



Legislation Text

File #: 120918, Version: 1

120918
SUBSTITUTE 1
THE CHAIR

Substitute resolution granting a special privilege to First MKD LLC to construct and maintain various items in the public right-of-way and to keep and maintain historic building encroachments for the premises 611 North Broadway, in the 4th Aldermanic District.

This resolution grants a special privilege to First MKD LLC to construct and maintain a covered walk, cigarette butt disposal container, valet stand, curb ramp, private light fixtures, moveable planters, garbage container, and covered walk in the public right-of-way and to keep and maintain historic building encroachments for the premises 611 North Broadway.

Whereas, The applicant is requesting permission to construct and maintain a covered walk and private light fixtures in the public right-of-way; and

Whereas, A site visit revealed the presence of several other items in the public right-of-way including historic building encroachments, valet stand, garbage can, cigarette disposal bin, curb ramp, and moveable planters; 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 First MKD LLC, 611 North Broadway, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain a covered walk projecting 10 feet into the north sidewalk area of East Michigan Street. Said 6-foot 6-inch wide covered walk is centered approximately 83 feet west of the westline of North Broadway.

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 is centered approximately 2 feet from the curb line. There is an opening 6 feet wide between the vertical supports, which parallels 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 construct and maintain a pedestrian ramp in the north, 12-foot wide sidewalk area of East Michigan Street. Said ramp is centered approximately 83 feet west of the westline of North Broadway.

3. To install and maintain nine private light fixtures with appurtenant electrical conduit mounted to walk down area wall, which is centered approximately 5 feet 6 inches east of the westline of North Broadway. The light fixtures, which are mounted approximately 6 inches below the adjacent sidewalk grade, are spaced at varying distances between the northline of East Michigan Street and the north property line located 180 feet to the north.
4. To install and maintain a cigarette butt disposal bin in the west, 20-foot wide sidewalk area of North Broadway. Said disposal bin is located adjacent to the main entrance of the building, which is centered approximately 90 feet north of the northline of East Michigan Street, and the walk down area wall, which is approximately 5 feet 6 inches east of the westline of North Broadway.
5. To install and maintain two 3-foot square moveable planters in the west, 20-foot wide sidewalk area of North Broadway. Said planters are centered approximately 8 feet east of the westline of North Broadway about the main building entrance, which is centered approximately 9-feet north of the northline of East Michigan Street.
6. To install and maintain one trash can in the west, 20-foot wide sidewalk area of North Broadway. Said 8-inch by 18-inch trash can is located adjacent to the walk down area wall and the main building entrance.
7. To install and maintain a moveable valet stand with 6-foot diameter umbrella in the west, 20-foot wide sidewalk area of North Broadway. Said stand with umbrella is located adjacent to the main entrance of the building, which is centered approximately 90 feet north of the northline of East Michigan Street, and is centered approximately 10 feet east of the westline of North Broadway. The valet stand is 2 feet long, 18 inches wide, and 3 feet 6 inches tall.
8. To keep and maintain historic building encroachments such as decorative stone building columns projecting up to 3 inches into the north, 12-foot wide sidewalk area of East Michigan Street. The building columns, which are, on average, 5 feet 6 inches long, are located in the area that commences at the westline of North Broadway and extends west approximately 120 feet.
9. To keep and maintain historic building encroachments including a walk down area, cast iron railing, and six sets of steps projecting up to 6 feet 6 inches into the west, 20-foot wide sidewalk area of North Broadway. Said walk down area commences at the northline of East Michigan Street and extends north for the length of the property, approximately 180 feet. The cast iron railing, which is 3 feet 6 inches tall, commences at the northline of East Michigan Street and extends 180 feet north though there are gaps for four sets of entrance steps. Said railing provides a barrier between the at-grade sidewalk and the walk down area. Of the six sets of steps, three go down into the walk down area and three go up into the building. Two sets of steps going down into the walk down area parallel North Broadway and are located at the north and south ends of the property. The remaining four sets of steps are perpendicular to North Broadway.

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, First MKD 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 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 \$374.14. 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

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

October 29, 2015