



Legislation Details (With Text)

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**File created:** 9/26/2006      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 12/12/2006  
**Effective date:**

**Title:** Substitute resolution amending a special privilege to C. H. Coakley & Company, Inc. for change of ownership for various encroachments and underground electric wires and grants permission for various additional for the premises at 2153 North Dr. Martin Luther King Jr. Dr. and 2228 North 4th Street, in the 6th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Petition for a Special Privilege.PDF, 2. cover letter, 3. Fiscal Note

Date	Ver.	Action By	Action	Result	Tally
9/26/2006	0	COMMON COUNCIL	ASSIGNED TO		
9/27/2006	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
11/15/2006	1	CITY CLERK	DRAFT SUBMITTED		
11/15/2006	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/21/2006	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
12/12/2006	1	COMMON COUNCIL	ADOPTED	Pass	15:0
12/21/2006	1	MAYOR	SIGNED		

060685  
SUBSTITUTE  
83-1945-a  
THE CHAIR

Substitute resolution amending a special privilege to C. H. Coakley & Company, Inc. for change of ownership for various encroachments and underground electric wires and grants permission for various additional for the premises at 2153 North Dr. Martin Luther King Jr. Dr. and 2228 North 4<sup>th</sup> Street, in the 6<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to C. H. Coakley & Company, Inc. for building facades, ventilator exhaust ducts, door swings, oriel windows, cornices and an electrical wire and grants permission for additional excess door swings, ventilator exhaust pipes, moveable planters and security cameras in the public right-of-way for the premises at 2153 North Dr. Martin Luther King Dr. and 2228 North 4<sup>th</sup> Street.

Whereas, Gimbels Midwest, Inc. petitioned for a special privilege to keep and maintain building facades, ventilator exhaust ducts, door swings, bay windows, cornices and an electrical wire; and

Whereas, Permission for said items was granted in 1985 under Common Council File Number 83-1945-a; and

Whereas, C. H. Coakley & Company, Inc. now owns the property; and

Whereas, A site visit revealed the presence of five moveable planters, three security cameras, two additional exhaust pipes and two additional excess door swings in the public right-of-way; and

Whereas, Said new items may only legally encroach into the public right-of-way by the granting of a special privilege resolution by the Common Council; and

Whereas, For the liability for the building facades, ventilator exhaust ducts, door swings, bay windows, cornices and electrical wire to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 83-1945-a is hereby rescinded; and, be it

Further Resolved, That C. H. Coakley and Company, Inc., 2151 North Dr. Martin Luther King Jr. Drive, Milwaukee, Wisconsin 53212 is hereby granted the following special privileges:

