



Legislation Details (With Text)

**File #:** 890530      **Version:** 3  
**Type:** Resolution      **Status:** Passed  
**File created:** 6/27/1989      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 11/6/2002  
**Effective date:**

**Title:** Substitute resolution amending a special privilege to Mr. Peter Aldrian to construct/install and maintain planters, brick pavers, tree grates and a set of double doors within the west sidewalk area adjacent to 2071 North Summit Avenue by deleting the double doors swing projection and one planting area adding a single door swing projection, pedestrian-scale lights with cable, entrance portico, raised platform, barrier-free ramp, raised wood timber and awning structure, in the 3rd Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Cover Letter.pdf, 2. Fiscal Note.pdf, 3. Revised Fiscal Note.pdf

Date	Ver.	Action By	Action	Result	Tally
6/28/1989	1	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/27/1989	0	PUBLIC WORKS COMMITTEE			
12/6/1989	1	PUBLIC WORKS COMMITTEE			
7/24/1991	1	PUBLIC WORKS COMMITTEE			
6/4/1998	1	STEERING & RULES COMMITTEE	HEARING NOTICES SENT		
6/4/1998	0	STEERING & RULES COMMITTEE	HEARING NOTICES SENT		
6/4/1998	0	STEERING & RULES COMMITTEE	REFERRED TO		
9/26/2002	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/27/2002	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/27/2002	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/2/2002	1	PUBLIC WORKS COMMITTEE	HELD TO CALL OF THE CHAIR	Pass	5:0
10/17/2002	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/17/2002	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/17/2002	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/18/2002	2	CITY CLERK	DRAFT SUBMITTED		
10/18/2002	3	CITY CLERK	DRAFT SUBMITTED		
10/21/2002	3	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
11/6/2002	3	COMMON COUNCIL	ADOPTED	Pass	14:0
11/15/2002	3	MAYOR	SIGNED		

[..Number](#)

890530  
SUBSTITUTE 3  
880611  
THE CHAIR

Substitute resolution amending a special privilege to Mr. Peter Aldrian to construct/install and maintain planters, brick pavers, tree grates and a set of double doors within the west sidewalk area adjacent to 2071 North Summit Avenue by deleting the double doors swing projection and one planting area adding a single door swing projection, pedestrian-scale lights with cable, entrance portico, raised platform, barrier-free ramp, raised wood timber and awning structure, in the 3rd Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Mr. Peter Aldrian, to construct/install and maintain planters, brick pavers, tree grates and a set of double doors within the west sidewalk area adjacent to 2071 North Summit Avenue by deleting the double doors, swing projection and one planting area adding a single door swing projection, pedestrian-scale lights with cable, entrance portico, raised platform, barrier-free ramp, raised wood timber and awning structure.

Whereas, Mr. Peter Aldrian was redeveloping the building at 2071 North Summit Avenue in 1988 and desired to supplement the building's decor with improvements within the street right-of-way consisting of tree grates, low planters and transverse bands of brick pavers within the main public sidewalk as well as brick pavers on either side of the main sidewalk; and

Whereas, It was further determined that a set of double doors was proposed to swing out and extend, when fully opened, in excess of the 12 inches allowable by the Milwaukee Building Code; and

Whereas, A special privilege was requested of and subsequently granted by the Common Council on September 20, 1988, under Common Council Resolution File Number 880611, granting permission for tree grates, planters, transverse bands of brick pavers and door swings to occupy the public right-of-way of North Summit Avenue; and

Whereas, Shortly after the permission was granted Mr. Aldrian initially thought about having pedestrian-scale lights instead of trees and communicated such by letter to the City Clerk, dated June 21, 1989; and changed his mind and decided to have both, so that a new plan was transmitted to us; and

Whereas, Somehow the lights got installed prior to permission being granted, as discovered by an on-site viewing; and

Whereas, The light poles had brackets attached to them and on the brackets were banners that had the monogram of their business that was in their building; and

Whereas, Mr. Aldrian, by another letter to the City Clerk, dated November 29, 1989, indicated that the tree grates should not have been deleted; and

Whereas, A letter dated November 20, 1989 and resolution (Substitute 1) were prepared under CC 890530 and submitted to the Public Improvements Committee, which contained permission for said lights and did not include permission for the tree grates; and

Whereas, As directed, a Substitute 2, dated December 1, 1989, was prepared including the tree grates and the lights with monogrammed banners; and

Whereas, A separate communication was sent to the Committee Chair by the then Commissioner of Building Inspection indicating his opinion that said banners constituted advertising and suggesting that it may be poor

public policy to allow that, cognizant that the Common Council establishes policies; and

Whereas, It appears that said file has languished "in Committee" all of this time; and

Whereas, At the recent direction of the Public Improvements Committee, the site was revisited; and

