



Legislation Details (With Text)

**File #:** 980543      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 7/24/1998      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 10/9/1998  
**Effective date:**

**Title:** Substitute resolution amending a special privilege granted to Water Street Associates to keep and maintain a covered walk and set of concrete risers in the public right-of-way at 1758 North Water Street to now change the name of the grantee of the special privilege to Paul Knaust, in the 3rd Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:**

| Date       | Ver. | Action By              | Action                   | Result | Tally |
|------------|------|------------------------|--------------------------|--------|-------|
| 7/24/1998  | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 7/28/1998  | 0    | PUBLIC WORKS COMMITTEE | REFERRED TO              |        |       |
| 9/24/1998  | 0    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 9/29/1998  | 1    | CITY CLERK             | DRAFT SUBMITTED          |        |       |
| 10/1/1998  | 0    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 5:0   |
| 10/9/1998  | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 16:1  |
| 10/19/1998 | 1    | MAYOR                  | SIGNED                   |        |       |

980543  
SUBSTITUTE  
86-338  
THE CHAIR

Substitute resolution amending a special privilege granted to Water Street Associates to keep and maintain a covered walk and set of concrete risers in the public right-of-way at 1758 North Water Street to now change the name of the grantee of the special privilege to Paul Knaust, in the 3rd Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution amends a special privilege granted to Water Street Associates to keep and maintain a covered walk and set of concrete risers located in the public rights-of-way of North Water Street and East Pearson Street in front of the premises at 1758 North Water Street to now change the name of the grantee of the special privilege to Paul Knaust.

Whereas, Water Street Associates was granted a special privilege under Common Council Resolution File Number 86-338, on July 8, 1986, to keep and maintain a covered walk and a set of concrete risers which partially encroach into the rights-of-way of North Water Street and East Pearson Street in front of the premises at 1758 North Water Street; and

Whereas, The current owner of the property is Paul Knaust and should now be named as the grantee of the special privilege; and

Whereas, Said items may only legally occupy the public way by the granting of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 86-338 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Paul Knaust, 1758 North Water Street, Milwaukee, WI 53202 is

hereby granted the following special privileges:

1. To keep and maintain a 6.0-foot wide covered walk projecting between 1 foot and 8 feet into the fully paved radius area where North Water Street and East Pearson Street intersect at an oblique angle. Said covered walk is supported by the building at the entrance and by four vertical supports, two located approximately 7.3 feet west of the building face and two located approximately 10.8 feet west of the building face. Said covered walk has a vertical clearance of approximately 6.5 feet between the skirt of the covered walk and the sidewalk grade below.

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 and wind pressure of 20 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 covered walk shall be indicated upon 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 will be required to keep a "Loading Zone" or have a "No Parking" status adjacent to the covered walk as long as the covered walk occupies the public right-of-way.

2. To allow a set of concrete risers to remain and be maintained in the public rights-of-way of North Water Street and East Pearson Street. The risers are centered under the covered walk where only part of the lower 2 steps encroach into the public way.

Said covered walk and concrete risers shall be maintained to the approval of the Commissioner of Public Works and Commissioner of Building Inspection.

and, be it

Further Resolved, That when any structural or maintenance work is done to the covered walk, an 8-foot vertical clearance between the skirt of the covered walk and the sidewalk grade below shall be required to be provided, in accordance with the Milwaukee Code of Ordinances and the conditions set forth in policy Common Council Resolution File Number 62-1211-a; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Paul Knaust, 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. 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 \$75.00. 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

September 28, 1998

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