Legislation Text

File #: 070583, **Version:** 1

070583
SUBSTITUTE 1
001099
THE CHAIR
Substitute resolution amending a special privilege for change of ownership to DGM Development, LLC and granting permission for altered items and a gas meter in the public right-of-way for the premises at 1850 North Water Street, in the 3rd Aldermanic District.
This resolution amends a special privilege for change of ownership to DGM Development, LLC and grants permission for altered items and a gas meter with appurtenant piping for the premises at 1850 North Water Street.
Whereas, Five & Ten Tap, LLC requested permission to construct and maintain two sets of concrete steps and a barrier free access ramp within the public right-of-way; and

Whereas, Permission for said items was granted in 2003 under Common Council Resolution File Number 001099; and

Whereas, DGM Development, LLC now owns the property and has renovated the property; and

Whereas, As part of the renovation, the applicant removed and reconstructed the barrier free access ramp and concrete steps; and

Whereas, The applicant had constructed a gas meter which projects into the public right-of-way; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

Whereas, Said gas meter and altered 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 DGM Development, LLC, 7 West Main Street, Madison, WI 53703, is hereby granted the following special privileges:

1. To construct and maintain a platform with barrier free access ramp and metal handrail projecting 4 feet 7 inches into the easterly, 15-foot sidewalk area of North Water Street. Said platform with barrier free access ramp commences approximately 333 feet northerly of the north line of East Hamilton Street and extends 23 feet 6 inches northerly.

2. To construct and maintain a platform with steps and metal handrail projecting 3 feet 8 inches into the easterly, 15-foot sidewalk area of North Water Street. Said platform with steps commences approximately 410 feet northerly of the northline of East Hamilton Street and extends 13 feet 5 inches northerly.

3. To construct and maintain a platform with steps and metal handrail projecting 3 feet 7 inches into the easterly, 15-foot sidewalk area of North Water Street. Said platform with steps commences approximately 450 feet northerly of the northline of East Hamilton Street and extends 19 feet 11 inches northerly.

4. To construct and maintain three excess door swings that, when fully open, project 2 feet 6 inches into the public right-of-way, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. All of said doors open over the aforementioned platforms of items #1 thru #3.

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5. To construct and maintain a gas service meter and appurtenant piping projecting 11 inches into the easterly, 15-foot sidewalk area of North Water Street. Said gas service meter with appurtenant piping is centered approximately 440 feet northerly of the northline of East Hamilton Street and is 6 feet long and 4 feet 10 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 it is 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, DGM Development, 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 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 $286.25. 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 23, 2008
070583