



## Legislation Details (With Text)

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**On agenda:**      **Final action:** 7/15/2003

**Effective date:**

**Title:** Substitute resolution to grant a special privilege to Five & Ten Tap LLC to construct and maintain platforms with ramps for barrier-free access and to keep and maintain existing steps, retaining walls and planter edging, all located in the public right-of-way, adjacent to the property located at 1850-60 North Water Street, in the 3rd Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Cover Letter.pdf, 2. FISCAL NOTE.pdf

Date	Ver.	Action By	Action	Result	Tally
11/10/2000	0	COMMON COUNCIL	ASSIGNED TO		
11/20/2000		PUBLIC WORKS COMMITTEE	REFERRED TO		
6/27/2003	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/27/2003	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/27/2003	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/27/2003	1	CITY CLERK	DRAFT SUBMITTED		
6/30/2003	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/30/2003	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/30/2003	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/30/2003	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
7/2/2003	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
7/15/2003	1	COMMON COUNCIL	ADOPTED	Pass	16:0
7/24/2003	1	MAYOR	SIGNED		

001099

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Five & Ten Tap LLC to construct and maintain platforms with ramps for barrier-free access and to keep and maintain existing steps, retaining walls and planter edging, all located in the public right-of-way, adjacent to the property located at 1850-60 North Water Street, in the 3rd Aldermanic District in the City of Milwaukee.

This resolution grants permission to Five & Ten Tap LLC to construct and maintain a platforms with ramps for barrier-free access and to have existing steps, retaining walls and planter edging remain in the right-of-way on the southeasterly side of North Water Street adjacent to the premises known as 1850-60 North Water Street. Whereas, The present owner of the property at 1850-60 North Water Street is desirous to provide for barrier-free access to the building that is being renovated and in order to do this, proposes to construct platforms with

ramps to encroach into the public right-of-way on the southeasterly side of North Water Street; and

Whereas, Our recent field investigation found existing steps, retaining walls, planter edging and excess door swings that are located in the public right-of-way adjacent to the property, and which they intend to keep and use; and

Whereas, These items may only occupy the public right-of-way 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 Five & Ten Tap LLC, W63 N674 Washington Avenue, Cedarburg, WI 53012, for the property at 1850-60 North Water Street, is hereby granted the following special privileges:

1. To construct, use and maintain an approximate 26.5-foot long and 5-foot wide structure with 2 platforms and 2 ramps with metal handrails to be located on the southeasterly side of North Water Street adjacent to the property known as 1850-60 North Water Street. Said ramp shall begin at a point approximately 329 feet northeasterly of the northline of East Hamilton Street and extend northeasterly approximately 19.75 feet through a southerly platform and northerly ramp to the approximately 6.75-foot long northerly platform. The ramps encroach approximately 5 feet and the platforms encroach approximately 5 feet. A 3-foot wide door may swing out over each platform.
2. To keep, use and maintain two sets of steps located on the southeasterly side of North Water Street adjacent to the property known as 1850-60 North Water Street. Said steps are 9 and 8.8 feet wide, have three risers each and are centered approximately 383.3 and 417.7 feet, respectively, northeasterly of the northline of East Hamilton Street. The projections are approximately 5 and 4.5 feet, respectively.
3. To keep, use and maintain four externally opening doors with excess encroachment, for the building at 1850-60 North Water Street. The doors are each 3 feet in width. They are located approximately 340, 381.7, 415.6 and 420.1 feet northeasterly of the northline of East Hamilton Street, with maximum encroachments of 2.6, 2.8, 2.5, and 2.5 feet, respectively.
4. To keep and maintain a flat "U"-shaped stacked timber retaining wall located entirely within the right-of-way on the southeasterly side of North Water Street, that is located northeasterly of the building at 1850-60 North Water Street. The timbers are 6 inches thick with the perpendicular sections abutting the sidewalk and with additional full timbers added as the distance becomes a full timber width distance further away until there are 7 timbers high across the bottom of the "U". The total length of all legs of the wall is 27 feet. The southerly limit of the wall is approximately 433.2 feet and the northerly limit of the wall is approximately 441.8 feet northeasterly of the northline of East Hamilton Street.
5. To keep and maintain a portion of a concrete retaining wall located within the right-of-way on the southeasterly side of North Water Street, that is located northeasterly of the building and southwesterly of the timber wall in item 4. above. The wall encroaches approximately 4.4 feet with the beginning height approximately 1.1 feet and 3.0 feet at the lot line. It is approximately 0.55 inches thick. The encroachment abuts the timber wall.
6. To keep and maintain planter edging generally along the sidewalk and located between the two sets of steps of item 2. above and also between the southwesterly steps and the new platform of item 1. above. There are 2 to 3 timbers stacked and the timbers are approximately 4.5 inches wide and 3 inches thick. The total length of the edging is approximately 48.7 feet.

7. To construct and maintain a concrete block retaining wall located within the right-of-way on the southeasterly side of North Water Street to be perpendicular to the sidewalk approximately 324 feet northeasterly of the northline of East Hamilton Street for the building at 1850-60 North Water Street. The wall replaces an existing concrete wall in order to accommodate the elevational change of the ramps

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Five & Ten Tap 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 \$10,000.00 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 \$511.81. 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 66.0425 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division

JJM:cjt

June 17, 2003

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