



## Legislation Details (With Text)

**File #:** 981524      **Version:** 1

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

**File created:** 2/9/1999      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 3/23/1999

**Effective date:**

**Title:** Substitute resolution granting a special privilege to TAP Properties, Inc. to construct and maintain a balcony/deck structure with two decorative columns encroaching into the public way at 761 North Water Street, in the 4th Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:**

Date	Ver.	Action By	Action	Result	Tally
2/9/1999	0	COMMON COUNCIL	ASSIGNED TO		
2/10/1999		PUBLIC WORKS COMMITTEE	REFERRED TO		
3/4/1999	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
3/8/1999	1	CITY CLERK	DRAFT SUBMITTED		
3/10/1999	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
3/23/1999	1	COMMON COUNCIL	ADOPTED	Pass	17:0
4/1/1999	1	MAYOR	SIGNED		

981524  
SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to TAP Properties, Inc. to construct and maintain a balcony/deck structure with two decorative columns encroaching into the public way at 761 North Water Street, in the 4th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution grants a special privilege to TAP Properties, Inc. to construct and maintain a balcony/deck structure with two decorative columns encroaching into the public way on the west side of North Water Street at the building at 761 North Water Street.

Whereas, James Pandl on behalf of TAP Properties, Inc., a Wisconsin Corporation, is renovating the building located at 761 North Water Street, which includes construction of a balcony/deck structure over the sidewalk area on the west side of North Water Street to be used for an extension of their second floor dining facility which is to be supported by the existing building at one end and two new decorative columns to be located in the public right-of-way; and

Whereas, The balcony/deck structure with columns will encroach approximately 13 feet into the 15-foot wide fully paved sidewalk area on the west side of North Water Street; and

Whereas, The balcony/deck structure and columns may only be permitted to encroach into the public right-of-way by the granting of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that TAP Properties Inc., 8825 North Lake Drive, Milwaukee, WI 53217 is hereby granted the following special privilege:

To construct and maintain a balcony/deck structure that will be supported by the building and by two decorative columns on the west side of North Water Street across the entire front of the building located at 761 North Water Street.

Said balcony/deck structure, consisting of metal, wood and concrete shall commence at a point approximately 70 feet north of the northline of East Mason Street and extend north for a distance of approximately 18 feet. The balcony/deck structure shall encroach into the 15-foot wide fully concrete paved sidewalk area approximately 13 feet and the roof structure shall have a clear height of approximately 13 feet 6 1/2 inches above the sidewalk.

Said decorative steel columns will rest on square concrete footings extending approximately 4 feet below grade, and will be centered approximately 71 feet and 87 feet north of the northline of East Mason Street. Each column may have two decorative steel brackets attached at the top. The point of attachment to the columns is to be approximately 10 feet 5 inches above the sidewalk.

All fixtures and materials for illumination of the balcony/deck structure 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 structure. The name, street number, or character of the business may be indicated only on the vertical portion of the structure and shall not exceed 10 inches in height. The grantee will be required to keep a "Loading Zone" or have a "No Parking" status adjacent to the balcony/deck structure as long as the balcony/deck structure occupies the public right-of-way.

Said balcony/deck structure and columns shall be installed, kept and maintained to the approval of the Departments of Public Works and Neighborhood Services and all necessary permits shall be procured from these Departments. No alteration or replacement of any item may be made without the written approval of these Departments.

;and, be it

Further Resolved, That TAP Properties, Inc., is hereby notified that at such future time the balcony/deck structure and columns are no longer needed, they will be physically and financially responsible for removing said items from the public right-of-way.

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege, the grantee, TAP Properties, 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 \$10,000.00 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 \$100,000 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 \$1,244.71. 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 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 66.045 of the Wisconsin Statutes (1979), 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.

Infrastructure Services Division

JJM:cjt

March 3, 1999

981524