



Legislation Text

File #: 020245, **Version:** 1

020245

SUBSTITUTE

950354

THE CHAIR

Substitute resolution amending a special privilege that was granted to OPUS North Corporation to create several encroachments into the public rights-of-way of North Milwaukee Street, and East Kilbourn Avenue at the building located at 411 East Kilbourn Avenue (840 North Milwaukee Street) to now change the name of the grantee of the special privilege to D&K Management, LLC, in the 4th Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege originally granted to OPUS North Corporation to create several encroachments into the public rights-of-way of East Kilbourn Avenue and Milwaukee Street at the building located at 411 East Kilbourn Avenue (840 North Milwaukee Street) to now change the name of the grantee of the special privilege to D&K Management, LLC and changes the type of encroachments to those presently in place from those that were going to be placed.

Whereas, OPUS North Corporation was granted a special privilege under Common Council Resolution File Number 950354, on July 14, 1995, to create several encroachments into the public right-of-way of both East Kilbourn Avenue and North Milwaukee Street at the building located at 411 East Kilbourn Avenue (840 North Milwaukee Street); and

Whereas, The present owner of the property is D&K Management, LLC and should now be named as the grantee of the special privilege; and

Whereas, A representative of the owner, upon buying the property and inquiring regarding the details of the existing special privilege appropriately pointed out that the list of items permitted did not reflect the items that were placed within the rights-of-way and then asked that our review of the "name change" reflect the current items; and

Whereas, These items of encroachment may only occupy the public rights-of-way through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 950354 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that D&K Management, LLC, 312 East Wisconsin Avenue, Suite 320, Milwaukee, WI 53202 is hereby granted the following special privilege:

1. To keep, use and maintain 6 movable planters located along the building at 840 North Milwaukee Street (411 East Kilbourn Avenue) within the soon to be fully concrete paved 15.5-foot wide sidewalk area of North Milwaukee Street. The planters are approximately 24 inches deep and 6 feet long. They are centered along the building as follows: approximately 6, 28, 39, 71, 105 and 111 feet south of the southline of East Kilbourn Avenue.

2. To keep, use and maintain 1 movable planter located along the building at 411 East Kilbourn Avenue (840 North Milwaukee Street) within the 17-foot wide fully concrete paved sidewalk area. The planter is immediately east of the eastline of North Milwaukee Street and is approximately 24 inches deep and 6 feet long and is centered along the building approximately 6 feet east of the eastline of North Milwaukee Street.

3. To keep, use and maintain an encroaching roof-like structure serving as shelter for TYME machine users. Said structure projects approximately 2.8 feet, is 8 feet long and is at least 9 feet above the sidewalk grade below. It is centered approximately 93 feet east of the eastline of North Milwaukee Street. It may have a sign suspended from it but no lower than 18 inches. (The present sign abuts the building). Electric lights may be located in the underface of the structure.

4. To keep, use and maintain 1 security camera mounted to the structure in item 3 above. It provides approximately 9 feet of vertical clearance, is 2 feet by 0.5 feet in size and is mounted to the west face of said structure.

Said encroachments shall be maintained to the satisfaction of the Commissioners of the Departments of Public Works and Neighborhood Services.

Said item shall be removed from the public rights-of-way, at such future time that they are no longer needed, to the satisfaction of the Commissioners of the Departments of Public Works and 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, D&K Management, 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 \$2,000.00 such bond to be approved by the City Attorney. The 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 one 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 canceled 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 \$185.60 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 any 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

JJM:cjt

June 25, 2003

020245