



## Legislation Text

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**File #: 051643, Version: 1**

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051643  
SUBSTITUTE 1  
930956  
THE CHAIR

Substitute resolution amending a special privilege to JWK Management, LLC for change of ownership for an excess door swing and to grant permission for a second excess door swing for the premises at 1201 East Brady Street, in the 3<sup>rd</sup> Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege for change of ownership to JWK Management, LLC for an excess door swing previously granted permission and grants permission for a second excess door swing for the premises at 1201 East Brady Street.

Whereas, Julilly W. Kohler petitioned for a special privilege to keep and maintain a sidewalk café, excess door swing, ventilation ducts and a gas meter enclosure in the public right-of-way; and

Whereas, Permission for said items was granted in 1993 under Common Council File Number 930956; and

Whereas, JWK Management, LLC now owns the property; and

Whereas, A special privilege is no longer required for a sidewalk café per Section 245-4.28 of the Milwaukee Code of Ordinances; and

Whereas, The aforementioned gas meter enclosure was never constructed and the ventilation ducts have been removed from the public right-of-way; and

Whereas, For the liability to be formally transferred to the current property owner for the previously permitted excess door swing, the Common Council needs to adopt an amending resolution; and

Whereas, The second excess door swing may only legally encroach into the public right-of-way by the granting 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Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 930956 is hereby rescinded; and, be it

Further Resolved, That JWK Management, LLC, 1224 East Brady Street, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To keep and maintain an excess door swing, which, when fully open, projects 3 feet into the east, 15.32-foot wide sidewalk area of North Franklin Place. Said door is centered approximately 29 feet south of the southline of East Brady Street and projects in excess of the 12 inches allowed under Section 245-4.8 of the Milwaukee Code of Ordinances.
2. To keep and maintain an excess door swing, which, when fully open, projects 3 feet 6 inches, into the south, 13-foot wide sidewalk area of East Brady Street. Said door swing is centered approximately 24 feet east of the eastline of North Franklin Place and projects in excess of the 12 inches allowed under Section 245-4.8 of the Milwaukee Code of Ordinances.

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, JWK 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 \$1,000 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 \$35.00. 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 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<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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division

MDL:lja  
May 31, 2006  
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