



## Legislation Text

---

**File #: 011416, Version: 1**

---

011416

SUBSTITUTE

83-290

84-199

THE CHAIR

Substitute resolution amending a special privilege to Astor Hotel, LLC for change of ownership for items previously granted permission and for an additional five decorative light poles for the premises at 924 East Juneau Avenue, in the 4<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege for change of ownership to Astor Hotel, LLC for a covered walk, decorative light poles, concrete risers, excess door swings and moveable planters and grants permission for an additional six decorative light poles to encroach into the public right-of-way for the premises at 924 East Juneau Avenue.

Whereas, Bach and Hiller Management, Inc. petitioned for a special privilege to keep and maintain two risers, two excess door swings and two moveable planters in the west sidewalk area of North Astor Street; and

Whereas, Permission for said items was granted in 1983 under Common Council File Number 83-290; and

Whereas, Subsequently, Bach and Hiller Management, Inc. also petitioned for a special privilege to keep and maintain two covered walks, six decorative light poles, and two sets of concrete risers; and

Whereas, Permission for said items was granted in 1984 under Common Council File Number 84-199; and

Whereas, One of said covered walks has been removed from the public right-of-way; and

Whereas, Five additional light poles were installed; and

Whereas, Said five decorative light poles may only legally encroach into the public right-of-way with the granting of a special privilege; and

Whereas, Astor Hotel, LLC now owns the property; and

Whereas, For the liability, for items previously granted permission, to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Numbers 83-290 and 84-199 are hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Astor Hotel, LLC, 1007 North Cass Street, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To install, keep and maintain five 11-foot tall decorative light poles centered approximately 15 feet east of

the westline of North Astor Street and 29, 68, 108 and 137 feet north of the northline of East Juneau Avenue. Said light poles are anchored to 20-inch square footings. Electrical service to said lights is supplied by a cable placed in a 2-inch diameter conduit approximately 18 inches beneath the sidewalk area surface.

2. To keep and maintain six 11-foot tall decorative street lights centered approximately 18 feet south of the northline of East Juneau Avenue and 26, 63, 128, 173, 211 and 259 feet east of the eastline of North Marshall Street. Said light poles are anchored to 20-inch square footings. Electrical service to said lights is supplied by a cable placed in a 2-inch diameter conduit approximately 18 inches beneath the sidewalk area surface and extends perpendicular from the building at a point approximately 23 feet west of the westline of North Astor Street. The service cable, once in the sidewalk area is 18 feet, then extends east and west in a straight line from light pole to light pole.
3. To keep and maintain two sets of concrete risers. The first set of risers, centered approximately 9 feet west of the westline of North Astor Street, projects 3 feet into the 20-foot wide north sidewalk area of East Juneau Avenue for a length of 10 feet 4 inches. The second set of risers, centered approximately 38 feet west of the westline of North Astor Street, projects 2 feet 8 inches into the 20-foot wide north sidewalk area of East Juneau Avenue for a length of 10 feet 4 inches.
4. To keep and maintain an 11-foot wide covered walk centered approximately 95 feet east of the eastline of North Marshall Street in the 20-foot wide north sidewalk area of East Juneau Avenue. Said covered walk is supported by vertical supports located approximately 17 feet south of the northline of East Juneau Avenue.

Said covered walk shall provide minimum vertical clearance of 8 feet between the lowest portion of the canopy and the sidewalk grade below. 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.

The grantee is required to apply for, obtain and maintain "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.

5. To keep and maintain a set of concrete risers, centered approximately 87 feet north of the northline of East Juneau Avenue, projecting 2 feet into the 22-foot wide west sidewalk area of North Astor Street for a length of 10 feet.
6. To keep, use and maintain two excess door swings that when fully open project 1 foot 6 inches into the west 22-foot wide sidewalk area of North Astor Street. Said doors each measure 2 feet 4 inches wide and are centered at a point approximately 87 feet north of the northline of East Juneau Avenue. Said doors project in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
7. To keep and maintain two moveable planters centered approximately 2 feet east of the westline of North

Astor Street and 81 and 94 feet north of the northline of East Juneau Avenue. Said planters are 2 feet in diameter and 2 feet 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. All plant materials shall be placed, maintained, replaced and removed at no expense to the City of Milwaukee.

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, Astor Hotel, 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. 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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 \$291.84. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division  
MDL:cjt

February 24, 2006  
011416