



## Legislation Text

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**File #: 051202, Version: 1**

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051202  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution to grant a special privilege to Plinth Group, LLC to construct and maintain a sign in the public right-of-way for the premises at 3401 South Kinnickinnic Avenue in the 14<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Plinth Group, LLC to construct and maintain a sign, four concrete risers and planter curbing in the public right-of-way for the premises at 3401 South Kinnickinnic Avenue. Whereas, Tadych-Susedik Insurance, LLC, the tenant, requested permission to construct and maintain a sign for the building at 3401 South Kinnickinnic Avenue; and

Whereas, Plinth Group, LLC is the owner of the building at 3401 South Kinnickinnic Avenue; and

Whereas, A site visit revealed the presence of four separate entrance risers and raised planter areas; 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 Plinth Group, LLC, P.O. Box 510802, Milwaukee, Wisconsin 53203 is hereby granted the following special privileges:

1. To construct and maintain an illuminated plastic and aluminum sign that projects 5 feet 1 inch into the 13-foot wide west sidewalk area of South Kinnickinnic Avenue. The sign is 3 foot ½ inch in height, and 10 ½ inches in depth. The sign will be mounted perpendicular to the building over the main building entrance a minimum of 10 feet above sidewalk grade and approximately 1 ½ feet southerly from the south line of East Holt Avenue along the South Kinnickinnic building face. Said sign projects more than the four feet allowed under Section 244-11-2(a) of The Milwaukee Code of Ordinances.

2. To keep and maintain concrete risers at four entrances for the building located at 3401 South Kinnickinnic Avenue. The first riser is located at the corner intersection of the west line of South Kinnickinnic Avenue and the south line of East Holt Avenue. Said riser extends 4 feet 10 inches south from the south line of East Holt Avenue and encroaches approximately 1 foot into the west 13-foot wide sidewalk area of South Kinnickinnic Avenue. Additionally, said riser extends 5 feet west from the west line of South Kinnickinnic Avenue and encroaches approximately 2 ½ inches into the south 15-foot wide sidewalk area of East Holt Avenue.

The second riser commences at a point approximately 42 feet west of the west line of South Kinnickinnic Avenue for a length of 3 feet 10 inches. Said riser encroaches approximately 1 foot 2 ½ inches into the south 15-foot wide sidewalk area of East Holt Avenue.

The third riser commences at a point approximately 14 feet 1 inch south of the south line of East Holt Avenue for a length of 3 feet 10 inches. Said riser encroaches approximately 1 foot into the west 13-foot wide sidewalk

area of South Kinnickinnic Avenue.

The fourth riser commences at a point approximately 26 feet 6 inches south of the south line of East Holt Avenue for a length of 5 feet. Said riser encroaches approximately 1 foot into the west 13-foot wide sidewalk area of South Kinnickinnic Avenue.

3. To keep and maintain raised planter areas in front of and along the north side of the building located at 3401 South Kinnickinnic Avenue. Said planter areas are surrounded by curbing consisting of 5 inch high by 8 inch wide concrete landscaping block that encompasses assorted plants and foliage. Said planters are located as follows: One planter, centered approximately 17 feet west of the west line of South Kinnickinnic Avenue, projects 2 feet into the south 15-foot wide sidewalk area of East Holt Avenue. Said planter is 24 feet 10 inches long and is surrounded by a total of 27 feet 6 inches of block.

Three other planters project into the west 13-foot wide sidewalk area of South Kinnickinnic Avenue. The first planter, centered approximately 14 feet south of the south line of East Holt Avenue, projects 2 feet 6 inches for a length of 6 feet 8 inches. The second planter, centered approximately 21 feet south of the south line of East Holt Avenue, projects 2 feet 11 inches for a length of 7 feet. The third planter, centered approximately 30 feet south of the south line of East Holt Avenue, projects 2 feet 6 inches for a length of 7 feet 9 inches. Said planters are surrounded by a total length of 33 feet 3 inches of block.

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 acceptance of this special privilege the grantee, Plinth Group, 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 \$1,000.00 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 \$50,000.00 covering bodily injury to any one person and \$100,000.00 covering bodily injury to more than one person in any one accident and \$20,000.00 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 \$35.00. 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 66.0425 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 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:cjt  
February 15, 2006  
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