



Legislation Text

File #: 080944, Version: 1

080944

SUBSTITUTE

070626

THE CHAIR

Substitute resolution amending a special privilege to A & F Properties LLC for addition of a non-code compliant fixed awning projecting into the public right-of-way for the premises at 518 West Cherry Street, in the 6th Aldermanic District. This resolution amends a special privilege to A & F Properties LLC for addition of a non-code compliant fixed awning projecting into the public right-of-way for the premises at 518 West Cherry Street.

Whereas, A & F Properties LLC requested permission to install a concrete platform with risers and a new planting bed with edging within the public right-of-way; and

Whereas, Permission for items was granted in 2007 under Common Council Resolution File Number 070626; and

Whereas, Per the applicant said planting bed has not and will not be constructed; and

Whereas, The applicant is presently requesting permission to construct and maintain a non-code compliant fixed awning in the public right-of-way; and

Whereas, Said non-code compliant fixed awning 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

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 070626 is hereby rescinded; and, be it

Further Resolved, That A & F Properties, LLC, 1126 South 70th Street, West Allis, Wisconsin 53214, is hereby granted the following special privileges:

1. To construct and maintain a non-code compliant fixed awning projecting 6 feet into the north 15-foot wide sidewalk area of West Cherry Street. Said awning commences at a point approximately 104 feet west of the westline of North 5th Street and extends west 32 feet 8 inches to the west. The awning will be a minimum of 18 feet above the adjacent sidewalk grade. This awning will be flat and does not meet Section 245-7-6-d of the Milwaukee Code of Ordinances, which requires a slope between 30 and 45 degrees from the horizontal.

2. To keep and maintain a concrete platform with risers commencing at a point approximately 105 feet west of the westline of North 5th Street and extending west 17 feet 6 inches. The platform and risers project 4 feet 1 inch into the north 15-foot wide sidewalk area of West Cherry 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 it is 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, A & F Properties, 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 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 \$138.51. 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

December 15, 2008

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