



Legislation Text

File #: 060374, Version: 1

060374

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Max Gendelman Enterprises, LLC for a concrete platform and excess door swing for the premises at 4732 West Woolworth Avenue, in the 1st Aldermanic District.

Substitute resolution granting a special privilege Max Gendelman Enterprises, LLC for a concrete platform and excess door swing for the premises at 4732 West Woolworth Avenue.

Whereas, Elisha Brown, a contractor for Max Gendelman Enterprises, LLC, filed a petition for special privilege for a concrete platform; and

Whereas, Max Gendelman Enterprises, LLC is the property owner of record and special privileges are, in general, only granted to the property owner of record; and

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

Whereas, Said items 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 Max Gendelman Enterprises, LLC, 7515 Pelican Bay Boulevard #14A, Naples, Florida 34108 is hereby granted the following special privileges:

1. To construct and maintain a 7-foot long concrete platform centered approximately 454 feet west of the westline of North 46th Street in the north, 11-foot wide sidewalk area of West Woolworth Avenue. The platform projects 1 foot 1 inch into the public way.

2. To keep and maintain an excess door swing projection which opens over the aforementioned platform. Said door projects 1 foot 10 inches into the public way, when fully open, 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, Max Gendelman Enterprises, 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 \$3,000.00 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 \$35.00. 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:lja
August 23, 2006
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