Whereas, Our viewing revealed that: there were no banners, nor brackets, on the light poles; a main entrance treatment consisting of a raised brick surfaced platform and portico with wood columns was in place; a concrete ramp with wood handrails extending south from said platform, to provide banner-free access, was in place; a fabric covered awning-type structure attached to the north end of the building extending into the public right-of-way and supported by 1 metal support in the right-of-way was in place; and 1 raised wood timber extended into the right-of-way to the covered walk-type structure support; and

Whereas, Any and all of these items require that a special privilege resolution be adopted in order to occupy the public right-of-way; now, therefore, be it

Resolved, That C.C. 880611 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Mr. Peter Aldrian is hereby granted the following special privileges:

1. To keep and maintain five 4-foot square metal tree grates centered approximately 139.5, 164, 185.5, 201 and 221.5 feet south of the southline of East Woodstock Place and approximately 13 feet east of the westline of North Summit Avenue within the 17-foot wide sidewalk area.
2. To keep and maintain three planting areas surrounded by a 6-inch high 6-inch wide concrete curbing. The north and south 12-foot long planting areas are located approximately 152 feet and 209 feet respectively south of the southline of East Woodstock Place and the 5-foot long center planting area is centered approximately 174 feet south of the southline of East Woodstock Place. Planting areas extend from the building to the edge of the main public sidewalk area.
3. To keep and maintain transverse bands of brick pavers uniformly spaced approximately 6 feet apart, across the entire property frontage. The bricks shall be maintained flush with the adjacent sidewalk and shall be periodically monitored and adjusted as necessary to minimize a tripping hazard to pedestrians. (This monitoring and adjusting applies also to the bricks that were allowed by permit located between the street curb and sidewalk and between the sidewalk and building).
4. To keep, use and maintain a door that when fully opened extends beyond the 12-inch allowable encroachment into the public right-of-way. The door is centered approximately 180.5 feet south of the southline of East Woodstock Place and extends approximately 2.5 feet in excess of the 12-inch allowable.
5. To keep, use and maintain four pedestrian-scale lights centered approximately 151, 177, 209.5 and 234.5 feet south of the southline of East Woodstock Place and approximately 12 feet east of the westline of North Summit Avenue.
6. To keep and maintain electrical cable approximately 24 inches below grade to furnish electrical energy to the lights indicated in item #5 above. The cable enters the public right-of-way at a point approximately 136 feet south of the southline of East Woodstock Place and extends easterly and then southerly to the northern light. The cable then continues southerly,

on a meandering path, to each successive light.

7. To keep and maintain an entrance portico at the door of item #4 above, which consists of 2 wood columns supporting a horizontal ledge with a decorative semicircular top. The maximum projection is approximately 24 inches. The columns sit on the raised platform of item #8 below. The total width is approximately 10 feet.

8. To keep, use and maintain a raised brick surfaced platform approximately 12 feet wide, 6 inches high and projecting approximately 5 feet at the door entrance of item #4 above.

9. To keep, use and maintain a concrete ramp to provide barrier-free access to the platform of item #8 above. The ramp extends approximately 6 feet to the south. The ramp is 4.7 feet wide and has wood handrails on metal vertical supports that are 3.1 feet high. The width between handrails is 3.55 feet except at the location of the south column of the portico where it is only 3.0 feet.

10. To keep and maintain one, 4-inch high, 5.5-inch wide raised wood timber encroaching approximately 3.3 feet located at the encroaching vertical support of item #11 below.

11. To keep and maintain a fabric awning that does not comply with Section 245-6.5, but is more like the structure of Section 245-12 (a covered walk) in that it is not totally supported by the building but has one encroaching vertical support. The other support is on private property. The structure encroachment is 4.15 feet, the width is 8 feet and provides vertical clearance of 8.3 feet. It has letters on the front of 10 inches and on the south face of 14 inches. The vertical support is at approximately 3.4 feet east of the westline of North Summit Avenue.

The tree grates, concrete walls surrounding the planters, the brick pavers, the door, the lights, the conduit/electric cable, portico, platform, ramp, timber and awning shall be constructed/installed, used and maintained to the satisfaction of the Commissioner of Public Works and the Commissioner of the Department of Neighborhood Services, in accordance with the Milwaukee Codes and Zoning Ordinances. Prior to installation, all necessary permits shall have been obtained from the Commissioners of Public Works and City Development. Plant material relative to species and spacing shall be approved by the City Forester prior to tree placement; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Mr. Peter Aldrian, 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 \$8,000, 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 cancelled until after at least thirty days' notice in writing to the City Clerk.
3. Pay to the City Treasurer the annual fee of \$452.65 as long as such special privilege is maintained.

4. Whenever this special privilege is discontinued for any reason whatsoever, 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.

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 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.

Public Works Department

Infrastructure Services Division

JJM:dle

October 17, 2002

890530 RES-RS