



Legislation Details (With Text)

File #: 020484 **Version:** 1
Type: Resolution **Status:** Passed
File created: 7/16/2002 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:** 5/25/2004
Effective date:

Title: Substitute resolution amending a special privilege granted to American Landmark Properties for the use of the public right-of-way to install and maintain movable sidewalk planters, railing and wall-mounted lights adjacent to the property referred to as 735 North Water Street, but known officially as 733-745 North Water Street, to now change the name of the grantee of the special privilege to Compass Properties North Water Street, LLC, and include permission for existing picnic-type tables, overhead door housing and swing-out door, in the 4th Aldermanic District of the City of Milwaukee.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Special Privilege Application.PDF, 2. Fiscal note.pdf, 3. DPW cover letter.pdf

Date	Ver.	Action By	Action	Result	Tally
7/16/2002	0	COMMON COUNCIL	ASSIGNED TO		
7/17/2002		PUBLIC WORKS COMMITTEE	REFERRED TO		
5/3/2004	1	CITY CLERK	DRAFT SUBMITTED		
5/5/2004	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/5/2004	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/12/2004	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
5/25/2004	1	COMMON COUNCIL	ADOPTED	Pass	15:0
3/4/2014	1	COMMON COUNCIL	HEARING NOTICES SENT		
3/4/2014	1	COMMON COUNCIL	HEARING NOTICES SENT		
4/22/2014	1	COMMON COUNCIL	SIGNED		

020484

SUBSTITUTE

930957

THE CHAIR

Substitute resolution amending a special privilege granted to American Landmark Properties for the use of the public right-of-way to install and maintain movable sidewalk planters, railing and wall-mounted lights adjacent to the property referred to as 735 North Water Street, but known officially as 733-745 North Water Street, to now change the name of the grantee of the special privilege to Compass Properties North Water Street, LLC, and include permission for existing picnic-type tables, overhead door housing and swing-out door, in the 4th Aldermanic District of the City of Milwaukee.

Substitute resolution amending a special privilege granted to American Landmark Properties for the use of the public right-of-way to install and maintain movable sidewalk planters, railing and wall-mounted lights adjacent to the property referred to as 735 North Water Street, but known officially as 733-745 North Water Street, to now change the name of the grantee of the special privilege to Compass Properties North Water Street, LLC,

and include permission for existing picnic-type tables, overhead door housing and swing-out door. Whereas, American Landmark Properties submitted a petition to obtain permission to place many items within the public right-of-way abutting their buildings at 735 and 740 North Water Street and many of the items requested were in compliance with sections of the Milwaukee Code of Ordinances; and

Whereas, The name of the current owner of the property is now Compass Properties North Water Street, LLC and should now be named as the grantee of the special privilege; and

Whereas, The items that were not in compliance and therefore included in a special privilege were movable sidewalk planters, railing and wall-mounted lights in the public rights-of-way on the west side of North Water Street and the south side of East Mason Street adjacent to the premises referred to as 735 North Water Street, but known as 732-745 North Water Street; and

Whereas, Our field investigation revealed picnic-type tables, an overhead door housing and a swing-out person door located in/encroaching into East Mason Street, which are intended to remain and therefore need to receive formal permission to do so; and

Whereas, Existence of these items within the public rights-of-way can only be allowed through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 930957 is hereby rescinded; and, be it

Further Resolved, That Compass Properties North Water Street LLC (Polacheck Property Management Corp.) referred to as 735 North Water Street, Suite 1225, (but known officially as 733-745 North Water Street) Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To place and maintain two 3-foot square, 2.5-foot high concrete planters within the 12 foot wide west sidewalk area of North Water Street. Said planters are located adjacent to the building referred to as 735 North Water Street and centered approximately 93 and 113 feet south of the southline of East Mason Street and 8.5 feet east of the westline of North Water Street.
2. To place and maintain two wall mounted lights on the building referred to as 735 North Water Street. Said lights are centered approximately 93 and 113 feet south of the southline of East Mason Street and encroach approximately 1.75 feet into the 12-foot wide west sidewalk area of North Water Street with a minimum vertical clearance of 7.6 feet above the sidewalk.
3. To place and maintain three 4-foot square, 3.5-foot high metal planters within the 12-foot wide west sidewalk area of North Water Street. Said planters are located adjacent to the building referred to as 735 North Water Street and centered approximately 17, 45 and 75 feet south of the southline of East Mason Street and 9 feet east of the westline of North Water Street.
4. To place and maintain two 4-foot square 2.75-foot high concrete planters located within the upper south sidewalk area of East Mason Street. Said planters are centered approximately 18 and 192 feet west of the westline of North Water Street and 12 feet north of the southline of East Mason Street located adjacent to the building referred to as 735 North Water Street.
5. To install a 3.5-foot high decorative metal railing, which will generally be along the former curblin of East Mason Street along the raised portion of the sidewalk adjacent to the building referred to as 735 North Water

Street. Said railing starts at a point approximately 24 feet west of the westline of North Water Street and extends a distance of approximately 208 feet west to abut the riverwalk railing.

6. To keep, use and maintain three picnic-type tables, approximately 4.8-feet wide and 7.8-feet long, along the railing of item 5. above generally located near the east end, near the west end and near the middle within the 15-foot wide upper sidewalk area of East Mason Street for the building referred to as 735 North Water Street.

7. To keep, use and maintain an encroaching overhead door-housing with motor housing both encroaching into the lower sidewalk area of East Mason Street for the building referred to as 735 North Water Street. The vertical clearance is approximately 6.8 feet, the motor housing encroachment is approximately 2.5 feet for a width of 1.4 feet and the door housing is approximately 7-feet wide and projects approximately 1.0 feet. The door location is centered approximately 104 feet west of the westline of North Water Street and is for delivery of supplies for the building and pickup of trash.

8. To keep, use and maintain one 32-inch wide externally-swinging person-door centered approximately 110 feet west of the westline of North Water Street. The plane of the door in the closed position is the wall of the basement, being approximately 15 feet north of the southline of East Mason Street. This is for the building referred to as 735 North Water Street.

Said planters, railing, lights, picnic-type tables, door and motor housing and swing-out door shall have been placed/installed and shall be used and maintained to the satisfaction of the Commissioners of Public Works and the Department of Neighborhood Services. All required permits shall have been obtained prior to the beginning of construction. All plant materials shall be placed, maintained, replaced and removed at no expense to the City of Milwaukee. Any lights to be placed within these trees shall require that a Department of Public Works permit be obtained each time that this is done

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Compass Properties North Water Street, 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 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 \$250,000 covering bodily injury to any one person and \$500,000 covering bodily injury to more than one person in any one accident and \$40,000 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 \$475.06. 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 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 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

May 5, 2004

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