



Legislation Text

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000109
SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Shafton Family Limited Partnership for folding-type windows, metal rails and excessive door swing projections on the west side of North Murray Avenue within the public right-of-way at 2311-25 North Murray Avenue, in the 3rd Aldermanic District in the City of Milwaukee.

- Analysis -

Substitute resolution granting a special privilege to Shafton Family Limited Partnership for folding-type windows, metal rail and excessive door swing projections on the west side of North Murray Avenue within the public right-of-way at 2311-25 North Murray Avenue, in the 3rd Aldermanic District in the City of Milwaukee.

Whereas, Shafton Family Limited Partnership is seeking permission to install folding-type windows, metal rails and excessive door swing projections encroaching into the west sidewalk area adjacent to 2311-25 North Murray Avenue; and

Whereas, Said folding-type windows, metal rails and excessive door swing projections may only legally occupy the public right-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 Shafton Family Limited Partnership c/o Bieck Management Inc., 5205 North Ironwood Road, Glendale, WI 53217, is hereby granted the following special privileges:

1. To install and maintain folding-type windows on the first floor level on the front of the building at 2311-25 North Murray Avenue, which open in a folding-type fashion into the 11-foot wide fully concrete paved sidewalk area on the west side of North Murray Avenue. When the windows are fully open, they will extend approximately 1-foot 9-inches into the sidewalk area, occurring approximately 8 feet above the sidewalk.
2. To install and maintain 6-inch diameter metal rails placed approximately 8 feet 6 inches above the sidewalk grade at the building known as 2311-25 North Murray Avenue. Five metal rails extending approximately 2 feet 6 inches into the public right-of-way will be placed above the folding-type windows at five separate locations. These locations are as follows:
 1. Commencing approximately 86 feet north of the northline of East North Avenue and extending north approximately 11 feet.
 2. Commencing approximately 105 feet north of the northline of East North Avenue and extending north approximately 10 feet.
 3. Commencing approximately 126 feet north of the northline of East North Avenue and extending north approximately 7 feet.
 4. Commencing approximately 146 feet north of the northline of East North Avenue and extending north approximately 13 feet.
 5. Commencing approximately 162 feet north of the northline of East North Avenue and extending north approximately 7 feet.
3. To install use and maintain six excess door swing encroachments at the building known as 2311-25 North Murray Avenue that, when fully open, project into the public right-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The doorways are centered approximately 85, 101, 117, 141, 174 and 179 feet north of the northline of East North Avenue, respectively, and their maximum encroachment is approximately 1-foot 6-inches into the 11-foot wide sidewalk area.

Said windows, metal rails and doors shall be installed and maintained to the approval of the Commissioners of Neighborhood Services and Public Works. All required permits shall be procured prior to installation.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Shafton Family Limited Partnership, 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 \$204.20. 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

July 7, 2000

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