



Legislation Details (With Text)

File #: 071112 **Version:** 1

Type: Resolution **Status:** Passed

File created: 11/21/2007 **In control:** PUBLIC WORKS COMMITTEE

On agenda: **Final action:** 2/26/2008

Effective date:

Title: Substitute resolution to amending a special privilege to Wisconsin Scottish Rite Foundation, Inc. for addition of a covered walk for the premises at 790 North Van Buren Street, in the 4th Aldermanic District.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Special Privilege Petition and Drawing, 2. Fiscal Note, 3. Cover Letter, 4. Pictures, 5. Map

Date	Ver.	Action By	Action	Result	Tally
11/21/2007	0	COMMON COUNCIL	ASSIGNED TO		
11/26/2007	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
2/8/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
2/13/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
2/26/2008	1	COMMON COUNCIL	ADOPTED	Pass	14:0
3/5/2008	1	MAYOR	SIGNED		

071112
 SUBSTITUTE
 940805
 THE CHAIR

Substitute resolution to amending a special privilege to Wisconsin Scottish Rite Foundation, Inc. for addition of a covered walk for the premises at 790 North Van Buren Street, in the 4th Aldermanic District.

This resolution amends a special privilege to Wisconsin Scottish Rite Foundation Inc for addition of a covered walk for the premises at 790 North Van Buren Street.

Whereas, The applicant requested permission to construct and maintain a double door swing and two light poles and to keep and maintain two sets of concrete steps and four concrete platforms within the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 940805 in 1994; and

Whereas, A site visit revealed that the light poles were not present in the public right-of-way; and

Whereas, The applicant is currently requesting permission to install and maintain a covered walk in the public right-of-way; and

Whereas, Said covered walk may only legally encroach into the public right-of-way by the 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 940805 is hereby rescinded; and, be it

Further Resolved, That Wisconsin Scottish Rite Foundation, Inc., 790 North Van Buren Street, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To install and maintain a covered walk in the east, 16-foot wide sidewalk area of North Van Buren Street centered approximately 163 feet south of the southline of East Wells Street. At the eastline of North Van Buren Street, the covered walk is 10 feet 5 inches wide and, adjacent to the street curb, the covered walk is 22 feet 5 inches wide having two 5-foot deep sections that extend north and south 6 feet, respectively, from the center section. Said covered walk projects 14 feet into the sidewalk area and is supported by a total of 10 supports. It should be noted that this covered walk is freestanding, i.e. not attached to the building, in order to protect the historical integrity of the building.

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

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

2. To keep and maintain a set of double doors, which, when fully open, project into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said double doors are centered approximately 152 feet south of the southline of East Wells Street and project 2 feet into the 16-foot wide sidewalk area of North Van Buren Street.

3. To keep and maintain two sets of concrete steps with railings projecting 2 feet 8 inches into the south, 18-foot wide sidewalk area of East Wells Street. Said steps are centered approximately 39 and 93 feet east of the eastline of North Van Buren Street and are 12 feet 5 inches and 9 feet 10 inches long, respectively.

4. To keep and maintain four raised concrete platforms projecting 2 feet 8 inches into the south, 18-foot wide sidewalk area of East Wells Street. Said 5-foot 4-inch long platforms located on either side of the two entrance steps described in Item #3 above.

Said above-mentioned items shall be used, kept, and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

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 accepting this special privilege the grantee, Wisconsin Scottish Rite Foundation, 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 \$1,000.00 such bond to be approved by the City Attorney. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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. Both bond and 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 \$326.06. 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 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

MDL:lja

February 1, 2007

071112