



Legislation Text

File #: 070588, Version: 1

070588
SUBSTITUTE 1
THE CHAIR

Substitute resolution granting a special privilege to J & M Castro, LLC to construct and maintain a covered walk, movable planters, cameras and excess door swings for the premises at 3001 South 6th Street, in the 14th Aldermanic District.

This resolution grants a special privilege to J & M Castro, LLC to construct and maintain a covered walk, movable planters, cameras, and excess door swings for the premises at 3001 South 6th Street.

Whereas, J & M Castro, LLC is requesting permission to install a covered walk within the public right-of-way; and

Whereas, A site visit revealed the presence of seven moveable planters, four cameras and two excess door swings encroaching 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 J & M Castro, LLC, 603 West Manitoba Street, Milwaukee, WI 53215, is hereby granted the following special privileges:

1. To construct and maintain a 7-foot 6-inch wide covered walk projecting 9 feet into the west 13-foot wide sidewalk area of South 6th Street. Said covered walk will be centered approximately 45 feet south of the southline of West Manitoba Street.

The covered walk shall be supported by the building and two vertical supports near each corner closest to the curb along each side of the covered walk. Each vertical support nearest the curb will be between 2 and 4 feet from the present curblines. There will be an opening 7 feet 6 inches wide between the vertical supports, which will parallel the curb. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below is 8 feet.

Said covered walk shall generally 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 applied in any direction. No guy wires brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination of the covered walk shall be indicated on 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 shall not exceed 8 inches in height.

The grantee is required to keep a "Loading Zone" or "No Parking" status adjacent to the covered walk as long as the covered walk occupies the public right-of-way.

2. To keep and maintain seven circular moveable planters each 2 feet tall and 2 ½ feet in diameter. Four of these planters are located in the 13-foot wide west sidewalk area of South 6th Street and three planters are located in the 11-foot wide south sidewalk area of West Manitoba Street.

3. To keep and maintain four cameras that project into the public right-of-way. Two cameras on the west side of South 6th Street, one camera on the south side of Manitoba Street, and one camera on the east side of the north-south alley. These cameras are mounted to the brick facing of the building and are approximately 15 feet above grade.

4. To keep and maintain two excess door swings on the south side of West Manitoba Street. The door swing for the eastern door projects 2 feet 4 inches into the public right-of-way when fully open. The door swing for the western door projects 2 feet 3 inches into the public right-of-way when fully open. Both doors project more than the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

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, J & M Castro, 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 \$1,000 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 184.59. 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
August 15, 2007
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