



Legislation Text

File #: 031052, **Version:** 1

031052
SUBSTITUTE
941743
THE CHAIR

Substitute resolution amending a special privilege for change of name to Hope House of Milwaukee, Inc. for encroachment into the public rights-of-way of exterior facades, an excess door swing, benches, ramp and platform and air intake grating for the building at 209 West Orchard Street, in the 12th Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege to Hope House of Milwaukee, Inc. to keep and maintain two exterior facades, an excess door swing, two benches, a ramp and platform and an air intake grating for the building at 209 West Orchard Street.

Whereas, South Side Milwaukee Emergency Shelter, Inc. requested a special privilege in order to keep and maintain two exterior facades, an excess door swing, two benches, a ramp and platform, a bay (oriel) window and an air intake grating in the public right-of-way; and

Whereas, Permission was granted in 1995, by adoption of Common Council Resolution File Number 941743 for the platform and ramp to be added to the previous items permitted by C.C. 900979; and

Whereas, The current name of the owner of the property is Hope House of Milwaukee, Inc. and should now be named as the grantee of the special privilege; and

Whereas, The address for the building has changed from 1501-05 South 2nd Street to 209 West Orchard Street; and

Whereas, For the liability to be formally transferred to the current owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, That Common Council Resolution File Number 941743 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Hope House of Milwaukee, Inc., 209 West Orchard Street, Milwaukee, WI 53204, is hereby granted the following special privileges:

1. To keep and maintain brick and wood exterior facades on the West Orchard Street and South 2nd Street sides of the structure at 209 West Orchard Street. Said façade on West Orchard Street encroaches a distance varying between 4 inches to 8 inches into the 15-foot sidewalk area commencing from the approximate westline of South 2nd Street and terminating at a point approximately 60 feet west of the westline of South 2nd Street. Said façade on South 2nd Street encroaches a distance varying between 4 inches to 6 inches into the 8-foot 6-inch wide west sidewalk area commencing from the approximate southline of West Orchard Street and terminating at a point approximately 50 feet south of the southline of West Orchard Street.

2. To keep, use and maintain a 36-inch wide door centered approximately 35 feet south of the southline of West

Orchard Street that when fully open encroaches approximately 33 inches into the 8-foot 6-inch wide, fully paved sidewalk area on the west side of South 2nd Street.

3. To keep, use and maintain two decorative benches located in the 15-foot wide public sidewalk area on the south side of West Orchard Street. Said benches are approximately 5 feet long, 2 feet wide and 2 feet 10 inches high. Said benches are placed such that their length is parallel to and centered approximately 2 feet north of the southline of West Orchard Street and centered approximately 6 and 14 feet west of the westline of South 2nd Street.
4. To keep, use and maintain a concrete platform and ramp with metal handrails, approximately 33 feet long and 4 feet wide, on the south side of West Orchard Street adjacent to the building at 209 West Orchard Street. Said ramp and platform begin approximately 67 feet west of the westline of South 2nd Street and extend west an approximate distance of 33 feet. Said ramp and platform project 4 feet into the 15-foot wide public sidewalk area, leaving approximately 11 feet for pedestrian usage.
5. To keep and maintain a bay (oriel) window encroaching from the second floor into the adjacent alley located approximately 50 feet south of the southline of West Orchard Street, which is restricted by Section 245-4-10 of the City of Milwaukee Code of Ordinances.
6. To keep and maintain a metal framed air intake grating, encroaching into the south sidewalk area of West Orchard Street. Said grating is approximately 4 feet 6 inches wide and 4 feet high beginning approximately 1-foot above grade for an encroachment of approximately 1-foot 6 inches, being centered approximately 52 feet west of the westline of South 2nd Street.

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, Hope House of Milwaukee, 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 \$10,000.00 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 covering bodily injury to more than one person in any one accident and \$20,000 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 \$867.57. 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 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:cjt

February 21, 2005

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