



Legislation Text

File #: 060749, **Version:** 1

060749

SUBSTITUTE

62-2426b

62-2426c

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Schuster Historic Building, LLC for an alley vault for the premises at 1020-30 West Historic Mitchell Street, in the 12th Aldermanic District.

This resolution amends special privilege for change of ownership to Schuster Historic Building, LLC for an alley vault for the premises at 1020-30 West Historic Mitchell Street.

Whereas, G & S Corporation requested permission to keep and maintain an alley vault in the north-south alley in the block bounded by West Historic Mitchell Street, West Lapham Boulevard, North 10th Street and North 11th Street; and

Whereas, Permission for said alley vault was granted in 1963 under Common Council Resolution File Number 62-2426b; and

Whereas, For the liability to be formally transferred to the current owners for the alley vault, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Numbers 62-2426b and 62-2426c are hereby rescinded; and, be it

Further Resolved, That Schuster Historic Building, LLC, PO Box 203, Oregon, Wisconsin 53575 is hereby granted the following special privilege:

To keep and maintain an alley vault under the north-south alley in the block bounded by West Historic Mitchell Street, West Lapham Boulevard, North 10th Street and North 11th Street between the westline and a point 10 feet east of the westline of said alley. Said alley commences at the southline of the east-west alley in the block bounded by West Historic Mitchell Street, West Lapham Boulevard, North 10th Street and North 11th Street and ends 72 feet to the north.

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 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, Schuster Historic Building, 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 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 \$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 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 \$360.00. 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 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

MDL:lja

October 19, 2006

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