



Legislation Text

File #: 000964, Version: 1

000964

SUBSTITUTE

980021, 60-1888, 892561

THE CHAIR

Substitute resolution amending a special privilege granted to Leisure Investments, Inc. to keep and maintain an ornamental band of masonry and steel projecting into the public rights-of-way on the north and west walls of the building located at 2252-66 North Prospect Avenue, and also amending a special privilege granted to Tucson Development to erect and maintain a covered walk and keep and maintain a door encroachment at the same building, the address of the covered walk location being 2207 East North Avenue, to now combine the previously granted special privileges into one resolution and change the name of the grantee of the special privileges to Dos Locos, LLC, in the 3rd Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Leisure Investments, Inc. to keep and maintain an ornamental band of masonry and steel projecting into the public rights-of-way on the north and west walls of the building located at 2252-66 North Prospect Avenue, and also amends a special privilege granted to Tucson Development to erect and/or keep and maintain a covered walk and door encroachment at the same building, the address of the covered walk location being 2207 East North Avenue, to now change the name of the grantee of the special privilege.

Whereas, Leisure Investments, Inc. was granted a special privilege under Common Council Resolution File Number 980021, on July 24, 1998, to keep and maintain an ornamental band of masonry and steel projecting into the public rights-of-way on the north and west walls of the building located at 2252-66 North Prospect Avenue after they bought the property; and

Whereas, Tucson Development was granted a special privilege under Common Council Resolution File Number 892561, on May 29, 1990, to erect and maintain a covered walk and to keep and maintain a door swing encroaching in the public right-of-way, both on the south side of East North Avenue at the 2207 East North Avenue address, which somehow never got amended by Leisure Investments, Inc.; and

Whereas, The current owner of the property is Dos Locos, LLC and has asked that the two special privilege resolutions be combined in one; and

Whereas, The ornamental wall projection, covered walk and excess encroaching door swing may only occupy the public rights-of-way through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Numbers 980021 and 892561 are hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Dos Locos LLC, d/b/a Caro Properties, 3055 North Frederick Avenue, Milwaukee, WI 53211, is hereby granted the following special privileges:

1. To keep and maintain an ornamental band of masonry and steel which projects 0.8 feet beyond the property lines into the public rights-of-way of East North Avenue and North Prospect Avenue on the north and west walls of the building located at 2252-66 North Prospect Avenue. The ornamental bands extend from the top of the first floor windows to the bottom of the third floor windows along the entire length of the north wall, being approximately 184 feet, and along the west wall from the northwest corner of the building to a point approximately 32 feet southwesterly.
2. To keep and maintain a covered walk at the 2207 East North Avenue entrance to the building at 2266 North Prospect Avenue. Said covered walk, 7.33 feet in width, is centered approximately 67 feet east of the eastline of North Prospect Avenue and shall encroach approximately 16 feet into the 17-foot wide sidewalk area on the south side of East North Avenue. The covered walk shall be supported by the building at one end and by one vertical support at each corner closest to the curb. Each vertical support will be centered approximately 2 feet from the curb. There shall be approximately a 7-foot wide opening between the vertical supports, which parallel the curb face. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below shall be 8 feet. The minimum height of lettering on the covered walk shall be 12 inches.
3. To keep, use and maintain one existing set of double doors, each 2 feet 5-3/4 inches in width, that, when fully open, project 1-foot in excess of the 1-foot allowable under Section 245-4(8) of the Milwaukee Code of Ordinances. The doors are centered approximately 67 feet east of the eastline of North Prospect Avenue.

Said covered walk shall be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressures of 20 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 7 feet above the sidewalk level. The covering shall be of any approved material. All fixtures and materials for illumination of covered walks 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 covered walk. The name, street number, or character of the business may be indicated only on the vertical portion of the covering, and not to exceed 8 inches in height. Said covered walk shall be maintained to the satisfaction of the Commissioner of Public Works and the Commissioner of the Department of Neighborhood Services. Prior to installation, the grantee shall apply for and obtain "Loading Zone" or "No Parking Zone" status adjacent to the proposed covered walk location and maintain this status as long as the covered walk occupies the public way.

Said covered walk shall be maintained to the approval of the Commissioner of Public Works and the Commissioner of the Department of Neighborhood Services. Prior to installation, permits shall be obtained from the Commissioner of City Development for the structure itself and from the Commissioner of Public Works to occupy the right-of-way during construction, as necessary.

Said wall ornamentation shall be maintained to the satisfaction of the Departments of Public Works and Neighborhood Services.

Said items shall be removed from the public rights-of-way, at such future time that they are no longer needed, to the satisfaction of the Commissioners of Public Works and the 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, Dos Locos, 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 \$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 \$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 \$364.04. 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 66.0915((3) 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
JJM:cjt
March 1, 2001
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