



## Legislation Details (With Text)

**File #:** 040556 **Version:** 1

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

**File created:** 9/1/2004 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 12/13/2005

**Effective date:**

**Title:** Substitute resolution to amend a special privilege for change of ownership to Van Buren City Lofts Condominium Association, Inc. and to grant permission to construct and maintain two moveable planters encroaching into the public right-of-way abutting the premises at 1325 North Van Buren Street, in the 3rd Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

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

Date	Ver.	Action By	Action	Result	Tally
9/1/2004	0	COMMON COUNCIL	ASSIGNED TO		
9/2/2004	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
11/14/2005	0	CITY CLERK	DRAFT SUBMITTED		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/18/2005	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
11/22/2005	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
12/13/2005	1	COMMON COUNCIL	ADOPTED	Pass	15:0
12/20/2005	1	MAYOR	SIGNED		

040556

SUBSTITUTE

001718

THE CHAIR

Substitute resolution to amend a special privilege for change of ownership to Van Buren City Lofts Condominium Association, Inc. and to grant permission to construct and maintain two moveable planters encroaching into the public right-of-way abutting the premises at 1325 North Van Buren Street, in the 3<sup>rd</sup> Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege for change of ownership to Van Buren City Lofts Condominium Association, Inc. as well as to grant permission to construct and maintain two moveable planters for the premises at 1325 North Van Buren Street.

Whereas, 1325 North Van Buren, LLC requested permission for building facades, and balconies to encroach into the public right-of-way; and

Whereas, Permission was granted in 2001 under Common Council Resolution File Number 001718; and

Whereas, The property has converted to a condominium development with Van Buren City Lofts Condominium Association, Inc. as its condo association; and

Whereas, The applicant is petitioning to construct and keep two moveable planters adjacent to the main entrance to its building; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 001718 is hereby rescinded; and

Further Resolved, By the Common Council of the City of Milwaukee that, Van Buren Condominium Association, Inc., 1665 North Water Street, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To keep and maintain a building facade commencing at the building corner, approximately 60 feet south of the southline of East Ogden Avenue, extends south for the length of the building, being approximately 120 feet. Said facade encroaches 11 inches into the 10-foot wide west sidewalk area of North Van Buren Street at the first story level, above the first story level, the facade encroaches 6 inches.
2. To keep and maintain five balconies, which extend 5 feet 4 inches into the public right-of-way as follows: three balconies, one each, at the third, fourth, and fifth levels, commencing at a point approximately 105 feet south of the southline of East Ogden Avenue and extending south approximately 25 feet. Two balconies, at the penthouse level, commencing at points approximately 105 and 120 feet south of the southline of East Ogden Avenue and extending south approximately 11 feet, respectively.
3. To keep and maintain a roof eave which extends approximately 6 feet 5 inches into the public right-of-way at 1325 North Van Buren Street for a distance of approximately 132 feet.
4. To keep and maintain a double door swing encroachment centered approximately 115 feet south of the southline of East Ogden Avenue that when fully open projects 1 foot 6 inches into the 10-foot wide, west sidewalk of North Van Buren Street. This projection is in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
5. To install and maintain moveable planters centered adjacent to the excess door swing encroachment detailed in item #4 above. Said planters are to be 1 foot 6 inches in diameter and 1 foot 6 inches in height.

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, Van Buren City Lofts 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 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 \$200,000 covering bodily injury to any one person and \$400,000 covering bodily injury to more than one person in any one accident and \$80,000 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 \$7,345.71. 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 no 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:cjt

November 3, 2005

040556