



Legislation Text

File #: 980665, Version: 1

980665
SUBSTITUTE
83-1838-a
THE CHAIR

Substitute resolution amending a special privilege to McGeoch Realty Group to keep and maintain three metal tree grates and guards, three sets of concrete risers and a covered walk in the public right-of-way adjacent to their property located at 322 East Michigan Street, to now change the name of the grantee of the special privilege to McGeoch Building LLC, in the 4th Aldermanic District in the City of Milwaukee.

- Analysis -

Substitute resolution amending a special privilege to McGeoch Realty Group to maintain three metal tree grates and guards, three sets of concrete risers and a covered walk in the public right-of-way on the north side of East Michigan Street adjacent to the building known as 322 East Michigan Street, to now change the name of the grantee of the special privilege to McGeoch Building LLC.

Whereas, McGeoch Realty Group was granted a special privilege under Common Council Resolution File Number 83-1838-a, to keep and maintain three metal tree grates and guards, three sets of concrete risers and a covered walk in the public right-of-way; and

Whereas, The current name of the owner of the property is McGeoch Building LLC and should now be named as the grantee of the special privilege; and

Whereas, Placement of the tree grates and guards, concrete risers and covered walk in the public right-of-way can only be allowed through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 83-1838-a is hereby rescinded; and, be it

Further Resolved, By the Common Council of Milwaukee that McGeoch Building LLC, 322 East Michigan Street, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To keep and maintain three metal tree grates and guards with concrete headers in the 12-foot wide, fully concrete paved public sidewalk area on the north side of East Michigan Street, adjacent to the premises known as 322 East Michigan Street. The 5.0-foot diameter metal tree grates are centered on a line approximately 8.6 feet south of the northline of East Michigan Street, at distances of approximately 34, 73 and 113 feet west of the westline of North Milwaukee Street. Said grates are and shall be flush with the surrounding abutting sidewalk.

The tree grates shall be designed such that they can sustain a live load of 250-pounds per square foot and such that the openings in the grating do not exceed 3/4 inch in the direction of travel. There are tree guards that surround the trees forming a protective open-web column approximately 6.0-feet in height and 1.5 feet in diameter.

2. To keep and maintain three sets of concrete risers encroaching into the north 12-foot wide e fully paved public sidewalk area adjacent to the premises known as 322 East Michigan Street, as follows:

- Two 8.5-foot long concrete risers projecting 1.5 feet into the sidewalk area, centered at a distance of approximately 26 feet west of the westline of North Milwaukee Street.

- Two 8.5-foot long concrete risers projecting 1.5 feet into the sidewalk area, centered at a distance of approximately 64 feet west of the westline of North Milwaukee Street.

- Three 9-foot long concrete risers projecting 2.5 feet into the sidewalk area, centered at a distance of approximately 103 feet west of the westline of North Milwaukee Street.

3. To keep and maintain a covered walk at the entrance to the building at 322 East Michigan Street. Said covered walk, 8.5 feet in width, is centered approximately 170 feet east of the eastline of North Broadway and encroaches approximately 11.5 feet into the 12-foot wide sidewalk area on the north side of East Michigan Street. The covered walk is supported by the building at one end and by 1 vertical support resting on a concrete pedestal at each corner closest to the curb. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below is and shall be no less than 8 feet if altered.

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 twenty-five 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 any 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 shall not exceed 8 inches in height.

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

All installations made pursuant to this special privilege shall be designed and maintained to the approval of the Commissioner of Public Works and the Commissioner of Building Inspection; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, McGeoch Building 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 \$2,000.00 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 \$25,000 covering bodily injury to any one person and \$50,000 covering bodily injury to more than one person in any one accident and \$10,000 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 \$204.72. 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

October 30, 1998

980665