



Legislation Text

File #: 080290, Version: 1

080290

SUBSTITUTE 1

THE CHAIR

Substitute resolution to grant a special privilege to Rider Hotel LLC for a retaining wall, gas meter with appurtenant piping, excess door swing and dumpsters to encroach into the public right-of-way for the premises at 500 West Florida Street, in the 12th Aldermanic District.

Substitute resolution granting a special privilege to Rider Hotel LLC for a retaining wall, gas meter with appurtenant piping, excess door swing and dumpsters to encroach into the public right-of-way for the premises at 500 West Florida Street.

Whereas, The applicant is requesting permission to keep, use and maintain three dumpsters in the public right-of-way; and

Whereas, A site visit revealed the presence of a retaining wall, gas meter with appurtenant piping, and an excess door swing in the public right-of-way; and

Whereas, Said items may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Rider Hotel LLC, 1830 North Hubbard Street, Suite 700, Milwaukee, Wisconsin 53212, is hereby granted the following special privileges:

1. To keep, use and maintain three dumpsters in the public right-of-way of South 5th Street. Two of the dumpsters will be 6 feet long and 3 feet wide. The third dumpster will be 8 feet long and 6 feet wide. Said dumpsters will be located in the west half of the 76-foot wide public right-of-way of South 5th Street.
2. To construct and maintain a 1-foot wide concrete retaining wall with railing in the public right-of-way of South 5th Street centered approximately 55 feet north of the northline of West Florida Street. The retaining wall projects perpendicularly from the westline of South 5th Street 22 feet 8 inches and then turns and extends north an additional 6 feet. The wall varies in height between 3 and 5 feet. The railing is 3 feet 6 inches and is mounted to the top of the retaining wall. Total length of said retaining wall is 28 feet 8 inches.
3. To construct and maintain a gas meter with appurtenant piping projecting perpendicularly from the westline of South 5th Street 16 feet 8 inches. The 1-foot 8-inch wide meter and piping are centered approximately 56 feet north of the northline of West Florida Street, adjacent to the aforementioned retaining wall.
4. To construct and maintain an excess door swing that, when fully open, projects 3 feet into the public right-of-way. Said door is located at the westline of South 5th Street centered approximately 59 feet north of the northline of West Florida Street. The door projection is 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.

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, Rider Hotel 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 \$5,000 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 \$130.92. 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:ns
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