



Legislation Text

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971466
SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Hotel Investment Property Partners LLC, to place a covered walk on the east side of North Old World Third Street within the public right-of-way at the 236-240 building entrance, and to have a door swing projection into the public right-of-way on the north side of West Wisconsin Avenue at an emergency exit of a stair tower, in the 4th Aldermanic District in the City of Milwaukee.

- Analysis -

This special privilege grants Hotel Investment Property Partners LLC, permission to place and maintain a covered walk on the east side of North Old World Third Street, and for an excess door swing projection into West Wisconsin Avenue at an emergency exit of a stair tower, encroaching into the public rights-of-way abutting the premises at 236-240 West Wisconsin Avenue.

Whereas, The applicant desires to place and maintain a covered walk at the North Old World Third Street entrance to the new hotel to be known as Inn Towne Hotel; and

Whereas, The stair tower abutting the West Wisconsin Avenue side of the building needs to have an emergency exit with an outward swinging door that, when fully opened, will project in excess of the allowable one foot encroachment (Section 245-4-8 of Code of Ordinances); and

Whereas, Said covered walk and door swing projection may only legally occupy the public rights-of-way by the granting of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Hotel Investment Property Partners LLC, c/o Maple Hall Inc., 7101 North Cicero Avenue, Lincolnwood, IL 60646, is hereby granted the following special privileges:

1. To erect and maintain a covered walk at the property known as 236-240 West Wisconsin Avenue. Said covered walk, 15-feet 6-inches in width, is to be centered approximately 110 feet north of the northline of West Wisconsin Avenue and shall encroach approximately 13 feet into the 15-foot wide sidewalk area on the east side of North Old World Third Street at the 710 North Old World 3rd Street address. The covered walk shall be supported by the building, by two vertical supports near the building side of the structure and by two vertical supports near each corner closest to the curb along each side of the covered walk. Each vertical support nearest the curb will be centered approximately 2 feet from the curbline, with a second vertical support at each corner approximately 2.5 feet east. This 2.5 foot wide space is for side curtains that are "see through." There are to be four additional vertical posts, two on each side, approximately 3.7 feet from the building and at the building in order to be able to also anchor "see-through" side curtains. The resulting passageway for through pedestrians is approximately 6.25 feet. At some point in the future, if this amount of passageway becomes inadequate, an order will be written to either remove the entire structure or provide the width of passageway determined at that time. This will be at no cost to the City. There shall be an approximately 15-foot 6-inch wide opening between the vertical supports, which parallel the curb face. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below shall be 8-feet 8-inches.

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 and wind pressure of 20 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 covered walk shall be indicated upon 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 will be required to keep a "Loading Zone" or have a "No Parking" status adjacent to the covered walk as long as the covered walk occupies the public right-of-way.

Prior to installation, permits shall be obtained from the Commissioners of Public Works and Building Inspection for the covered walk structure itself and from the Commissioner of Public Works to occupy the right-of-way during construction.

2. To install, use and maintain one outward swinging door that, when fully opened, will project into the public right-of-way on the north side of

West Wisconsin Avenue in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The door is to be used as an emergency exit at a stair tower, projecting approximately 3 feet into the 16.5-foot wide sidewalk area of West Wisconsin Avenue, centered approximately 35 feet east of the eastline of North Old World Third Street.

Said covered walk and door shall be constructed, installed, maintained and used to the approval of the Commissioner of Public Works and the Commissioner of Building Inspection.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Hotel Investment Property Partners 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 \$1,000.00 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 \$81.18. 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

January 23, 1998

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