



Legislation Details (With Text)

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Title: Substitute resolution amending a special privilege for change of ownership to Lyon Court Condominiums, Inc. for steps and covered walk and for addition of tree grates encroaching into the public right-of-way for the premises at 1515 North Van Buren Street, in the 3rd Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Special Privilege Petition, 2. Cover Letter, 3. Fiscal Note, 4. Pictures, 5. Map, 6. Hearing notice list

Date	Ver.	Action By	Action	Result	Tally
9/2/2008	0	COMMON COUNCIL	ASSIGNED TO		
9/2/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
11/21/2008	1	CITY CLERK	DRAFT SUBMITTED		
11/26/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/26/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/3/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
12/16/2008	1	COMMON COUNCIL	ADOPTED	Pass	14:0
12/22/2008	1	MAYOR	SIGNED		

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 SUBSTITUTE 1
 980666
 THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Lyon Court Condominiums, Inc. for steps and covered walk and for addition of tree grates encroaching into the public right-of-way for the premises at 1515 North Van Buren Street, in the 3rd Aldermanic District.

This resolution amends a special privilege for change of ownership to Lyon Court Condominiums Inc for steps and covered walk and for addition of tree grates encroaching into the public right-of-way for the premises at 1515 North Van Buren Street.

Whereas, New Land Enterprises requested permission to construct and maintain a set of concrete steps with sidewalks and a covered walk in the public right-of-way; and

Whereas, Permission for said items was granted in 1999 under Common Council File Number 980666; and

Whereas, Lyon Court Condominiums, Inc. is now responsible for the property; and

Whereas, For the liability for said items to be formally transferred to Lyon Court Condominiums Inc, the Common Council needs to adopt an amending resolution; and

Whereas, A site visit revealed the presence of four tree grates; and

Whereas, Said tree grates 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 980666 is hereby rescinded; and, be it

Further Resolved, That Lyon Court Condominiums, Inc., c/o Prospect Management Company, 5645 North Green Bay Avenue, Glendale, Wisconsin 53209, is hereby granted the following special privileges:

1. To install and maintain four, 4-foot 6-inch square metal tree grates in the west, 14-foot wide sidewalk area of North Van Buren Street. Said tree grates are centered approximately 10 feet east of the westline of North Van Buren Street and 27, 63, 108 and 155 feet north of the northline of East Lyon Street.
2. To keep and maintain a set of concrete steps with decorative concrete sidewalls projecting 4 feet 4 inches into the west, 14-foot wide sidewalk area of North Van Buren Street. Said 12-foot wide set of steps with sidewalls is centered approximately 86 feet north of the northline of East Lyon Street.
3. To keep and maintain a covered walk projecting 4 feet 4 inches into the west, 14-foot wide sidewalk area of North Van Buren Street. Said covered walk only covers the aforementioned concrete steps with sidewalls described in Item #1 above. Since the street edge of the covered walk is 9 feet 8 inches from the curb of North Van Buren Street, the grantee will not be required to obtain a loading zone or other "No Parking" zone adjacent to the covered walk.

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 structure 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 about the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination shall be approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the canopy. The name, street number or character of the location may be indicated only on the vertical portion of the canopy.

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, Lyon Court Condominiums, 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 \$1,000.00 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 \$217.50. 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

November 11, 2008

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