



Legislation Text

File #: 170653, **Version:** 1

170653
SUBSTITUTE 1
Ald. Bauman

Substitute resolution granting a special privilege to Historic Third Ward Development LLC to install and maintain four code non-compliant signs in the public right-of-way for the premises at 325-331 North Broadway, in the 4th Aldermanic District.

This resolution grants a special privilege to Historic Third Ward Development LLC to install and maintain four code non-compliant signs in the public right-of-way for the premises at 325-331 North Broadway.

Whereas, Historic Third Ward Development LLC, the applicant, is requesting permission to install and maintain four code non-compliant signs in the public right-of-way; and

Whereas, The bottom of the signs will be lower than the 8 feet 6 inches required under section 244-10-2-c of the Milwaukee Code of Ordinances; and

Whereas, Two of said signs have been installed in the public right-of-way; and

Whereas, The applicant is requesting permission for four signs total to accommodate its tenant spaces; and

Whereas, Said signs 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 Historic Third Ward Development LLC, 225 East St Paul Avenue, Suite 302, Milwaukee, Wisconsin 53202 is hereby granted the following special privilege:

To install and maintain up to four code non-compliant signs attached to the underside of the canopy projecting into the west sidewalk area of North Broadway in front of the premises at 325-331 North Broadway. The bottom of the signs are or will be less than 8-foot 6-inches above the adjacent sidewalk grade, which does not comply with Section 244-10-2-c of the Milwaukee Code of Ordinances.

Said signs 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 signs 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, Historic Third Ward Development 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 Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.

3. Pay to the City Treasurer an annual fee, which has an initial amount of \$60.00. 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 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

Administration Division

JERREL KRUSCHKE/DAWN SCHMIDT

May 12, 2020

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