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Title: Substitute resolution granting a special privilege to Breakwater Condominium Association Inc for a concrete step, stationary planters, excess door swings, a roof overhang, an excess canopy projection, a concrete platform and elevated sidewalk in the public right-of-way for the premises at 1313 North Franklin Place, in the 3rd Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Petition For A Special Privilege, 2. Letter from Dept of Public Works, 3. Fiscal note, 4. Picture, 5. Map, 6. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
10/23/2007	0	COMMON COUNCIL	ASSIGNED TO		
10/24/2007	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
8/14/2009	1	CITY CLERK	DRAFT SUBMITTED		
9/4/2009	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/10/2009	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
9/22/2009	1	COMMON COUNCIL	ADOPTED	Pass	14:0
10/1/2009	1	MAYOR	SIGNED		

070902
 SUBSTITUTE 1
 THE CHAIR

Substitute resolution granting a special privilege to Breakwater Condominium Association Inc for a concrete step, stationary planters, excess door swings, a roof overhang, an excess canopy projection, a concrete platform and elevated sidewalk in the public right-of-way for the premises at 1313 North Franklin Place, in the 3rd Aldermanic District. This resolution grants a special privilege to Breakwater Condominium Association Inc to construct and maintain a concrete step, two stationary planters, two excess door swings, a roof overhang, an excess canopy projection, a concrete platform and two sections of elevated sidewalk in the public right-of-way for the premises at 1313 North Franklin Place. Whereas, The applicant, a condominium association, is requesting permission to construct, keep and maintain items in the public right-of-way that were constructed as part of the condo development; and

Whereas, The developer constructed the condo building such that the main entrance is significantly higher than the adjacent established grade, requiring the construction of a concrete platform; elevated sidewalks sloping towards the platform; and a concrete step; and

Whereas, The two stationary planters serve as a barrier from the drop in elevation between the top of the concrete platform and the curb below and, as necessary, handrails are located along the elevated sidewalk and the concrete step; and

Whereas, Said items 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 Breakwater Condominium Association Inc, 643 East Erie Street, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain two sections of elevated sidewalk with handrails in the west, 14.8-foot wide sidewalk area of North Franklin Place. The south section of elevated sidewalk commences at a point approximately 28 feet north of the northline of East Knapp Street and extends 20 feet to the north. The north section of elevated sidewalk commences at a point approximately 82 feet north of the northline of East Knapp Street and extends 20 feet to the north. Said railings, which are located within the 6-foot wide paved public sidewalk, are 9 feet 4 inches east of the westline of North Franklin Place. The elevated sidewalks rise from the established sidewalk grade to a maximum elevation of 16 inches where the sidewalk meets the concrete platform.
2. To construct and maintain an elevated concrete platform projecting 9 feet 11 inches into the west, 14.8-foot wide sidewalk area of North Franklin Place. Said platform commences at a point approximately 48 feet north of the northline of East Knapp Street and extends north 33 feet 6 inches. The top of the platform is a maximum of 16 inches above the established sidewalk grade.
3. To construct and maintain two, 2-foot 6-inch wide stationary planters in the west, 14.8-foot wide sidewalk area of North Franklin Place. Said planters are surrounded on three sides by a 6-inch wide concrete wall with the fourth side abutting the elevated sidewalk described above. The south planter commences at a point approximately 48 feet north of the northline of East Knapp Street and extends 8 feet to the north. The north planter commences at a point approximately 73 feet north of the northline of East Knapp Street and extends 8 feet to the north. Said planters are centered approximately 11 feet 5 inches east of the westline of North Franklin Place.
4. To construct and maintain a concrete step with handrails in the west, 14.8-foot wide sidewalk area of North Franklin Place. Said 1-foot wide step commences at a point approximately 56 feet north of the northline of East Knapp Street and extends 17 feet 4 inches to the north. The step is centered approximately 10 feet 5 inches east of the westline of North Franklin Place.
5. To construct and maintain a canopy projecting 10 feet 5 inches into the west, 14.8-foot wide sidewalk area of North Franklin Place, in excess of the 6 feet allowed under Section 245-8-4 of the Milwaukee Code of Ordinances. Said canopy commences at a point approximately 49 feet north of the northline of East Knapp Street and extends 30 feet 11 inches to the north.
6. To construct and maintain two excess door swings that, when fully open, project 1 foot 8 inches into the west, 14.8-foot wide sidewalk area of North Franklin Place in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said doors are centered approximately 56 and 78 feet north of the northline of East Knapp Street.
7. To construct and maintain a roof overhang projecting 7 feet into the north, 20-foot wide sidewalk area of East Knapp Street, in excess of the 3 feet allowed under Section 245-4-1 of the Milwaukee Code of Ordinances. Said overhang commences at a point approximately 4 feet west of the westline of North Franklin Place and extends 110 feet to the west. The roof overhang is at an approximate elevation of 260 feet above grade.

Said 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, Breakwater Condominium Association 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 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 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 \$2368.41. 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

August 6, 2009

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