



Legislation Text

File #: 091427, Version: 1

091427
SUBSTITUTE 1
060547
THE CHAIR

Substitute resolution granting a special privilege to Community Advocates Inc. for an overhead door housing and convex mirror to occupy the public right-of-way for the premises at 728 North James Lovell Street, in the 4th Aldermanic District. This resolution grants a special privilege to Community Advocates Inc. for an overhead door housing and convex mirror to occupy the public right-of-way for the premises at 728 North James Lovell Street.

Whereas, 728 N Lovell LLC requested permission to keep and maintain monitoring wells in the public right-of-way as part of an environmental remediation project for the subject premises that is under the oversight of the State of Wisconsin Department of Natural Resources; and

Whereas, Permission for said monitoring wells granted in 2006 under Common Council Resolution File Number 060547; and

Whereas, Subsequently, Chapter 245 of the Milwaukee Code of Ordinances was revised to allow monitoring wells in the public right-of-way that are part of a remediation project recognized by an agency of the State of Wisconsin; and

Whereas, Community Advocates Inc. now owns the property; and

Whereas, A site visit revealed the presence of an overhead garage door housing and convex mirror projecting into the public right-of-way; and

Whereas, Said door housing and mirror 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 060547 is hereby rescinded; and, be it

Further Resolved, That Community Advocates, 744 North 4th Street, Suite 200, Milwaukee, Wisconsin 53203, is hereby granted the following special privileges:

1. To construct and maintain an overhead door housing for a garage door projecting into the northern east-west alley in the block bounded by North James Lovell Street, West Wells Street, West Wisconsin Avenue and North 6th Street. The door housing is comprised of two components and is located along the southline of said alley. The western section contains the controls for the door and projects 2 feet into the alley, commences at a point approximately 126 feet east of the eastline of North James Lovell Street and extends 2 feet to the east. The east section solely houses the garage door and projects 1 foot 6 inches into the alley, commences at a point approximately 124 feet east of the eastline of North James Lovell Street and extends east 19 feet 6 inches.
2. To install and maintain a convex mirror mounted to a neighboring building at the northline of the north east-west alley in the block bounded by North James Lovell Street, West Wells Street, West Wisconsin Avenue and North 6th Street. Said mirror is centered approximately 137 feet east of the eastline of North James Lovell Street and occupies an area in the public right-of-way that is 2 feet 6 inches long and 1 foot 6 inches wide.

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, Community Advocates Inc, 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. 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 \$58.98. 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

August 13, 2010

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