



## Legislation Text

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**File #:** 011267, **Version:** 1

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011267

### SUBSTITUTE THE CHAIR

Substitute resolution granting a special privilege to Taxman Investment Company to construct and maintain balconies and an excess door-swing, which encroach into the public rights-of-way of an alley abutting 500 North Water Street, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Taxman Investment Company to construct and maintain balconies and keep and maintain an existing door-swing, which encroach into the public rights-of-way on the east side of the building at 500 North Water Street, over the abutting alley.

Whereas, The upper floors of the existing building located at 500 North Water Street are being redeveloped to provide residential apartment units; and

Whereas, Several items, which include balconies at the upper floors and an excess door-swing will encroach into the public right-of-way on the east side of the building into the north-south alley in the block bounded by North Broadway, East Clybourn Street, East Michigan Street and North Water Street at 500 North Water Street; and

Whereas, These items 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 Taxman Investment Company, 819 North Marshall Street, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To install, use and maintain balconies, which extend approximately 6 feet into the 14-foot-wide alley right-of-way at 500 North Water Street, as follows: located at the third, fourth, fifth, sixth and seventh levels, with each level to have 2 straight balconies, each approximately 17 feet long, extending into the right-of-way on the west side of the north-south alley in the block bounded by North Broadway, East Clybourn Street, East Michigan Street and North Water Street. The Milwaukee Code of Ordinances, Section 245-4-9, only allows a 4-foot projection.
2. To use and maintain a door swing encroachment at the building known as 500 North Water Street that, when fully open, projects 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 doorway is centered approximately 6 feet north of the northline of East Clybourn Street and its maximum encroachment is approximately 23 feet into the 14-foot wide north-south alley in the block bounded by North Broadway, East Clybourn Street, East Michigan Street and North Water Street.

Said items shall be constructed and maintained to the approval of the Commissioners of Public Works and Neighborhood Services and all necessary permits shall be procured from the Commissioners of Public Works and City Development

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Taxman Investment Company, 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 \$250,000 covering bodily injury to any one person and \$500,000 covering bodily injury to more than one person in any one accident and \$100,000 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 \$597.96. 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 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 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

July 17, 2002

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