special privilege; and

Whereas, The new double door swing encroachment will be less intrusive into the public way than the previous encroachment; and

Whereas, Said door swings 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 Rosenblatt Property Exchange, LLC, c/o Craig Stone, 3032 North Downer Avenue, Milwaukee, Wisconsin 53211 is hereby granted the following special privilege:

To construct and maintain a double excess door swing, consisting of two, 3-foot 6-inch wide doors centered approximately 129 feet south of the southline of East Chicago Street. Said doors project 3 feet 6 inches into the 20-foot wide, west sidewalk area of North Broadway, 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, Rosenblatt Property Exchange, 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 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 \$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 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 \$40.80. 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

August 16, 2006

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