Legislation Text

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071661
SUBSTITUTE 1
THE CHAIR
Substitute resolution to grant a special privilege to Rubin 224 East Chicago, LLC for a concrete platform with ramp with decorative concrete wall and three moveable planters for the premises at 224 East Chicago Street, in the 4th Aldermanic District.
This resolution grants a special privilege to Rubin 224 East Chicago, LLC for a concrete platform with ramp with decorative concrete wall and three moveable planters for the premises at 224 East Chicago Street.
Whereas, The applicant is in the process of renovating its building and is requesting permission to construct and maintain a concrete platform with ramp and decorative concrete wall to allow for an additional, accessible building entrance; and

Whereas, A site visit revealed the presence of three concrete moveable planters in the public right-of-way adjacent to the subject premises; and

Whereas, Said items may only legally encroach into the public right-of-way by the 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 Rubin 224 East Chicago, LLC, 317 East Wilson Street, Madison, Wisconsin 53703 is hereby granted the following special privileges:

1. To construct and maintain a concrete platform with ramp and decorative concrete wall that will project 6 feet into the north, 15-foot sidewalk area of East Chicago Street. Said ramp will commence approximately 6 feet west of the westline of the east, north-south alley in the block bounded by North Broadway, East Buffalo Street, East Chicago Street and North Water Street and extend 11 feet 6 inches west.

2. To install and maintain three moveable planters in the north, 15-foot sidewalk area of East Chicago Street adjacent to the subject premises. Said planters are 4 feet in diameter and 2 feet tall.

Said above-mentioned items shall be used, kept, and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

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 accepting this special privilege the grantee, Rubin 224 East Chicago, 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

$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 $153.85. 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 the Department 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 25, 2008
071661