



Legislation Text

File #: 091219, Version: 1

091219
SUBSTITUTE
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THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Mitchell Renaissance LLC for tree grates with guards and for addition of historic building encroachments for the premises at 207 East Michigan Street, in the 4th Aldermanic District.

This resolution amends a special privilege for change of ownership to Mitchell Renaissance LLC for tree grates with guards and for addition of historic building encroachments for the premises at 207 East Michigan Street.

Whereas, Charles Realty Corporation requested permission to install and maintain tree grates with guards in the public right-of-way adjacent to the properties at 207 East Michigan Street and 225 East Michigan Street; and

Whereas, Permission for said tree grates and guards was granted in 1991 under Common Council Resolution File Number 911232; and

Whereas, Presently, the properties are under separate ownership; and

Whereas, Mitchell Renaissance LLC now owns the subject property; and

Whereas, A site visit revealed the presence of existing, historic building encroachments, which may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; and

Whereas, For the liability for said tree grates with guards to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 911232 is hereby rescinded; and, be it

Further Resolved, That Mitchell Renaissance LLC, 700 North Water Street, Suite 400, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To keep and maintain five, 4-foot square tree grates with guards in the south, 12-foot wide sidewalk area of East Michigan Street. Said tree grates are centered approximately 25, 39, 87, 95 and 110 feet east of the eastline of North Water Street and 8 feet north of the southline of East Michigan Street.
2. To keep and maintain six historic facade sections projecting up to 1 foot into the east, 9-foot wide sidewalk area of North Water Street. Said facade sections are evenly spaced between the southline of East Michigan Street and a point approximately 80 feet to the south. It should be noted that Section 245-4-3 permits pediments, nonstructural columns or pilasters, and similar architectural projections, including bases and capitals, to project 8 inches or less.
3. To keep and maintain a historic entrance facade consisting of two nonstructural columns projecting up to 5 feet 8 inches into the south, 12-foot sidewalk area of East Michigan Street. The nonstructural columns are centered about a point approximately 60 feet east of the eastline of North Water Street. There is a gilded griffin statue with light placed on each platform associated with each of the two nonstructural columns. The nonstructural columns project more than the 8 inches allowed under Section 245-4-3 of the Milwaukee Code of Ordinances.

4. To keep and maintain eight historic façade sections projecting up to 2 feet 4 inches into the south, 12-foot wide sidewalk area of East Michigan Street. Four of said sections are spaced evenly between the eastline of North Water Street and entrance façade of Item # 3. The other four of said façade sections are spaced evenly between the westline of the north-south alley abutting the property and the entrance façade of Item #3. It should be noted that Section 245-4-3 permits pediments, nonstructural columns or pilasters, and similar architectural projections, including bases and capitals, to project 8 inches or less.

Said above-mentioned 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, Mitchell Renaissance 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 \$50.00. 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:ns
December 8, 2010
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