



## Legislation Text

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**File #: 131422, Version: 1**

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131422  
SUBSTITUTE 1  
THE CHAIR

Substitute resolution granting a special privilege to Kathleen D'Acquisto Irrevocable Trust to keep and maintain raised planters, concrete steps, bollards, masonry columns and backup driveways in the public right-of-way for the premises 300 North Van Buren Street, in the 4<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Kathleen D'Acquisto Irrevocable Trust to keep and maintain raised planters, concrete steps, bollards, masonry columns and backup driveways in the public right-of-way for the premises 300 North Van Buren Street.

Whereas, The applicant is requesting formal permission to keep and maintain four raised planters concrete steps and backup driveways which have been in the public right-of-way for many years; and

Whereas, A site visit revealed the presence of three bollards, four masonry columns, and merchandise tables in the public right-of-way; 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 Kathleen D'Acquisto Irrevocable Trust, 300 North Van Buren Street, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain five square raised planters in the east, 15-foot wide sidewalk area of North Van Buren Street. Said planters are centered approximately 12 feet west of the east line of North Van Buren Street and approximately 13, 51, 112, 143, and 174 feet north of the northline of East Buffalo Street extended. On average, the planters are 3 feet 9 inches long per side and are surrounded with a rough stone wall 6 inches wide. Total wall length surrounding the planters is 66 feet.
2. To construct and maintain a 5-foot 6-inch wide set of concrete steps with masonry sidewalls projecting 4 feet 5 inches into the east, 15-foot wide sidewalk area of North Van Buren Street. Said steps are centered approximately 89 feet north of the northline of East Buffalo Street extended.
3. To construct and maintain three bollards in the east, 15-foot wide sidewalk area of North Van Buren Street. Two of said bollards, which measure 6 inches in diameter, are centered about the aforementioned concrete steps at a point approximately 5 feet 4 inches west of the eastline of the North Van Buren Street. The third bollard, which measures 4 inches in diameter, is centered approximately 1 foot west of the eastline of North Van Buren Street and 52 feet north of the northline of East Buffalo Street extended.
4. To install, use and maintain sales tables with attached umbrellas in the east, 15-foot wide sidewalk area of North Van Buren Street for the sale of produce. Said 4-foot wide tables commence at a point 130 feet north of the northline of East Buffalo Street extended and extend south 31 feet. Said tables are positioned adjacent to the building face. Umbrellas attached to the tables are supported wholly by the table frames.
5. To construct and maintain four masonry columns projecting 2 feet 5 inches into the north, 16-foot wide sidewalk area of East Chicago Street. The columns, which measure 3 feet 4 inches square at the base, are centered 332, 360, 482, and

511 feet east of the eastline of North Jackson Street.

6. To keep, use and maintain four backup driveways in the east, 15-foot wide sidewalk area of North Van Buren Street. Said driveway approaches serve four, 7-foot wide loading dock doors that are centered approximately 128, 96, 83, and 68 feet north of the northline of East Buffalo Street. Vehicles may occupy the sidewalk area and a portion of the roadway and shall be parked in such a way so as not to project more than 8 feet beyond the east curb of North Van Buren Street during loading and unloading operations. The grantee is to provide sufficient traffic control to ensure continued northerly bound traffic while the backup driveway is in use.

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 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, Kathleen D'Acquisto Irrevocable Trust, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$343.52. 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 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 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 backup driveway to allow continued, safe traffic flow on North Van Buren Street. Traffic control measures may include, but are not limited to flag persons and traffic cones.

Department of Public Works

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

September 9, 2015