



Legislation Text

File #: 060004, **Version:** 1

060004

SUBSTITUTE

78-557-a

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Tweedledum, Inc. d/b/a the Packing House to keep and maintain an excess door swing and railings and granting permission for raised planter areas, a concrete platform and a moveable planter for the premises at 900 East Layton Avenue, in the 13th Aldermanic District.

This resolution amends a special privilege for change of ownership to Tweedledum, Inc. d/b/a the Packing House to keep and maintain an excess door swing and railings and grants permission for raised planter areas, a concrete platform and a moveable planter for the premises at 900 East Layton Avenue.

Whereas, Keith B. Wiken requested permission to construct and maintain a covered walk, an excess door swing and two wrought iron railings; and

Whereas, Permission for these items was granted in 1978 under Common Council Resolution File Number 78-557-a; and

Whereas, A site visit revealed that the covered walk had been removed from the public right-of-way; and

Whereas, Said site visit also revealed the presence of raised planting bed areas and one moveable planter for the subject premises; and

Whereas, Said planter bed areas and moveable planter may only legally encroach into the public right-of-way by the granting of a special privilege resolution adopted by the Common Council; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 78-557-a is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Tweedledum, Inc. d/b/a the Packing House, 900 East Layton Avenue, Milwaukee, Wisconsin 53207 is hereby granted the following special privileges:

1. To construct and maintain a raised planter bed projecting 2 feet 2 inches into the north, 12-foot wide sidewalk area of East Layton Avenue and 2 feet 6 inches into the east, 15-foot wide sidewalk area of South Lenox Street. Along East Layton Avenue, the raised planter bed commences at a point 2 feet 6 inches west of the eastline of South Lenox Street and ends 81 feet 9 inches to the east. Along South Lenox Street, the raised commences at a point 2 feet 2 inches south of the northline of East Layton Avenue and ends 6 feet to the north. The raised planter bed is 8 inches tall and surrounded a 3.5-inch wide wood edging.

2. To construct and maintain a raised planter area projecting 2 feet 2 inches into the north, 12-foot wide sidewalk area of East Layton Avenue. Said planter commences at a point approximately 79 feet 4 inches east of the eastline of South Lenox Street and ends at a point 8 feet 3 inches to the east. The raised planter bed is 1 foot 5 inches tall and is surrounded by a 6-inch thick concrete wall.
3. To construct and maintain a raised planter and concrete platform projecting 2 feet 2 inches into the north, 12-foot wide sidewalk area of East Layton Avenue. Said planter and platform commence at a point approximately 99 feet 6 inches east of the eastline of South Lenox Street and ends at a point approximately 16 feet 6 inches to the east. The planter and platform are 1 foot 5 inches tall. The planter is surrounded by a 6-inch thick concrete wall.
4. To keep and maintain a moveable planter on the aforementioned platform of item #3.
5. To keep and maintain an excess door swing encroachment centered approximately 21 feet north of the northline of East Layton Avenue. Said door projects 2 feet 10 inches into the east, 15-foot sidewalk area of South Lenox Street, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
6. To keep and maintain two, 3-foot tall wrought iron railings project 2 feet 4 inches perpendicular to and into the east sidewalk area of South Lenox Street. Said railings are located on either side of the door of #5. At no time shall the railings obstruct the east, 5-foot wide main concrete walk of South Lenox Street.

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, Tweedledum, Inc. d/b/a the Packing House, 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 \$5,000.00 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 \$85.93. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division

MDL:lja

July 17, 2006

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