



Legislation Text

File #: 990223, Version: 1

990223
SUBSTITUTE
920972
THE CHAIR

Substitute resolution amending a special privilege granted to Gracel, Inc. to keep and maintain two benches, a door-swing encroachment, a table and a soda machine on the west side of North Broadway within the public right-of-way at 223 North Broadway, to now delete one bench and the table and add two picnic-style tables to the special privilege and change the name of the grantee of the special privilege to Island Investment Holdings LLC, in the 4th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution amends a special privilege granted to Gracel, Inc. to keep and maintain two benches, a door-swing encroachment, a table and a soda machine on the west side of North Broadway, encroaching into the public right-of-way adjacent to the premises at 223 North Broadway, by deleting one bench and the table from the special privilege and adding two picnic-style tables and changing the name of the grantee of the special privilege to Island Investment Holdings, LLC.

Whereas, Gracel, Inc. was granted a special privilege under Common Council Resolution File Number 920972, on October 13, 1992, to keep and maintain two benches, a door-swing encroachment, a table and a soda machine adjacent to the premises located at 223 North Broadway; and

Whereas, A recent field inspection found that both of the benches and the table were removed from the public right-of-way and two hexagonal-shaped wooden picnic-style tables and a metal bench were placed on the sidewalk; and

Whereas, The current owner of the property is Island Investment Holdings LLC and should now be named as the grantee of the special privilege; and

Whereas, Said bench, door-swing encroachment, picnic-style tables and soda machine may only legally occupy 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 920972 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Island Investment Holdings LLC, 1020 West Mitchell Street, STE #500, Milwaukee, WI 53204, is hereby granted the following special privileges:

1. To keep and maintain one 19.2-inch wide by 76.8-inch long metal bench in the 20-foot wide public sidewalk area on the west side of North Broadway. Said bench is located approximately 180 feet north of the northline of East Chicago Street and approximately 14 feet east of the westline of North Broadway.
2. To keep and maintain an excess door-swing encroachment at the building that when open, will project into the public right-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. Said door projection is a maximum of 2.5 feet into the 20-foot wide west sidewalk area of North Broadway, with the door centered approximately 201 feet north of the northline of East Chicago Street.
3. To place and maintain two hexagonal-shaped wood picnic-style tables in the 20-foot wide west sidewalk area of North Broadway. The tables are approximately 7 feet wide and are located adjacent to the curbline centered approximately 205 feet and 220 feet north of the northline of East Chicago Street.
4. To keep and maintain a soda machine on the west side of North Broadway. Said machine is 36-inches wide by 35-inches long and is located approximately 238 feet north of the northline of East Chicago Street. Said machine encroachment is approximately 2.9 feet into the 20-foot wide sidewalk area of North Broadway.

The bench, soda machine, excessive door-swing encroachment, and picnic tables shall be placed, used and maintained to the satisfaction of the Departments of Public Works and Neighborhood Services, in accordance with the Milwaukee Building and Zoning Ordinances. All necessary permits shall be obtained from the Departments of Public Works and Neighborhood Services/City Development.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Island Investment Holdings 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 \$3,000.00 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 \$125.29. 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 66.045 of the Wisconsin Statutes (1979), 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.

Infrastructure Services Division

JJM:cjt

June 22, 1999

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