



## Legislation Text

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**File #: 020352, Version: 1**

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020352

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Loft Quest, LLC, to place moveable sidewalk planters, benches and a trash receptacle and to keep mats, flower pots, stairway and excess door swinging all encroaching into the public rights-of-way abutting the premises at 241 North Broadway, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This special privilege grants the applicant permission to place four movable sidewalk planters, four benches and one trash receptacle within the sidewalk area on the west side of North Broadway, adjacent to 241 North Broadway. It also allows 2 rubber mats, 5 hanging flower pots, 3 sets of excess double-door swinging to continue to encroach into North Broadway and for a metal stairway to encroach into East Buffalo Street abutting the same building.

Whereas, Loft Quest, LLC proposes to place and maintain four movable planters, four benches and one trash receptacle on the sidewalk on the west side of North Broadway abutting the building at 241 North Broadway; and

Whereas, The field investigation revealed that there are several existing encroachments encroaching into North Broadway or East Buffalo Street consisting of: rubber mats, hanging flower pots, stairway and excess door swinging; and

Whereas, It was orally indicated by the applicant's representative that they would prefer to have these items continue to occupy the public rights-of-way; and

Whereas, The planters, benches, trash receptacle, rubber mats, flower pots, stairway and excess door swinging may only legally occupy the City of Milwaukee public right-of-way by the granting of this special privilege; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Loft Quest LLC, 260 Regency Court, #165, Brookfield, WI 53045 is hereby granted the following special privileges:

1. To place and maintain two groups of movable planters and benches in the 20-foot wide sidewalk area abutting the building at 241 North Broadway on North Broadway with each group consisting of: a planter, a bench, a bench, a planter. The groups are centered approximately 30 and 59 feet south of the southline of East Buffalo Street. The planters are 2-foot diameter, 2-foot high. The benches are 6.3-foot long and 2-foot deep with metal ends and wood slats for seat and back.
2. To place and maintain one 2.1-foot diameter, 3.8-foot high trash receptacle located approximately 44.5 feet south of the southline of East Buffalo Street, abutting the building at 241 North Broadway on North Broadway.
3. To keep and maintain two rubber mats on the public sidewalk of North Broadway abutting the building at 241 North Broadway located generally abutting the building as follows: the 3.8-foot by 5.6-foot mat is located

approximately 53 feet south of the southline of East Buffalo Street and the 2-foot by 3-foot mat is located approximately 105 feet south of the southline of East Buffalo Street.

4. To keep, use and maintain 3 sets of double doors (each door is approximately 3.6 feet wide with the hinges approximately 1.3 feet back from the face of the building) producing a 2.3-foot encroachment into North Broadway at the building at 241 North Broadway, which is 1.3 feet in excess of the allowable of Section 245-4-8 of the Code of Ordinances. The centerlines are approximately 47, 55 and 107 feet south of the southline of East Buffalo Street.

5. To keep and maintain five hanging flower pots suspended from lights attached to the east face of the building at 241 North Broadway attached to the building columns along North Broadway.

6. To keep and maintain a metal stairway approximately 6.3 feet long projecting approximately 2 feet into the 15-foot wide fully paved sidewalk on the south side of East Buffalo Street, centered approximately 78 feet west of the westline of North Broadway.

Said items shall be placed, used and maintained to the approval of the Departments of Public Works and Neighborhood Services. All necessary permits shall be obtained from the Departments of Public Works and City Development prior to placement of these items in the City of Milwaukee public right-of-way. The plant material shall be approved by and maintained to the satisfaction of the City Forester

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Loft Quest, 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 \$3,000.00 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 \$100,000 covering bodily injury to any one person and \$300,000 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 \$274.34. 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 66.0915((3) 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

JJM:cjt

July 17, 2002

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