



Legislation Details (With Text)

**File #:** 980661      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 9/1/1998      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 10/9/1998  
**Effective date:**

**Title:** Substitute resolution granting a special privilege to Mr. Robert W. Guenther, to construct and maintain a mansard type roof overhang and two concrete columns with a roof structure, which encroach into the public right-of-way at 1051 East Ogden Avenue, 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
9/1/1998	0	COMMON COUNCIL	ASSIGNED TO		
9/1/1998		PUBLIC WORKS COMMITTEE	REFERRED TO		
9/24/1998	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/30/1998	1	CITY CLERK	DRAFT SUBMITTED		
10/1/1998	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
10/9/1998	1	COMMON COUNCIL	ADOPTED	Pass	16:1
10/19/1998	1	MAYOR	SIGNED		

980661  
SUBSTITUTE

**THE CHAIR**

Substitute resolution granting a special privilege to Mr. Robert W. Guenther, to construct and maintain a mansard type roof overhang and two concrete columns with a roof structure, which encroach into the public right-of-way at 1051 East Ogden Avenue, in the 4th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution grants a special privilege to Mr. Robert W. Guenther to construct and maintain a mansard type roof overhang and two concrete columns with a roof structure and a false balcony which encroach into the public right-of-way at the south side of East Ogden Avenue at the building known as 1051 East Ogden Avenue.

Whereas, Mr. Robert W. Guenther is restoring the building located at 1051 East Ogden Avenue by undertaking general building improvements that include construction of a false-mansard structure across the entire building face, a new entry to the building with columns and a false-mansard structure and a false balcony; and

Whereas, A false-mansard structure is only allowed to encroach 15 inches into the public right-of-way per Section 245-4 of the Milwaukee Code of Ordinances; and

Whereas, These items 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 Mr. Robert W. Guenther, 3114 North Lake Drive, Milwaukee, WI 53211, is hereby granted the following special privileges:

1. To construct and maintain a false-mansard structure across the entire 100.2-foot wide building face encroaching approximately 1 foot, 8 inches into the 15-foot wide south sidewalk area of East Ogden Avenue beginning approximately 40 feet west of the eastline of North Humboldt Avenue, extended south, for the building located at 1051 East Ogden Avenue. A vertical clearance of approximately 13 feet (at the 15-inch line) is proposed.

2. To construct and maintain a 13-foot wide building entry consisting of a roof overhang and columns on the south side of East Ogden Avenue, at the building located at 1051 East Ogden Avenue.

Said building entry consists of two 14-inch diameter precast concrete columns with footings and a false-mansard structure, which encroaches approximately 28 inches into the public right-of-way. The columns are to be centered approximately 285 and 295 feet west of the westline of North Franklin Place and 1 foot north of the southline of East Ogden Avenue. A clear height of approximately 13 feet above the sidewalk below is proposed.

3. To construct and maintain a 7-foot wide false balcony centered on the entrance structure in #2 above encroaching approximately 36 inches into the public right-of-way for the building at 1051 East Ogden Avenue. The balcony is proposed to provide an additional 1 foot 3 inches of vertical clearance.

Said false-mansard structures, columns and false balcony shall be constructed and maintained to the approval of the Commissioners of Public Works and Building Inspection and all necessary permits shall be procured from the Commissioners of Public Works and Building Inspection. No alteration or replacement of any item may be made without the written approval of the Commissioners of Building Inspection and Public Works;

;and, be it

Further Resolved, Mr. Robert W. Guenther is hereby notified that at such future time these items are no longer needed, he 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, Robert W. Guenther, 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 \$5,000.00 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 \$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 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 \$279.55. 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

September 29, 1998

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