1. To install and maintain three, 12-inch long and 6-inch wide security cameras in the public right-of-way. One of said cameras is located in the 15-foot west sidewalk area of North 4<sup>th</sup> street, centered approximately 176 feet south of the southline of West Garfield Avenue. Two of said cameras are located in the 18-foot wide south sidewalk area of West Garfield Avenue centered approximately 13 and 105 feet east of the eastline of North 4<sup>th</sup> Street.
2. To install and maintain five moveable planters in the public right-of-way measuring 6 feet long and 2 feet 6 inches wide. Three of said planters are located in the 12-foot wide west sidewalk area of North Dr. Martin Luther King Drive centered approximately 174, 217 and 258 feet south of the southline of West Garfield Avenue. One of said moveable planters is located in the 15-foot wide east sidewalk area of North 4<sup>th</sup> Street centered 59 feet south of the southline of West Garfield Avenue. The last of said planters is located in the 15-foot wide east sidewalk area of North 4<sup>th</sup> Street centered approximately 78 feet north of the northline of West Lloyd Street.
3. To install and maintain a single excess door swing projecting into the 12-foot wide west sidewalk area of North Dr. Martin Luther King Drive centered approximately 185 feet south of the southline of West Garfield Avenue. Said door projects 3 feet, when fully open, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
4. To install and maintain a single excess door swing projecting 3 feet 6 inches into the 15-foot wide east sidewalk area of North 4<sup>th</sup> Street, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said door is centered approximately 67 feet south of the southline of West Garfield Avenue.
5. To install and maintain two, 12-inch diameter exhaust pipes projecting 2 feet 6 inches into the public way. One of said pipes is located in the 12-foot wide sidewalk area of North Dr. Martin Luther King Drive centered approximately 11 feet south of the southline of West Garfield Avenue. The other pipe is located in the 15-foot wide sidewalk area of North 4<sup>th</sup> Street centered approximately 54 feet south of the southline of West Garfield Avenue.
6. To keep and maintain an electrical conduit crossing the 70-foot wide right-of-way of West Garfield Avenue mid block between North Dr. Martin Luther King Drive and North 4<sup>th</sup> Street. Said electrical conduit connects 2153 North Dr. Martin Luther King Drive and 2212-2228 North 4<sup>th</sup> Street.
7. To keep and maintain three non-code compliant oriel windows projecting 3 feet 8 inches into the 12-foot wide west sidewalk area of North Dr. Martin Luther King Drive. Said windows are approximately 13 feet wide at the building face and 6 feet wide at their point of greatest encroachment. The windows are centered approximately 253, 267 and 297 feet south of the southline of West Garfield Avenue and are a minimum of 10 feet above grade. These oriel windows do not comply with Section 248-4-10 of the Milwaukee Code of Ordinances in that they are wider than the 10 feet allowed by the Code.
8. To keep and maintain two, 12-inch diameter exhaust pipes projecting approximately 2 feet 6 inches into the 18-foot wide south sidewalk area of West Garfield Avenue. Said exhaust pipes are centered approximately 74 and 152 feet east of the eastline of North 4<sup>th</sup> Street.

9. To keep and maintain two single excess door swing encroachments in the south, 18-foot sidewalk area of West Garfield Avenue centered approximately 74 and 105 feet east of the eastline of North 4<sup>th</sup> Street. Said doors project 3 and 3 feet 6 inches into the public way, respectively, when fully opened, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

10. To keep and maintain a metal/stucco building façade projecting between 4 inches and 3 inches into the 12-foot wide west sidewalk area of North Dr. Martin Luther King Drive. Said façade, which covers the entire side of the structure, commences at a point approximately 102 feet south of the southline of West Garfield Avenue and ends approximately 103 feet 6 inches to the north.

11. To keep and maintain a metal/stucco building façade encroaching into the south 18-foot wide sidewalk area of West Garfield Avenue as follows: commencing at a point approximately 3 inches east of the westline of North Dr. Martin Luther King Drive, where said façade projects 1 foot 11 inches, an extending west 127 feet 8 inches, where said façade projects 2 feet. From this point, where the façade projects 8 inches into the public way, said façade continues west 22 feet 10 inches, where the façade projects 7 inches. The façade continues, projecting 3 inches into the public way, ending 166 feet 6 inches to the west, where said façade projects 4 inches into the public way. Said facing covers the entire side of the structure.

12. To keep and maintain a cornice with a metal/stucco façade, encroaching into the 18 foot wide public sidewalk area of West Garfield Avenue approximately 15 feet above grade. Said cornice commences at a point 1 foot 1 inch east of the westline of North Dr. Martin Luther King Drive, where it projects 2 feet 11 inches into the public way, extends west 129 feet 6 inches, where it encroaches 3 feet. Said cornice projects in excess of the 15 inches allowed under Section 245-4-2 of the Milwaukee Code of Ordinances.

13. To keep and maintain a metal/stucco building façade projects 6 inches into the 15-foot wide sidewalk area of North 4<sup>th</sup> Street commencing at a point approximately 56 feet 9 inches south of the southline of West Garfield Avenue and extends south 24 feet 10 inches. Said façade covers the entire side of the structure.

14. To keep and maintain a metal/stucco encroaching into the 20-foot wide north-south alley abutting the premises at 2228 North 4<sup>th</sup> Street. Said building façade commences at a point approximately 100 feet south of the southline of West North Avenue, where said façade projects 9 inches into the public way, then extends south 150 feet 6 inches, where said façade projects 6 inches into the public way. Said façade covers the entire side of the structure.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

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, C. H. Coakley and Company, 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 \$10,000 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 \$276.96. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Infrastructure Services Division

MDL:lja

November 8, 2006

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