



Legislation Text

File #: 050453, Version: 1

050453

SUBSTITUTE 1

THE CHAIR

Substitute resolution to grant a special privilege to Gallun Tannery Row: 1818 Condominium Owners Association, Inc. to construct and maintain balconies, an awning and a backup driveway in the public right-of-way for the premises at 1812-1830 North Water Street, in the 3rd Aldermanic District.

This resolution grants a special privilege to Gallun Tannery Row: 1818 Condominium Owners Association, Inc. to construct and maintain balconies, an awning and a backup driveway in the public right-of-way for the premises at 1812-1830 North Water Street.

Whereas, Gallun Tannery Row: 1818 North Water Street, LLC, the developer, converted the existing building at 1812-30 North Water Street into a condominium development; and

Whereas, Gallun Tannery Row: 1818 North Water Street, LLC initially applied for the subject special privilege, however Gallun Tannery Row: 1818 Condominium Owners Association, Inc. is now the entity legally responsible for the property; and

Whereas, Permission is being requested for the construction of several balconies which project into the public right-of-way more than the four feet allowed under Section 245-4-9 of the Milwaukee Code of Ordinances; and

Whereas, Permission is also being requested for construction of a fixed awning that does not meet the minimum slope required by Section 245-7-6(d) of the Milwaukee Code of Ordinances; and

Whereas, A site visit revealed the presence of a backup driveway that serves the main entrance to the building; 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 Gallun Tannery Row: 1818 Condominium Owners Association Inc, 700 North Water Street, Suite 400, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct and maintain 12-foot 6-inch long balconies at the third, fourth and fifth floor levels of the building at 1812-30 North Water Street. In total there are 12 balconies, each projecting 5 feet into the east, 15-foot wide sidewalk area of North Water Street, in excess of the 4 feet allowed under Section 245-4-9 of the Milwaukee Code of Ordinances. Said balconies are in four columns of three balconies each centered approximately 68, 163, 213 and 250 feet north of the northline of East Hamilton Street.
2. To construct and maintain a non-code compliant fixed awning projecting 6 feet into the east, 15-foot sidewalk area of North Water Street at a point centered approximately 163 feet north of the northline of East Hamilton Street. Said awning does not meet the minimum slope of 30° required under Section 245-7-6(d) of the Milwaukee Code of Ordinances.
3. To keep and maintain a backup driveway in the east, 15-foot wide sidewalk area of North Water Street centered approximately 163 feet north of the northline of East Hamilton Street. Said backup driveway serves a pair of 3-foot wide doors, which are the main access point to the building and the building elevator. Vehicles shall be parked in such a manner so as not to project more than 8 feet beyond the east curb face of North Water Street. Grantee is to provide

sufficient traffic control to allow for continued two-way traffic while the backup driveway is in use.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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, Gallun Tannery Row: 1818 Condominium Owners Association, Inc., 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 \$87.98. 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 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.
7. Owner must ensure sufficient traffic control while using the backup driveway to allow continued, safe traffic flow on North Water Street. Traffic control measures may include, but are not limited to flag persons and traffic cones.

Department of Public Works
Infrastructure Services Division
MDL:lja
January 12, 2007
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Clerical correction to name of applicant -- jro -- 12/15/08