



Legislation Text

File #: 071001, Version: 1

071001

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to 757 North Broadway, LLC to construct and maintain two in-ground lights, a concrete step and a concrete building façade for the premises at 751-765 North Broadway, in the 4th Aldermanic District.

This resolution grants a special privilege to 757 North Broadway, LLC to construct and maintain two in-ground lights, a concrete step and a concrete building façade for the premises at 751-765 North Broadway.

Whereas, 757 North Broadway, LLC is requesting permission to install in-ground lights within the public right-of-way; and

Whereas, A site visit revealed the presence of a concrete step and a concrete building façade, 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 757 North Broadway, LLC, 757 North Water Street, Suite 200, Milwaukee, WI 53202 is hereby granted the following special privilege:

1. To install and maintain two 6-inch diameter in-ground lights in the west 20-foot sidewalk area of North Broadway. Said lights are centered approximately 80 and 89 feet north of the north line of East Mason Street and will be used to light a portion of the building façade. The lights are flush with the surrounding sidewalk pavement.
2. To keep and maintain a concrete step that projects approximately 6 inches into the west 20-foot wide sidewalk area of North Broadway. Said concrete step is centered approximately 6 feet north of the northline of East Mason Street and is 4 feet wide.
3. To keep and maintain a concrete building façade that projects into the west 20-foot sidewalk area of North Broadway 3 inches. Said concrete façade commences at the north line of East Mason Street and ends at a point 120 feet north. Due to entrances on the side of the building only 88 feet of façade projects into the west sidewalk area of North Broadway.

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, 757 North Broadway, 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 \$137.90. 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 1 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
December 28, 2007
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