



## Legislation Text

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**File #:** 020439, **Version:** 1

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020439

SUBSTITUTE

083361, 083361a, 63-3480a

THE CHAIR

Substitute resolution amending a special privilege that was originally granted to Gimbel Bros. Realty Co., Inc. to construct a portion of a parking structure encroaching into the public right-of-way of a north-south alley in the block bounded by West Clybourn Street, West Michigan Street, North Plankinton Avenue and North 2<sup>nd</sup> Street, at the building located at 555 North Plankinton Avenue to now change the name of the grantee of the special privilege to Ivory Retail Office Investors LLC, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee. Substitute resolution amending a special privilege that was originally granted to Gimbel Bros. Realty Co., Inc. to construct a portion of a parking structure encroaching into the public right-of-way of a north-south alley in the block bounded by West Clybourn Street, West Michigan Street, North Plankinton Avenue and North 2<sup>nd</sup> Street, at the building located at 555 North Plankinton Avenue to now change the name of the grantee of the special privilege to Ivory Retail Office Investors LLC.

Whereas, Gimbel Bros. Realty Co. Inc. was granted a special privilege under Common Council Resolution File Number 083361, on December 21, 1945, to construct and maintain at the 3<sup>rd</sup> and 4<sup>th</sup> floor level a structure, for parking automobiles of which a portion would be encroaching into the public right-of-way of the north one-half of the north-south alley in the block bounded by West Clybourn Street, West Michigan Street, North Plankinton Avenue and North 2<sup>nd</sup> Street for the building located at 555 North Plankinton Avenue; and

Whereas, Our field investigation observed that the structure still exists; however, the encroachment only exists at the third floor level and it does not even appear that it ever existed also at the 4<sup>th</sup> floor level; and

Whereas, Over the years, familiar names of the ownership such as, but not limited to Gimbels Midwest Inc., Dayton Hudson Corporation, Ivory Tusk LLC to the present owner Ivory Retail Office Investors LLC, located at 648 North Plankinton Avenue, which should now be named as the grantee of the special privilege; and

Whereas, The structure's encroachment may only do so 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 083361, 083361a and 63-3480a are hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Ivory Retail Office Investors, LLC, 648 North Plankinton Avenue, Milwaukee, WI 53203 is hereby granted the following special privilege:

To keep and maintain an existing parking structure at 555 North Plankinton Avenue, which partially projects into the north one-half of the north-south alley in the block bounded by West Clybourn Street, West Michigan Street, North Plankinton Avenue and North 2<sup>nd</sup> Street. Said structure projects approximately 20 feet into the

20-foot wide alley and generally extends from the southline of West Michigan Street to the northline of the east-west alley being approximately 200 feet.

Said encroachment 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 right-of-way, at such future time it is 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, Ivory Retail Office Investors 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 \$10,000.00 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 \$100,000 covering bodily injury to any one person and \$30,000 covering bodily injury to more than one person in any one accident and \$50,000 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 \$3,668.52. 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 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 1<sup>st</sup> 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 26, 2003

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