



Legislation Text

File #: 070480, Version: 1

070480
SUBSTITUTE 1
880671
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to RFP Office, LLC for several items and for addition of two covered walks, a sign and a platform with ramp in the public right-of-way for the premises at 1104-1122 North Old World Third Street, in the 4th Aldermanic District.

Substitute resolution amending a special privilege for change of ownership to RFP Office, LLC for several items and for addition of two covered walks, a sign and a platform with ramp in the public right-of-way for the premises at 1104-1122 North Old World Third Street.

Whereas, LW/PLB Limited Partnership requested permission to construct and maintain an entrance vestibule; excess door swings; brick pavers; private light fixtures and poles; steps; bollards; electrical conduit; a backup driveway; and cobblestone pavement in the public right-of-way; and

Whereas, Permission for said items was granted in 1988 under Common Council File Number 880671; and

Whereas, Several of the aforementioned items were removed from the public right-of-way with the construction of the Highland Avenue Pedestrian Bridge and of the Milwaukee Riverwalk Highland Plaza West; and

Whereas, At some point between the present day and 1988, a covered walk was constructed in the public right-of-way of North Old World Third Street, which the current owner wishes to relocate to accommodate its tenant; and

Whereas, A site visit revealed the presence of an additional covered walk, a business sign and a platform with ramp in West Highland Avenue; and

Whereas, RFP Office, LLC now owns the property; and

Whereas, For the liability for items previously granted permission to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; and

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

Resolved, By the Common Council of the City of Milwaukee that Common Council File Number 880671 is hereby rescinded; and, be it

Further Resolved, That RFP Office, LLC, c/o MLG Management LLC, 13400 Bishops Lane, Suite 100, Brookfield, Wisconsin 53005, is hereby granted the following special privileges:

1. To construct and maintain a covered walk in the 12-foot wide east sidewalk area of North Old World Third Street. Said covered walk will be 8 feet 9 inches wide and will be centered approximately 69 feet north of the northline of West Highland Avenue. The covered walk will be supported by the building and two 1-foot 8-inch square concrete piers that will extend below grade up to 4 feet.

Said covered walk 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 covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 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 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 walk. 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 walk as long as the covered walk occupies the public right-of-way.

2. To construct and maintain a covered walk in the north sidewalk area of West Highland Avenue centered approximately 147 feet east of the eastline of North Old World Third Street. Said 15-foot 6-inch wide covered walk projects 13 feet 6 inches into the public way. Said covered walk projects into the portion of West Highland Avenue that is elevated to meet the adjacent riverwalk and the Highland Avenue Pedestrian Bridge so no loading zone will be required at this location.

Said covered walk 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 covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 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 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 walk. 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.

3. To construct and maintain a concrete platform with step, ramp and handrail in the north, 15-foot wide sidewalk area of West Highland Avenue. Said 5-foot wide platform structure commences at a point approximately 18 feet east of the eastline of North Old World Third Street and extends to the east 28 feet.

4. To install and maintain a business sign in the public right-of-way of West Highland Avenue. Said sign is centered approximately 140 feet east of the eastline of North Old World Third Street and 12 feet south of the northline of West Highland Avenue.

5. To keep and maintain an entrance vestibule projecting 8 feet 7 inches into the north sidewalk area of West Highland Avenue. Said vestibule is centered approximately 146 feet east of the eastline of North Old World Third Street and is 8 feet 2 inches wide at its widest part. Total area of said vestibule is 66.23 square feet.

6. To keep and maintain a platform with handrail in the north sidewalk area of West Highland Avenue abutting the east side of the aforementioned vestibule. Said 4-foot wide platform projects 6 feet 7 inches into the public way.

7. To keep and maintain a set of stairs with platform in the north sidewalk area of West Highland Avenue abutting the west side of the aforementioned vestibule. Said steps and platform project 7 feet 7 inches into the public way for 7 feet 5 inches.

8. To keep and maintain three excess door swings that, when fully opened extend beyond the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said 3-foot wide doors are centered approximately 86, 106 and 131 feet east of the eastline of North Old World Third Street. Said doors 3-foot wide doors project 2 feet 6 inches into the public right-of-way.

9. To keep and maintain a set of double doors centered approximately 51 feet east of the eastline of North Old World Third Street. Said doors project 1 foot 5 inches into the public right-of-way, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

10. To keep and maintain a backup driveway at the north side of West Highland Avenue. Said driveway serves an 8-foot wide overhead service door centered approximately 100 feet east of the eastline of North Old World Third Street.

Said above-mentioned items 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 it is 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, RFP Office, 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 \$10,000 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 \$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. 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 \$2,351.89. 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.
7. Owner must ensure sufficient traffic control while using the back up driveway to allow continued, safe traffic flow on West Highland Avenue at all times. Traffic control measures may include, but are not limited to flag persons and traffic cones.

Department of Public Works
Infrastructure Services Division

MDL:lja
August 8, 2007
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