



Legislation Details (With Text)

**File #:** 081683      **Version:** 1

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

**File created:** 4/14/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 9/22/2009

**Effective date:**

**Title:** Substitute resolution amending a special privilege for addition of several items in the public right-of-way, removal of a concrete step, and change of ownership to Wisconsin Arts Lab LLC for the premises at 1422 North 4th Street, in the 6th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition, 2. Drawing, 3. Letter from Dept of Public Works, 4. Fiscal note, 5. Map, 6. Pictures, 7. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
4/14/2009	0	COMMON COUNCIL	ASSIGNED TO		
4/15/2009	0	CITY CLERK	REFERRED TO		
8/21/2009	1	CITY CLERK	DRAFT SUBMITTED		
9/4/2009	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/10/2009	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
9/22/2009	1	COMMON COUNCIL	ADOPTED	Pass	14:0
10/1/2009	1	MAYOR	SIGNED		

081683  
 SUBSTITUTE 1  
 70-663  
 THE CHAIR

Substitute resolution amending a special privilege for addition of several items in the public right-of-way, removal of a concrete step, and change of ownership to Wisconsin Arts Lab LLC for the premises at 1422 North 4th Street, in the 6th Aldermanic District.

This resolution amends a special privilege for addition of three excess door swings, two bollards, two moveable planters and a gas meter in the public right-of-way; removal of a concrete step; and change of ownership to Wisconsin Arts Lab LLC for the premises at 1422 North 4th Street.

Whereas, Wisconsin Arts Lab LLC, the applicant, is renovating the existing premises to create an arts center; and

Whereas, The applicant is requesting permission to construct and maintain three excess door swings two bollards and gas meter in the public way; and

Whereas, The applicant has removed the concrete step, which was located at the main entrance, which was previously allowed to occupy the public right-of-way; and

Whereas, A site visit revealed the presence of two moveable planters in the public right-of-way; and

Whereas, Said items may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 70-663 is hereby rescinded; and, be it

Further Resolved, That Wisconsin Arts Lab LLC, 9205 North Upper River Road, River Hills, WI 53217 is hereby granted the following special privileges:

1. To construct and maintain three excess door swings that, when fully open, project into the public right-of-way more than the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. The first door centered approximately 20 feet south of east-west alley abutting the property, projects 2 feet 8 inches into the 11-foot wide east sidewalk area of North 4<sup>th</sup> Street. The second door centered approximately 28 feet east of the eastline of North 4<sup>th</sup> Street, projects 2 feet 4 inches into the abutting east-west, 20-foot wide alley. The third door centered approximately 36 feet south of the abutting east-west alley, projects 3 feet into the abutting 20-foot wide north-south alley.

To install and maintain two bollards centered approximately 9 feet east of the eastline of North 4<sup>th</sup> Street and 2 feet north of the southline of the abutting 20-foot wide, east-west alley. Said bollards are connected by a metal bar and serve the purpose of protecting a gas meter for the premises.

To install and maintain a gas meter and associated piping projecting 1 foot 4 inches into the abutting 20-foot wide, east-west alley. Said gas meter is centered approximately 9 feet east of the eastline of North 4<sup>th</sup> Street and, with the associated piping, occupies a 6-foot 6-inch long area. The gas meter and associated piping are located between 11 inches and 3 feet 6 inches above the adjacent alley grade.

To keep and maintain two wood moveable planters in the east, 11-foot wide sidewalk area of North 4<sup>th</sup> Street located along the building face. Said planters measure 5 feet in length, 1 foot 2 inches in width and 2 feet 6 inches in height.

Said items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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, Wisconsin Arts Lab 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 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 own owner on the area or areas included within the special privilege and naming the City of Milwaukee as an insured. The 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 \$51.44. 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 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:ns

August 13, 2009

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