



Legislation Text

File #: 050229, **Version:** 1

050229

SUBSTITUTE

07-1248

THE CHAIR

Substitute resolution amending a special privilege to Cudahy Tower Apartments, LLC to grant permission for the encroachment into the public right-of-way of a new exit stairway for the building at 925 East Wells Street, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to construct and maintain one new platform with steps and to keep and maintain two concrete moveable planters and one covered walk with rigid side panels in the public right-of-way adjacent to the premise at 925 East Wells Street.

Whereas, The applicant is renovating a portion of the building at 925 East Wells Street, which includes constructing an addition to the building; and

Whereas, In order to meet the building code for exit capacity for the new addition the applicant is petitioning to construct and maintain a new platform with stairs; and

Whereas, A previously existing covered walk with rigid side panels and two concrete moveable planters are to remain in the public right-of-way; and

Whereas, Permission for said covered walk with rigid side panels was granted in Common Council File Number 71248; and

Whereas, The moveable planters were placed in the public right-of-way sometime in the relatively recent past; and

Whereas, Said items may only legally encroach into the public right-of-way by the 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Resolved, By the Common Council of the City of Milwaukee, that Common Council File Number 71248 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Cudahy Tower Apartments, LLC, 925 East Wells Street, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct, keep and maintain a concrete platform with steps and handrail in the public right-of-way of East Wells Street centered approximately 13 feet west of the westline of North Prospect Avenue. Said platform with stairs is to encroach approximately 3 feet 10 inches into the south, 18-foot wide, fully paved sidewalk area of East Wells Street for approximately 10 feet 3 inches.
2. To keep and maintain an existing covered walk with rigid side panels at the premise known as 925 East Wells Street. Said covered walk, 12 feet in width, shall be centered approximately 80 feet west of the westline of North Prospect Avenue and shall encroach 16-feet into the 18-foot fully concrete paved sidewalk area on the south side of East Wells Street.

The covered walk shall be supported by the building, by 2 vertical supports at each side of the covered walk, two being located approximately 6-feet 6-inches inside of the curb face and the two others being located approximately 2-

feet 6-inches inside of the curb face. There shall be an approximately 8-foot 4-inch opening between the vertical supports, which parallel the curb face. A minimum 7-foot wide clear area exists and shall continue to be maintained in the south sidewalk area of East Wells Street for a clear travel path for pedestrians. 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. The covered walk frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 7 feet above the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination of covered walks 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 business may be indicated only on the vertical portion of the covering and not to exceed 2 feet 6 inches in height.

Prior to installation, the grantee shall apply for and obtain "Loading Zone" or "No Parking" status adjacent to the proposed covered walk location and maintain this status as long as the covered walk occupies the public right-of-way.

3. To keep and maintain two concrete moveable planters centered approximately 65 and 95 feet west of the westline of North Prospect Avenue and 6 feet north of the southline of East Wells Street. Said planters are 2 feet 4 inches in diameter and 2 feet 8 inches tall.

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 they are 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, Cudahy Tower Apartments, 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 \$10,000 such bond to be approved by the City Attorney. This 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 \$200,000 covering bodily injury to more than one person in any one accident and \$40,000 covering property damage to any own 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 cancelled 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 \$648.58. 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 no 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division

MDL:lja

November 2, 2005

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