



Legislation Text

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991939
SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Design Workshop, LLC for folding-type windows, metal rail and pavement uprights to encroach into the public right-of-way, adjacent to 217 North Broadway, in the 4th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution grants a special privilege to the Design Workshop, LLC for folding-type windows, metal rail with attached uprights, and pavement uprights to encroach into the public right-of-way at 217 North Broadway.

Whereas, The Design Workshop, LLC occupies the premises at 217 North Broadway, which is under the ownership of Catherine and James Donnelly, who are undertaking several exterior improvements to the building which include placement of folding-type windows, encroachment of a metal rail with attached uprights, and pavement uprights in the sidewalk; and

Whereas, The property is located in the Historic Third Ward and has been granted a Certificate of Appropriateness by the Architectural Review Board for these and other renovations; and

Whereas, Encroachment of the five pavement uprights, folding-type windows into the public right-of-way and metal rail with attached uprights can only be allowed through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that The Design Workshop, LLC, 217 North Broadway, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To install and maintain a window system on the first floor level on the front of the building at 217 North Broadway, which open in a folding-type fashion into the 20-foot wide fully concrete paved sidewalk area on the west side of North Broadway. The greatest projection of the windows, when fully open, will be approximately 4 feet into the sidewalk area occurring approximately 10 feet above the sidewalk.
2. To install and maintain a 6-inch diameter metal rail approximately 10 feet above the sidewalk at the building known as 217 North Broadway. The metal rail commences on the building face, approximately 115 feet north of the northline of East Chicago Street, extends approximately 4 feet east into the 20-foot wide fully concrete paved sidewalk area on the west side of North Broadway, then extends north approximately 28 feet, then extends west 4 feet to the building face. Two uprights will be attached to the metal rail.
3. To install and maintain five pavement uprights in the hollow sidewalk adjacent to the building at 217 North Broadway. The uprights are approximately 12-inches in diameter and are flush with the surface of the fully concrete paved sidewalk on the west side of North Broadway.

Said folding-type windows, metal rail with attached uprights and pavement uprights shall be installed, used and maintained to the satisfaction of the Commissioners of Public Works and Neighborhood Services. All required permits shall be procured prior to beginning installation. Said items shall be removed from the public right-of-way in such future time as they are no longer needed to the satisfaction of the Departments of Public Works and Neighborhood Services

;and, be it

Further Resolved, That the surface of the light lens be periodically monitored for excess slipperiness and either replaced or removed if the situation is hazardous; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Design Workshop, 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 \$5,000.00 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 \$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. 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 \$206.10. 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 66.045 of the Wisconsin Statutes (1979), 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

May 31, 2000

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