



## Legislation Text

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**File #: 140373, Version: 1**

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140373  
SUBSTITUTE 1  
070902  
THE CHAIR

Substitute resolution amending a special privilege to Breakwater Condominium Association Incorporated for addition of raised planters, pet waste disposal bins, and moveable planters in the public right-of-way for the premises at 1313 North Franklin Place, in the 4<sup>th</sup> Aldermanic District.

This resolution amends a special privilege to Breakwater Condominium Association Incorporated for addition of raised planters, pet waste disposal bins, and moveable planters in the public right-of-way for the premises at 1313 North Franklin Place.

Whereas, Breakwater Condominium Association Incorporated requested permission to construct and maintain several encroachments in the public right-of-way including an elevated sidewalk, stationary planters, excess roof overhang projection, excess canopy projection and concrete step with handrails in the public right-of-way; and

Whereas, Permission for said items to occupy the public right-of-way was granted under Common Council Resolution File Number 070902 in 2009; and

Whereas, The applicant is now requesting permission to construct and maintain six stationary planters in the public right-of-way; and

Whereas, A site visit revealed the presence of two pet waste disposal bins and three moveable planters 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 070902 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Breakwater Condominium Association Incorporated, 643 East Erie Street, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain six stationary planters in the public right-of-way adjacent to the subject premises. The southernmost planter, located at the northwest corner of East Knapp Street and North Franklin Place, projects 5 feet 10 inches into the north, 20-foot wide sidewalk area of East Knapp Street for a 6-foot length and 3 feet 6 inches into the west, 14.8-foot wide sidewalk area of North Franklin Place for an 11-foot 1-inch length. Subsequent planters, which project 3 feet 6 inches into the west sidewalk area of North Franklin Place, commence at points approximately 29, 51, 93, 112, and 133 feet north of the northline of East Knapp Street and extend about 10, 8, 7, 9, 6 feet north, respectively. All of the planters are surrounded, except where the planter meets the building face, by an 8-inch wide lannon stone wall that varies in height between 6 and 8 inches. Total length of the walls surrounded the planters is 93 feet 5 inches.

2. To install and maintain three moveable planters in the west, 14.8-foot wide sidewalk area of North Franklin Place. Said planters are 3 feet in diameter and 2 feet 10 inches tall. Said planters are centered approximately 2 feet 6 inches east of the westline of North Franklin Place and are positioned about a point approximately 65 feet north of the northline of East Knapp Street.

3. To install and maintain two pet waste disposal bins with plastic bag dispenser and informational sign, all of which is mounted to a metal post. One of the disposal bins is centered approximately 9 inches south of the northline of East Knapp Street and 145 feet west of the westline of North Franklin Place. The second disposal bin is centered approximately 9 inches east of the westline of North Franklin Place and 128 feet north of the northline of East Knapp Street. Said disposal bin, bag dispenser, sign and support post occupy a space that is 1 foot long, 1 foot wide and 6 feet 6 inches tall.
  4. To keep and maintain two sections of elevated sidewalk with handrails in the west, 14.8-foot wide sidewalk area of North Franklin Place. The south section of elevated sidewalk commences at a point approximately 28 feet north of the northline of East Knapp Street and extends 20 feet to the north. The north section of elevated sidewalk commences at a point approximately 82 feet north of the northline of East Knapp Street and extends 20 feet to the north. Said railings, which are located within the 6-foot wide paved public sidewalk, are 9 feet 4 inches east of the westline of North Franklin Place. The elevated sidewalks rise from the established sidewalk grade to a maximum elevation of 16 inches where the sidewalk meets the concrete platform.
  5. To keep and maintain an elevated concrete platform projecting 9 feet 11 inches into the west, 14.8-foot wide sidewalk area of North Franklin Place. Said platform commences at a point approximately 48 feet north of the northline of East Knapp Street and extends north 33 feet 6 inches. The top of the platform is a maximum of 16 inches above the established sidewalk grade.
  6. To keep and maintain two, 2-foot 6-inch wide stationary planters in the west, 14.8-foot wide sidewalk area of North Franklin Place. Said planters are surrounded on three sides by a 6-inch wide concrete wall with the fourth side abutting the elevated sidewalk described above. The south planter commences at a point approximately 48 feet north of the northline of East Knapp Street and extends 8 feet to the north. The north planter commences at a point approximately 73 feet north of the northline of East Knapp Street and extends 8 feet to the north. Said planters are centered approximately 11 feet 5 inches east of the westline of North Franklin Place.
  7. To keep and maintain a concrete step with handrails in the west, 14.8-foot wide sidewalk area of North Franklin Place. Said 1-foot wide step commences at a point approximately 56 feet north of the northline of East Knapp Street and extends 17 feet 4 inches to the north. The step is centered approximately 10 feet 5 inches east of the westline of North Franklin Place.
  8. To keep and maintain a canopy projecting 10 feet 5 inches into the west, 14.8-foot wide sidewalk area of North Franklin Place, in excess of the 6 feet allowed under Section 245-8-4 of the Milwaukee Code of Ordinances. Said canopy commences at a point approximately 49 feet north of the northline of East Knapp Street and extends 30 feet 11 inches to the north.
  9. To keep and maintain a roof overhang projecting 7 feet into the north, 20-foot wide sidewalk area of East Knapp Street, in excess of the 3 feet allowed under Section 245-4-1 of the Milwaukee Code of Ordinances. Said overhang commences at a point approximately 4 feet west of the westline of North Franklin Place and extends 110 feet to the west. The roof overhang is at an approximate elevation of 260 feet above grade.
- 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, Breakwater Condominium Association Incorporated, 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 \$1,790.38. 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 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

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

December 17, 2015