



## Legislation Text

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**File #: 091115, Version: 1**

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091115

### SUBSTITUTE 1

Substitute resolution granting a special privilege to The Milwaukee Moderne Condominium Association LLC to construct and maintain various items within the public right-of-way for the premises at 1141 North Old World Third Street, in the 4<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to The Milwaukee Moderne Condominium Association LLC to construct and maintain a parking garage entrance ramp with sidewalls, raised planters, moveable planters, logo sidewalk insets, bollards, and cigarette disposal containers in the public right-of-way for the premises at 1141 North Old World Third Street.

Whereas, During the permit stage for the building at the subject premises, the developer, Milwaukee Moderne LLC, requested permission to construct and maintain tree grates, raised planter beds, logo sidewalk insets, and a parking garage entrance ramp in the public right-of-way; and

Whereas, The developer subsequently decided to forego the tree grates; and

Whereas, The property is now under control of The Milwaukee Moderne Condominium Association LLC, which will be responsible for the encroachments into the public right-of-way; and

Whereas, A site visit confirmed the existence, quantities and dimensions of items constructed 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 The Milwaukee Moderne Condominium Association LLC, c/o Angela Nordstrom, 1141 North Old World Third Street, Milwaukee, WI 53203 is hereby granted the following special privileges:

1. To construct and maintain a parking garage entrance ramp with sidewalls projecting into the south, variable width sidewalk area of West Juneau Avenue. The 12-foot wide ramp projects 9 feet 6 inches while the two, 1-foot wide sidewalls project 8 feet into the public way. Said ramp with sidewalls is centered approximately 15 feet east of the eastline of the north-south alley abutting the subject premises.
2. To construct and maintain two raised stationary planters in the south, variable width sidewalk area of West Juneau Avenue. Both planters are surrounded by 6-inch wide and 6-inch tall concrete curbing and measure 6 feet long and 4 feet wide. Said planters are set back from the face of the street curb 20 inches and are centered approximately 67 and 94 feet west of the westline of North Old World Third Street.
3. To construct and maintain two logo sidewalk insets in the variable width, south sidewalk area of West Juneau Avenue. Both insets are 9 feet 1 inch long and 2 feet 4 inches wide. Said insets are centered approximately 1 foot 6 inches north of the southline of West Juneau Avenue and 53 and 80 feet west of the westline of North Old World Third Street. The west inset is made from granite. Presently, the east inset has not been installed and the space for the inset is filled with a wood panel.
4. To place and maintain two cigarette butt disposal containers in the south, variable width sidewalk area of West Juneau

Avenue. Said containers are located adjacent to the building and are centered approximately 40 and 72 feet west of the westline of North Old World Third Street.

5. To place and maintain two moveable planters in the south, variable width sidewalk area of West Juneau Avenue. The planters measure 2 feet 8 inches square and 2 feet 6 inches tall. Said planters abut the building and are centered approximately 67 and 94 feet west of the westline of North Old World Third Street.

6. To install and maintain four bollards in the 20-foot wide north-south alley adjacent to the subject premises. The southernmost pair of bollards is located at the north and south edges of a garage door that is centered approximately 75 feet south of the southline of West Juneau Avenue. The south bollards are 1 foot in diameter and 4 feet tall. The northernmost pair of bollards is centered about gas service piping that is located on private property at a point approximately 43 feet south of the southline of West Juneau Avenue. The north bollards are 7 inches in diameter and 2 feet 8 inches tall.

Said items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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, The Milwaukee Moderne Condominium Association 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 \$1626.86. 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 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division  
MDL:clm  
October 10, 2013

