



Legislation Details (With Text)

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File created: 8/1/2002 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:** 10/15/2002
Effective date:

Title: Substitute resolution amending a special privilege granted to Hotel Investment Property Partners LLC, to place and maintain covered walks on the east side of Old World 3rd Street within the public right-of-way and to have an excess door swing projection into the public right-of-way on the north side of West Wisconsin Avenue at an emergency exit of a stair tower, to now grant permission for sidewalk planters and a mat, which were recently placed in the public right-of-way of Old World 3rd Street, in the 4th Aldermanic District in the City of Milwaukee.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Special Privilege Application.PDF, 2. Cover Letter.pdf, 3. Fiscal Note.pdf

| Date | Ver. | Action By | Action | Result | Tally |
|------------|------|------------------------|--------------------------|--------|-------|
| 8/1/2002 | 0 | COMMON COUNCIL | ASSIGNED TO | | |
| 8/2/2002 | | PUBLIC WORKS COMMITTEE | REFERRED TO | | |
| 9/25/2002 | 1 | CITY CLERK | DRAFT SUBMITTED | | |
| 9/26/2002 | 1 | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT | | |
| 9/27/2002 | 1 | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT | | |
| 9/27/2002 | 1 | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT | | |
| 10/2/2002 | 1 | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass | 4:0 |
| 10/15/2002 | 1 | COMMON COUNCIL | ADOPTED | Pass | 15:0 |
| 10/23/2002 | 1 | MAYOR | SIGNED | | |

020627
SUBSTITUTE
990694, 971466
THE CHAIR

Substitute resolution amending a special privilege granted to Hotel Investment Property Partners LLC, to place and maintain covered walks on the east side of Old World 3rd Street within the public right-of-way and to have an excess door swing projection into the public right-of-way on the north side of West Wisconsin Avenue at an emergency exit of a stair tower, to now grant permission for sidewalk planters and a mat, which were recently placed in the public right-of-way of Old World 3rd Street, in the 4th Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Hotel Investment Property Partners LLC to place and maintain two covered walks on the east side of Old World 3rd Street, and for an excess door swing projection into the north side of West Wisconsin Avenue at an emergency exit of a stair tower, all of which encroach into the public rights-of-way abutting the premises at 236-240 West Wisconsin Avenue, to now grant permission for sidewalk planters and a mat, which were recently placed in the public right-of-way of Old World 3rd Street.

Whereas, Hotel Investment Property Partners, LLC was granted a special privilege under Common Council Resolution File Number 971466, on May 23, 2000, to place and maintain a covered walk at the Old World 3rd Street entrance to the hotel known as Inn Towne Hotel located at 236-40 West Wisconsin Avenue; and

Whereas, Hotel Investment Property Partners, LLC was granted a special privilege under the same file number for an outward swinging door at the West Wisconsin Avenue side of the building that, when fully opened, projects in excess of the allowable one foot encroachment (Section 245-4-8 of Code of Ordinances); and

Whereas, Permission was subsequently granted under an amending resolution, Common Council Resolution Number 990694, to have side curtains at a stationary fabric awning; and

Whereas, The present request is to be granted permission for sidewalk planters that they recently placed in the public right-of-way of Old World 3rd Street; and

Whereas, Our subsequent investigation revealed two additional moveable planters near the curb and under the covered walk as well as a mat on the sidewalk extending from the building almost to the curb; and

Whereas, Said covered walk, door swing projection, side curtains, mat and planters may only legally occupy the public rights-of-way by the granting of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 990694 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Hotel Investment Property Partners LLC, d/b/a Best Western Inn Towne Hotel, 710 Old World 3rd Street, Milwaukee, WI 53203. is hereby granted the following special privileges:

1. To keep and maintain a covered walk at the property known as 236-240 West Wisconsin Avenue at the entrance known as 710 Old World 3rd Street. Said covered walk, 15-foot 6-inches in width, is centered approximately 110 feet north of the northline of West Wisconsin Avenue and encroaches approximately 13 feet into the 15-foot wide sidewalk area on the east side of Old World 3rd Street at the 710 Old World 3rd Street address. The covered walk is supported by the building, by two vertical supports near the building side of the structure and by two vertical supports near each corner closest to the curb along each side of the covered walk. Each vertical support nearest the curb is centered approximately 2 feet from the curblines, with a second vertical support located at approximately 2.5 feet east. This 2.5 foot wide space is for side curtains that are "see through." There are four additional vertical posts, two on each side, approximately 3.5 feet from the building and at the building in order to be able to also anchor "see-through" side curtains. The resulting passageway for through pedestrians is approximately 7 feet wide. At some point in the future, if this amount of passageway becomes inadequate, an order will be written to either remove the entire structure or provide the necessary width of passageway determined at that time. This will be at no cost to the City. There is an approximately 15-foot 6-inch wide opening between the vertical supports, which parallel the curb face. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below is 8 feet 8 inches.

2. To keep and maintain side curtains under a stationary fabric awning, which then resembles a covered walk, at the property known as 236-240 West Wisconsin Avenue at the entrance known as 706 Old World 3rd Street. The structure is approximately 15 feet wide and is centered approximately 80 feet north of the northline of West Wisconsin Avenue. The side curtains encroach approximately 3 feet and the (roof) awning projects

approximately 4 feet into the 15-foot wide sidewalk area on the east side of Old World 3rd Street, and are "see through". The minimum vertical clearance between the skirt of the canopy and the sidewalk below is 8 feet 8 inches.

Said covered walk and side curtains shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The frames shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination of the covered walk or side curtains 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 covered walk or side curtains. The name, street number, or character of the business may be indicated only on the vertical portion of the covered walk and shall not exceed 8 inches in height.

The grantee will be required to keep a "Loading Zone" or have a "No Parking" status adjacent to the covered walk as long as the covered walk occupies the public right-of-way.

All necessary permits shall have been obtained from the Departments of Public Works and City Development for the covered walk structure and side curtain structure and from the Commissioner of Public Works to occupy the right-of-way during construction.

3. To keep, use and maintain one outward swinging door that, when fully opened, will project into the public right-of-way on the north side of West Wisconsin Avenue in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The door is to be used as an emergency exit at a stair tower that projects, when fully opened, approximately 3 feet into the 16.5-foot wide sidewalk area of West Wisconsin Avenue, centered approximately 35 feet east of the eastline of Old World 3rd Street.

4. To keep and maintain two rectangular approximate 6.2-foot long, 1.2-foot wide movable sidewalk planters located abutting the building on Old World 3rd Street south of the covered walk. The plant material is to be approved by the City Forester.

5. To keep and maintain two approximate 2-foot high, 2-foot diameter decorative moveable sidewalk planters located near the curb and under the covered walk of item 1 above. The plant material is to be approved by the City Forester.

6. To keep, use and maintain a mat on the sidewalk extending from the building almost to the curb under the covered walk of item 1 above.

Said covered walk, side curtains, door swing, movable planters and mat shall be constructed, installed, maintained and used to the approval of the Commissioner of Public Works and the Commissioner of the 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, Hotel Investment Property Partners, LLC, 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 \$3,000.00 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 \$215.43. 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((3) of the Wisconsin Statutes (1999), 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.
- Department of Public Works
Infrastructure Services Division
JJM:cjt
September 25, 2002
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