



## Legislation Details (With Text)

**File #:** 030421 **Version:** 2

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

**File created:** 7/15/2003 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 10/14/2003

**Effective date:**

**Title:** Substitute resolution to grant a special privilege to Grady Thomas to install and maintain a covered walk and movable planters on the west side of North Dr. Martin Luther King Jr. Drive within the public right-of-way and to keep and maintain the existing building encroachment at 1947 North Dr. Martin Luther King Jr. Drive, in the 6th Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Application and Drawing.PDF, 2. Cover Letter.pdf, 3. Fiscal Note.pdf, 4. Sub 2 Fiscal Note.PDF

Date	Ver.	Action By	Action	Result	Tally
7/15/2003	0	COMMON COUNCIL	ASSIGNED TO		
7/16/2003		PUBLIC WORKS COMMITTEE	REFERRED TO		
9/25/2003	1	CITY CLERK	DRAFT SUBMITTED		
9/25/2003	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/25/2003	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/1/2003	2	PUBLIC WORKS COMMITTEE	AMENDED	Pass	5:0
10/1/2003	2	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
10/2/2003	2	CITY CLERK	DRAFT SUBMITTED		
10/14/2003	2	COMMON COUNCIL	ADOPTED	Pass	16:0
4/30/2013	2	COMMON COUNCIL	SIGNED		

030421

SUBSTITUTE 2

64-3620, 49-1847c, 49-1847b, 49-1847a, 49-1847

THE CHAIR

Substitute resolution to grant a special privilege to Grady Thomas to install and maintain a covered walk and movable planters on the west side of North Dr. Martin Luther King Jr. Drive within the public right-of-way and to keep and maintain the existing building encroachment at 1947 North Dr. Martin Luther King Jr. Drive, in the 6<sup>th</sup> Aldermanic District in the City of Milwaukee.

This special privilege grants Grady Thomas permission to install and maintain a covered walk and movable planters on the west side of North Dr. Martin Luther King Jr. Drive encroaching into the public right-of-way abutting the premises at 1947 North Dr. Martin Luther King Jr. Drive, as well as to keep and maintain the existing building encroachment.

Whereas, The applicant desires to have a covered walk at 1947 North Dr. Martin Luther King Jr. Drive which extends into the public right-of-way at the west side of North Dr. Martin Luther King Jr. Drive; and

Whereas, Permission had been granted to previous owners to have a building and building facade encroachments at this property under Common Council Resolution File Numbers 49-1847, 49-1847a, 49-1847b, 49-1847c and 64-3620; and

Whereas, Our field investigation revealed that the facade material has been removed, but the building still encroaches; and

Whereas, Mr. Thomas recently informed the Public Improvements Committee of his desire to have two movable planters be placed along the curb, one north of and one south of the proposed location of the proposed covered walk; and

Whereas, Said covered walk, movable planters and building encroachment may only legally occupy the public right-of-way by the granting of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that the following files are hereby rescinded: 64-3620, 49-1847c, 49-1847b, 49-1847a and 49-1847; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Grady Thomas, 1947 North Dr. Martin Luther King Jr. Drive, Milwaukee, WI 53212 is hereby granted the following special privileges:

1. To install, keep and maintain a covered walk at the property known as 1947 North Dr. Martin Luther King Jr. Drive. Said covered walk, 6.0 feet in width, is centered approximately 32 feet south of the southline of West Brown Street and encroaches approximately 10 feet into the 12-foot wide sidewalk area on the west side of North Dr. Martin Luther King Jr. Drive at the 1947 North Dr. Martin Luther King Jr. Drive address. The covered walk is supported by the building and by two vertical supports near each corner closest to the curb along each side of the covered walk. Each vertical support is centered approximately 2 feet west of the present curbline. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below is approximately 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 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 the 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.

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.

Permits shall be obtained from the Departments of Public Works, and City Development for the covered walk structure itself and from the Department of Public Works to occupy the right-of-way, as necessary.

2. To keep and maintain an existing building encroachment across the 21 feet of the building, which varies from 7 inches to 10 inches.

3. To place, use and maintain 2 movable planters generally along the curb adjacent to and outside of the covered walk in item 1. above, for flowers. The planters are to be approximately 36 inches high, 3 foot diameter and be located no closer than 2 feet to the curb. The material is proposed to be masonry.

Said covered walk and movable planters shall be constructed, installed, placed, maintained and used to the approval of the Departments of Public Works and 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, Grady Thomas, 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 \$10,000.00 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 \$171.86. 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 66.0425 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.
- Department of Public Works  
Infrastructure Services Division  
JJM:cjt  
October 1, 2003  
030421  
Substitute No. 2