



## Legislation Text

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**File #: 050924, Version: 1**

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SUBSTITUTE  
990840  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to HCP/OBG Milwaukee Property Co., LLC d/b/a Hampton Inn for encroachment into the public right-of-way of two excess door swings and modification of the existing porta cochere for the building at 176 West Wisconsin Avenue, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants an amended special privilege to HCP/OBG Milwaukee Property Co., LLC d/b/a Hampton Inn for encroachment into the public way of two excess door swings and modification of the existing porta cochere for the building at 176 West Wisconsin Avenue.

Whereas, Russ Kaloti d/b/a Rimko Realty, LLP requested permission to construct and maintain a porta cochere structure with two decorative columns and two excess door swings for its building at 176 West Wisconsin Avenue; and

Whereas, Permission was granted in 1999 under Common Council Resolution File Number 990840; and

Whereas, HCP/OBG Milwaukee Property Co., LLC d/b/a Hampton Inn now owns the building and desires to do a cosmetic modification of the existing porta cochere that will include adding a nonstructural beam detail below the porta cochere skylight that will lower the clear height from the sidewalk to the underside of the porta cochere sky light from 10 feet 9 inches to 10 feet; and

Whereas, The modified porta cochere structure and columns may only be permitted to encroach into the public right-of-way by the granting of a special privilege by the Common Council; and

Whereas, For the liability to be formally transferred to the current owners for the two excess door swings, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, That Common Council Resolution File Number 990840 is hereby rescinded;

and, be it

Further Resolved, By the Common Council of the City of Wisconsin that, HCP/OBG Milwaukee property Co., LLC d/b/a Hampton Inn, 176 West Wisconsin Avenue, Milwaukee, WI 53203, is hereby granted the following special privileges:

1. To modify, keep and maintain a porta cochere structure that is supported by the building and by two decorative columns on the north side of West Wisconsin Avenue across a portion of the front of the building located at 176 West Wisconsin Avenue.

Said porta cochere structure, consisting of metal, wood, concrete stone and plaster commences at a point

approximately 65 feet east of the eastline of North 2nd Street and extends east for a distance of approximately 28 feet 8 inches. The structure encroaches into the 16-foot 6-inch wide fully concrete paved sidewalk area approximately 15 feet and the roof structure has a clear height of approximately 10 feet above the sidewalk.

Said decorative plaster encased steel columns rest on 2-foot 6-inch square concrete bases extending approximately 1-foot 3-inches above grade, and are centered approximately 66 feet and 88 feet east of the eastline of North 2<sup>nd</sup> Street. Each column consists of four 6 inch by 6 inch steel tubes braced together with a 3 inch by 3 inch steel tube brace located approximately 4 feet 9 inches above grade.

No sign or advertising device shall be hung from, attached to, printed or painted on any part of the structure. The name, street number, or character of the business may be indicated only on the vertical portion of the structure 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 porta cochere structure as long as the structure occupies the public right-of-way. All runoff shall be contained within the structure and shall not adversely impact the public right-of-way nor pedestrian users of the sidewalk.

2. To keep, use and maintain two excess door-swing encroachments at the building known as 176 West Wisconsin Avenue that, when fully open, project into the public right-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The doorways are centered approximately 101 and 115 feet east of the eastline of North 2<sup>nd</sup> Street and their maximum encroachment is approximately 14 ½ inches and 15 ¼ inches, respectively, into the approximate 16-foot 6-inch wide sidewalk area on the north side of West Wisconsin Avenue.

Said porta cochere structure, columns and doors shall be kept, used and maintained to the approval of the Departments of Public Works and Neighborhood Services. No alteration or replacement of any item may be made without the written approval of these Departments.

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, HCP/0BG Milwaukee Property Co., LLC d/b/a Hampton Inn 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 \$50,000.00 covering bodily injury to any one person and \$100,000.00 covering bodily injury to more than one person in any one accident and \$20,000.00 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 \$1,663.95. 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 66.0425 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Infrastructure Services Division

MDL:cjt

January 17, 2006

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