



Legislation Details (With Text)

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**Type:** Resolution      **Status:** Passed

**File created:** 3/20/2001      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 4/10/2001

**Effective date:**

**Title:** Substitute resolution to grant a special privilege to Ivory Tusk Condominium Association, Inc. to place ten above-ground sidewalk planters and to keep, use and maintain excessive door swing projections encroaching into the public rights-of-way abutting the premises at 101 West Wisconsin Avenue, in the 4th Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Application.PDF, 2. Additional Information.PDF, 3. Cover Letter.pdf, 4. Fiscal Note.pdf

Date	Ver.	Action By	Action	Result	Tally
3/20/2001	0	COMMON COUNCIL	ASSIGNED TO		
3/21/2001		PUBLIC WORKS COMMITTEE	REFERRED TO		
3/22/2001	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/22/2001	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/28/2001	1	CITY CLERK	DRAFT SUBMITTED		
3/28/2001	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
4/10/2001	1	COMMON COUNCIL	ADOPTED	Pass	15:0
4/17/2001	1	MAYOR	SIGNED		

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SUBSTITUTE  
97111  
THE CHAIR

Substitute resolution to grant a special privilege to Ivory Tusk Condominium Association, Inc. to place ten above-ground sidewalk planters and to keep, use and maintain excessive door swing projections encroaching into the public rights-of-way abutting the premises at 101 West Wisconsin Avenue, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This special privilege grants the applicant permission to place ten above-ground sidewalk planters and allows several door swing projections within the sidewalk areas on the east side of North Plankinton Avenue and the north side of West Michigan Street, adjacent to 101 West Wisconsin Avenue.

Whereas, Ivory Tusk Condominium Association, Inc. proposes to place and maintain ten 5-foot by 5-foot by 3-foot high above-ground planters on the sidewalk on the east side of North Plankinton Avenue abutting the building at 101 West Wisconsin Avenue; and

Whereas, Several door swing projections abutting the building are shown to encroach into the sidewalk areas on the east side of North Plankinton Avenue and the north side of West Michigan Street; and

Whereas, The above-ground planters and door swings may only legally occupy the City of Milwaukee public rights-of-way by the granting of this special privilege; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Ivory Tusk Condominium Association, Inc., 735 North Water Street, Suite 729, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To place and maintain ten 5-foot by 5-foot by 3-foot high above-ground planters within the 15-foot wide fully concrete paved public sidewalk area. Said planters shall be placed abutting the building at 101 West Wisconsin Avenue, along the east side of North Plankinton Avenue. The planters are centered at distances of approximately 125'-8", 145'-10", 164'-6", 183'-2", 199'-7", 218'-8", 238'-3", 257'-10", 277'-5" and 294'-4" south of the southline of West Wisconsin Avenue.
2. To keep, use and maintain excess door swing encroachments at the building known as 101 West Wisconsin Avenue that, when fully open, project into the public right-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The doors are centered as follows: A single 3-foot wide door is centered approximately 105 feet south of the southline of West Wisconsin Avenue; a 6-foot wide double door is centered approximately 155 feet south of the southline of West Wisconsin Avenue; two side-by-side 7-foot wide double doors are centered approximately 32 feet north of the northline of West Michigan Street; one 3-foot wide single door and one 6-foot wide double door, which are side-by-side, are centered approximately 180 feet east of the eastline of North Plankinton Avenue; one 8-foot wide double door is centered approximately 200 feet east of the eastline of North Plankinton Avenue.

Said planters and door swings shall be placed, used and maintained to the approval of the Departments of Public Works and Neighborhood Services. All necessary permits shall be obtained from the Departments of Public Works and City Development prior to placement of these items in the City of Milwaukee public rights-of-way. The plant material shall be approved by and maintained to the satisfaction of the City Forester

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Ivory Tusk Condominium Association, 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 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 \$5,000.00 such bond to be approved by the City Attorney. The 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 \$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. Both bond and insurance policy shall provide that they shall not be canceled 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 \$187.01. 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 any 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 66.0915((3) 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

JJM:cjt

March 23, 2001

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