



Legislation Text

File #: 051326, Version: 1

051326
SUBSTITUTE 1
030912
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Commission House Condominiums, Inc. for balconies, a concrete platform with steps, fixed awnings and excess door swings and for addition of two moveable planters for the premises at 400 North Broadway, in the 4th Aldermanic District.

This resolution amends a special privilege for change of ownership to Commission House Condominiums, Inc. for balconies, a concrete platform with steps, fixed awnings and excess door swings and grants permission for two moveable planters for the premises at 400 North Broadway.

Whereas, 400 North Broadway, LLC petitioned for a special privilege to construct and maintain balconies, a concrete platform with steps, concrete platforms, fixed awnings, a double leafed gate and excess door swings in the public right-of-way; and

Whereas, Permission for said items was granted in 2004 under Common Council File Number 030912; and

Whereas, The property has been converted into a condominium development with Commission House Condominiums, Inc. as the legal entity responsible for the special privilege; and

Whereas, A site visit revealed that the concrete platforms on North Broadway and the double leaf gate were never constructed; and

Whereas, Commission House Condominiums, Inc. is requesting permission to place two moveable planters in the right-of-way; and

Whereas, Said moveable planters may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; and

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

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 030912 is hereby rescinded; and, be it

Further Resolved, That, Commission House Condominiums, Inc., c/o Holley Realty, 401 Pilot Court, Waukesha, Wisconsin 53188 is hereby granted the following special privileges:

1. To place and maintain two, 3-foot diameter concrete moveable planters in the 33-foot wide, east sidewalk area of North Broadway. Said planters are centered approximately 11 feet west of the eastline of North Broadway and 41 and 59 feet north of the northline of East St. Paul Avenue.
2. To keep and maintain 12 balconies in the 15.2-foot wide north sidewalk area of East St. Paul Avenue. Said 12-foot long balconies are located at the fifth, sixth, seventh and eighth floor levels, with three balconies per floor. The balconies project 6 feet into the public right-of-way in excess of the 4 feet allowed under Section 245-4-9 of the Milwaukee Code of Ordinances.

3. To keep and maintain a concrete platform with steps in the 15.2-foot wide north sidewalk area of East St. Paul Avenue. Said 26-foot 8-inch long platform, which projects 4 feet 6 inches into the public way, commences at a point approximately 78 feet east of the eastline of North Broadway. Said 4-foot 6-inch long steps, which project 4 feet 1 inch into the public way, commence at a point approximately 105 feet east of the eastline of North Broadway. There is a metal handrail along the edges of the platform and steps.
4. To keep and maintain a 20-foot 5-inch wide non-Code compliant fixed awning extending approximately 10 feet into the east, 33-foot wide sidewalk area of North Broadway. Section 245-7 of the Milwaukee Code of Ordinances only allows a 6-foot projection. The fixed awning begins approximately 40 feet north of the northline of East St. Paul Avenue and extends north. The clear height above the sidewalk is 7 feet 11 inches and the angle between a horizontal and the roof is allowed to be 22°. Non-louvering and non-downspouts are allowed.
5. To keep and maintain four non-Code compliant fixed awnings located on the west side of the building at 402 North Broadway projecting into the east side of North Broadway 3 feet 4 inches. The two northern awnings are each approximately 7-feet 9-inches wide and the two southern awnings are each approximately 7-feet 0-inches wide. The angle between a horizontal and the roof is allowed to be 22°. Non-louvering and non-downspouts are allowed.
6. To keep and maintain eight non-Code compliant fixed awnings located on the south side of the building at 402 North Broadway projecting into the north side of North Broadway 3 feet 4 inches except the east one which projects 3 feet 3-5/16 inches. The west awning is 10-feet 6-inches wide, the rest of the awnings are 11-feet 11-inches wide.
7. To keep and maintain two excess door swings over the concrete platform of item 2. Said doors, when fully open, project 3 feet into the north, 15.2-foot wide sidewalk area of East St. Paul Avenue, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
8. To keep and maintain an excess door swing which, when fully open, projects 1 foot 6 inches into the 15.2-foot wide north sidewalk area of East St. Paul Avenue. Said door, which is centered approximately 120 feet east of the eastline of North Broadway, projects more than the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
9. To install, use and maintain four sets of double-door swings which, when fully open, project 3 feet into the east 33-foot wide sidewalk area of North Broadway, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said pairs of doors are centered 5, 14, 25 and 34 feet north of the northline of East St. Paul Avenue.

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, Commission House Condominiums, 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 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 \$50,000 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 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 \$3,032.13. 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.

Department of Public Works
Infrastructure Services Division
MDL:lja
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