



Legislation Details (With Text)

**File #:** 121190      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 12/18/2012      **In control:** COMMON COUNCIL  
**On agenda:**      **Final action:** 9/24/2013  
**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to Downer Delaware LLC and for addition of a balcony structure for the premises at 2551-97 North Downer Avenue, in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Application and Drawings, 2. Cover Letter, 3. Photos, 4. Map

Date	Ver.	Action By	Action	Result	Tally
12/18/2012	0	COMMON COUNCIL	ASSIGNED TO		
1/2/2013	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/6/2013	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/11/2013	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
9/24/2013	1	COMMON COUNCIL	ADOPTED	Pass	15:0
9/27/2013	1	MAYOR	SIGNED		

121190  
SUBSTITUTE  
070899  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Downer Delaware LLC and for addition of a balcony structure for the premises at 2551-97 North Downer Avenue, in the 3<sup>rd</sup> Aldermanic District.  
Substitute resolution amending a special privilege for change of ownership to Downer Delaware LLC and for addition of a balcony structure for the premises at 2551-97 North Downer Avenue.  
Whereas, Downer Avenue West Condominium requested permission to keep and maintain various items within the public right-of-way which were granted permission under Common Council Resolution File Number 070899; and

Whereas, These items are owned by only one of the two condos in the condominium association; and

Whereas, The applicant is presently requesting permission to construct and maintain a balcony structure in the public way; and

Whereas, Said balcony structure 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 070899 is hereby rescinded; and, be it

Further Resolved, That Downer Delaware LLC, 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 balcony structure projecting 10 feet 6 inches into the south, 14-foot wide sidewalk area of East Bellevue Place. Said structure commences approximately 15 feet west of the westline of North Downer Avenue and extends west 46 feet 8 inches. Said balcony structure is supported by four columns centered approximately 9 feet 4 inches north of the southline of East Bellevue Place and evenly positioned along the length of the balcony structure. The columns are built atop 15-inch diameter concrete pier foundations.
2. To keep 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 Place. 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.
3. 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.
4. 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.
5. 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.
6. 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 curblines. 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.

7. 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 Delaware LLC, 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 \$1711.70. 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 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:clm

August 21, 2013

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