



Legislation Details (With Text)

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

**File created:** 6/4/2002      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 7/16/2002

**Effective date:**

**Title:** Resolution to grant a special privilege to the Two Forty Corporation to construct and maintain a raised concrete platform for ADA accessibility and brick planters in the public right-of-way at 240 North Milwaukee Street, in the 4th Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Drawings-Maps.pdf, 2. Special Privilege Application.PDF, 3. Cover Letter.pdf, 4. FISCAL NOTE.pdf

Date	Ver.	Action By	Action	Result	Tally
6/4/2002	0	COMMON COUNCIL	ASSIGNED TO		
6/5/2002		PUBLIC WORKS COMMITTEE	REFERRED TO		
6/27/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/27/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/27/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
7/2/2002	1	CITY CLERK	DRAFT SUBMITTED		
7/3/2002	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
7/16/2002	1	COMMON COUNCIL	ADOPTED	Pass	15:0
7/25/2002	1	MAYOR	SIGNED		

020243  
SUBSTITUTE  
THE CHAIR

Title  
Substitute resolution granting a special privilege to Two Forty Corporation to construct and maintain raised concrete platforms with a ramp and several sets of stairs as well as in-ground planters all encroaching into the public rights-of-way abutting 240 North Milwaukee Street, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Two Forty Corporation to construct and maintain raised concrete platforms with a ramp and several sets of stairs as well as in-ground planters all encroaching into the public rights-of-way abutting 240 North Milwaukee Street.

Whereas, The applicant proposes to redevelop the building at 240 North Milwaukee Street for multiple first floor tenants; and

Whereas, The first floor elevation is higher than the abutting sidewalk elevations and the applicant proposes to provide some barrier-free access to these new spaces; and

Whereas, The applicant wishes to construct and maintain raised concrete platforms with a ramp and several sets

of stairs as well as in-ground planters that will encroach approximately 8 feet into the 15-foot wide public sidewalk area on the south side of East Buffalo Street and approximately 6 feet into the 12-foot wide public sidewalk area on the east side of North Milwaukee Street.

Whereas, The proposed structure may only encroach into the public rights-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 Two Forty Corporation, 240 North Milwaukee Street, Milwaukee, WI 53202 is hereby granted the following special privilege:

1. To construct and maintain a raised concrete platform that will encroach approximately 6 feet into the 15-foot wide public sidewalk area on the south side of East Buffalo Street adjacent to 240 North Milwaukee Street. The platform is to be approximately 101 feet 6 inches in length on East Buffalo Street. Railings shall be located at all outer edges of the platform except where there are steps
2. To construct and maintain steps from the platform in 1. above, encroaching approximately 2.75 feet additionally. There are to be approximately two 4.83 feet wide steps and two approximately 4.85 feet wide steps. Additionally, there is to be a corner unit being approximately 8.29 feet longer and projecting approximately 2.29 feet. The hand rails for the steps shall be wrapped along the planters in item 3 below.
3. To construct and maintain above-ground planters abutting the platform in item 2 above and between the steps in item 2 above. The planter encroachment is to be approximately 2.33 feet additional from the platform with four of them being approximately 14.67 feet in length and one being approximately 7.33 feet in length.
4. To install and maintain five exterior swinging doors that swing over the platform of item 1 above, approximately 3 feet, which is more than the 1 foot allowable in Section 245-4-8 of the Code of Ordinances.
5. To construct and maintain a raised platform and ramp that will encroach approximately 3.5 feet into the 12-foot wide public sidewalk area on the east side of North Milwaukee Street for a length of approximately 26 feet adjacent to 240 North Milwaukee Street with the platform level being approximately 1 foot six inches above grade. Railing shall be located at all outer edges of the platform/ramp, except at the bottom of the ramp.
6. To construct and maintain above-ground planters abutting the ramp and platform of item 5 above, encroaching approximately 2.33 feet additional from the ramp and platform for a length of approximately 20.33 feet.
7. To keep and maintain one existing excess door swing into the south side of East Buffalo Street located approximately 118 feet east of the eastline of North Milwaukee Street with total encroachment of approximately 2.25 feet.
8. To keep and maintain one existing excess door swing into the east side of North Milwaukee Street located approximately 98 feet south of the southline of East Buffalo Street with total encroachment at 2.67 feet.

Said structure including steps and planters and excess door swings encroachment shall be constructed, kept and/or maintained to the approval of the Departments of Public Works and Neighborhood Services and all necessary permits shall be procured from the Departments of Public Works and Neighborhood Services/City Development. The planter material shall be to the satisfaction of the City Forester. No alteration or replacement of any item may be made without the written approval of these Departments;

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Two Forty Corporation, 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 \$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 \$903.42. 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 66.0915(b) 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Drafter

Infrastructure Services Division

JJM:cjt

July 2, 2002

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