



Legislation Text

File #: 981694, Version: 1

981694
SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Downer Investments Partnership to place a covered walk on the south side of East Bellevue Place within the public right-of-way at 2551-97 North Downer Avenue, in the 3rd Aldermanic District in the City of Milwaukee.

- Analysis -

This special privilege grants Downer Investments Partnership, permission to place and maintain a covered walk on the south side of East Bellevue Place, encroaching into the public right-of-way abutting the premises at 2551-97 North Downer Avenue.

Whereas, The applicant desires to place and maintain a covered walk at an East Bellevue Place entrance to the premises located at 2551-97 North Downer Avenue; and

Whereas, Said covered walk may only legally encroach into the public right-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 Downer Investments Partnership, 316 East Silver Spring Drive, Milwaukee, WI 53217, is hereby granted the following special privilege:

To erect and maintain a covered walk at the property known as 2551-97 North Downer Avenue. Said covered walk, 8 feet 3 inches in width, is to be centered approximately 70 feet west of the westline of North Downer Avenue and shall encroach approximately 12 feet into the present 14-foot wide fully concrete paved or brick paver sidewalk area on the south side of East Bellevue Place at the 2551-97 North Downer Avenue premises.

The covered walk shall be supported by the building 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 present curblines. There shall be an approximately 8-foot 3-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.

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, with the exception of the minimum walk width policy. 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 6 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 Departments of Public Works and Neighborhood Services for the covered walk structure itself and from the Department of Public Works to occupy the right-of-way during construction, as necessary.

Said covered walk shall be constructed, installed, used and maintained to the approval of the Department of Public Works and 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, Downer Investment Partnership, 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 \$75.00. 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 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

April 21, 1999

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