



Legislation Text

File #: 100996, **Version:** 1

100996
SUBSTITUTE 1
980161
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Mental Health America of Wisconsin Inc for a building façade encroachment for the premises at 734 North 4th Street, in the 4th Aldermanic District.

This resolution amends a special privilege for change of ownership to Mental Health America of Wisconsin Inc for a building façade encroachment for the premises at 734 North 4th Street.

Whereas, Mental Health Association in Milwaukee County Inc requested permission to keep and maintain a building façade projection in the public right-of-way; and

Whereas, Permission for said building facade was granted in 1998 under Common Council Resolution File Number 980161; and

Whereas, Mental Health America of Wisconsin Inc now owns the property, and

Whereas, For the liability for said building facade to be formally transferred to the applicant, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 980161 is hereby rescinded; and, be it

Further Resolved, That Mental Health America of Wisconsin Inc, 734 North 4th Street, Milwaukee, Wisconsin, 53203, is hereby granted the following special privilege:

To keep and maintain a building façade projecting 8 inches into the east-west alley in the block bounded by North 4th Street, North Old World Third Street, West Wells Street and West Wisconsin Avenue. The building façade, which is at minimum 8 feet above grade, commences at the eastline of North 4th Street and extends east 20 feet. Said building façade projects more than the 6 inches allowed under Section 245-4-15 of the Milwaukee Code of Ordinances.

Said above-mentioned building facade shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

Said building facade 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, Mental Health America of Wisconsin 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 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 \$72.47. 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

May 18, 2011

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