



Legislation Text

File #: 990840, Version: 1

990840
SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Russ Kaloti d/b/a Rimko Realty, LLP, to construct and maintain a porta cochere structure with two decorative columns and also have two excess door-swing encroachments into the public right-of-way adjacent to 180 West Wisconsin Avenue, in the 4th Aldermanic District in the City of Milwaukee.

- Analysis -

Substitute resolution granting a special privilege to Russ Kaloti d/b/a Rimko Realty, LLP, to construct and maintain a porta cochere structure with two decorative columns and also have two excess door-swing encroachments into the public right-of-way adjacent to 180 West Wisconsin Avenue.

Whereas, Russ Kaloti d/b/a Rimko Realty, LLP is renovating the building located at 180 West Wisconsin Avenue, which includes construction of a porta cochere structure over the sidewalk area on the north side of West Wisconsin Avenue, which is to be supported by the existing building at one end and two new decorative columns to be located in the public right-of-way; and

Whereas, The porta cochere structure with columns will encroach approximately 13.5 feet into the 16.5-foot wide fully paved sidewalk area on the north side of West Wisconsin Avenue; and

Whereas, Our investigation revealed two door swing encroachments which are to be located on the north side of West Wisconsin Avenue, that are to project into the public right-of-way in excess of that allowed by Code, when the building is remodeled; and

Whereas, The porta cochere structure, columns and excess door swings may only be permitted to encroach into the public right-of-way by the granting of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Rimko Realty, LLP, S475 South Westridge Court, New Berlin, WI 53151, is hereby granted the following special privileges:

1. To construct and maintain a porta cochere structure that will be supported by the building and by two decorative columns on the north side of West Wisconsin Avenue across a portion of the front of the building located at 180 West Wisconsin Avenue.

Said porta cochere structure, consisting of metal, wood, concrete and stone shall commence at a point approximately 65 feet east of the eastline of North 2nd Street and extend east for a distance of approximately 22.4 feet. The structure shall encroach into the 16.5-foot wide fully concrete paved sidewalk area approximately 13.5 feet and the roof structure shall have a clear height of approximately 10 feet 9 inches above the sidewalk.

Said decorative steel columns will rest on 2-foot 6-inch square concrete bases extending approximately 1-foot 3-inches above grade, and will be centered approximately 66 feet and 88 feet east of the eastline of North 2nd Street. Each column consists of four 6 inch by 6 inch steel tubes braced together with a 3 inch by 3 inch steel tube brace located approximately 4 feet 9 inches above grade.

All fixtures and materials for illumination of the porta cochere structure shall be indicated upon 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 structure. The name, street number, or character of the business may be indicated only on the vertical portion of the structure and shall not exceed 18 inches in height. The grantee will be required to keep a "Loading Zone" or have a "No Parking" status adjacent to the porta cochere structure as long as the structure occupies the public right-of-way. All runoff shall be contained within the structure and shall not adversely impact the public right-of-way nor pedestrian users of the sidewalk.

2. To install, use and maintain two excess door-swing encroachments at the building known as 180 West Wisconsin 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 101 and 115 feet east of the eastline of North 2nd Street and their maximum encroachment is approximately 14 1/2 inches and 15 1/4 inches, respectively, into the approximate 16.5-foot wide sidewalk area on the north side of West Wisconsin Avenue.

Said porta cochere structure, columns and doors shall be constructed, installed, kept, used and maintained to the approval of the Departments of Public Works and Neighborhood Services and all necessary permits shall be procured from the Departments of Public Works and City

Development/Neighborhood Services. No alteration or replacement of any item may be made without the written approval of these Departments.

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Rimko Realty, LLP, 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 \$974.95. 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

February 10, 2000

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