



## Legislation Text

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**File #: 090416, Version: 1**

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090416  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution granting a special privilege to Marquette University to install and maintain a fixed awning, two bollards and an ash can for the premises at 706 North 17<sup>th</sup> Street, in the 4<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Marquette University to install and maintain a non-code compliant fixed awning, two bollards and an ash can for the premises at 706 North 17<sup>th</sup> Street.

Whereas, Marquette University is seeking permission to install and maintain a fixed awning in the public right-of-way that does not meet the code for slope; and

Whereas, A site visit also revealed the presence of two bollards and an ash can 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

Resolved, By the Common Council of the City of Milwaukee, that Marquette University, Service Building 4<sup>th</sup> Floor, 517 North 14<sup>th</sup> Street, Milwaukee, WI 532332 is hereby granted the following special privileges:

1. To install and maintain a non-code compliant fixed awning projecting 6 feet into the east, 12-foot wide sidewalk area of North 17<sup>th</sup> Street. Said awning is a semicircular dome with a radius of 10 feet. The roof of the awning slopes away from the top of the center of the awning, instead of away from the building, which does not meet Section 245-6-c of the Milwaukee Code of Ordinances.
2. To install and maintain two 6-inch diameter bollards in the east, 12-foot wide sidewalk area of North 17<sup>th</sup> Street. Said bollards are centered about a point approximately 97 feet north of the northline of West Wisconsin Avenue and 1 foot west of the eastline of North 17<sup>th</sup> Street.
3. To install and maintain a 2-foot tall concrete ash can in the east, 12-foot wide sidewalk area of North 17<sup>th</sup> Street. Said square ash can is centered approximately 92 feet north of the northline of West Wisconsin Avenue and 1 foot west of the eastline of North 17<sup>th</sup> Street.

Said 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, Marquette University, 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 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 own 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 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 \$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 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 1<sup>st</sup> 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

January 20, 2010

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