



Legislation Text

File #: 070899, Version: 1

070899

SUBSTITUTE 1

061417

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Downer Avenue West Condominium and for addition of excess door swings for the premises at 2551-97 North Downer Avenue, in the 3rd Aldermanic District. Substitute resolution amending a special privilege for change of ownership to Downer Avenue West Condominium and for addition of several door swings, a fence gate and a metal gate for an electrical equipment room for the premises at 2551-97 North Downer Avenue.

Whereas, Downer Delaware, LLC requested permission to keep and maintain various items within the public right-of-way which were granted permission under Common Council Resolution File Number 061417; and

Whereas, The subject premises has been converted into a condo with Downer Avenue West Condominium as the condo association; and

Whereas, Downer Avenue West Condominium is requesting permission to construct and maintain two excess door swings in the public right-of-way; and

Whereas, A site visit revealed the presence of four additional excess door swing encroachments, a fence gate, and a double gate for an electrical equipment room in the public right-of-way; and

Whereas, Said additional 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 061417 is hereby rescinded; and, be it

Further Resolved, That Downer Avenue West Condominium, c/o Van Buren Management, Inc., 788 North Jefferson Street, Suite 800, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To construct and maintain a double excess door swing comprised of two, 3-foot wide doors. The doors, when fully open, project 2 feet 6 inches into the 19-foot 3-inch wide, north sidewalk area of East Webster Place in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said doors are centered approximately 30 east of the eastline of the north-south alley west of North Downer Avenue.
2. To construct and maintain three single excess door swings projecting into the north-south alley located west of North Downer Avenue. Said door swings are centered approximately 100, 20 and 6 feet north of the northline of East Webster Place and project into the public right-of-way 2 feet 6 inches, 2 feet and 2 feet, 6 inches, respectively. Said 3-foot wide doors project into the public way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
3. To construct and maintain a double gate comprised of two 6-foot wide gates which enclose an electrical equipment room. Said gates are centered approximately 50 feet north of the northline of East Webster Places. The gates, when fully open, project 6 feet into the north-south alley located west of North Downer Avenue in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

4. To keep and maintain two 3-foot 6-inch wide single excess door swings projecting into the north-south alley located west of North Downer Avenue. Said doors are centered approximately 45 and 59 feet south of the southline of East Bellevue Place. Said doors project into the public way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
5. To keep and maintain a concrete step projecting 1-foot into the north-south alley located west of North Downer Avenue. The 4-foot long step is centered approximately 45 feet south of the southline of East Bellevue Place.
6. To keep and maintain a gate swing projecting into the south, 14-foot wide sidewalk area of East Bellevue Place. Said gate is centered approximately 12 feet east of the eastline of the north-south alley located west of North Downer Avenue. The gate, when fully open, projects 3 feet 10 inches into the public way, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
7. To keep and maintain six rectangular, wooden moveable planters in the west sidewalk area of North Downer Avenue. Said 2-foot wide planters are centered approximately 2 feet east of the westline of North Downer Avenue and 24, 39, 51, 73, 91 and 96 feet north of the northline of East Webster Place.
8. To keep and maintain an 8-foot 3-inch wide covered walk projecting 12 feet into the south, 14-foot wide sidewalk area of East Bellevue Place. Said covered walk is centered approximately 70 feet west of the westline of North Downer Avenue.

The covered walk shall be supported by the building and two vertical supports near each corner closest to the curb along each side of the covered walk. Each vertical support nearest the curb is centered approximately 2 feet from the present curblane. There is an opening 8 feet 3 inches wide between the vertical supports, which parallels the curb. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below is 8 feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination of the covered walk shall be indicated on the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

The grantee is required to keep a "Loading Zone" or "No Parking" status adjacent to the covered walk as long as the covered walk occupies the public right-of-way.

9. To keep and maintain two 6-foot long benches and one 4-foot long bench in the public right-of-way abutting the shop at 2597 North Downer Avenue. Two of the benches are located in the south sidewalk area of East Bellevue Place and one is located in the west sidewalk area of North Downer Avenue. Said benches will be placed against the building and will project 2 feet into the public right-of-way.

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, Downer Avenue West Condominium, 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 \$1,000 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 \$476.19. 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 21, 2008

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