



## Legislation Details (With Text)

<b>File #:</b>	011417	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	2/12/2002	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	6/4/2002
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution amending a special privilege granted to Kunzelman-Esser Company, to keep a covered walk on the west side of South 7th Street within the public right-of-way at 710 West Historic Mitchell Street , to now change the name of the grantee of the special privilege to Kunzelman-Esser Loft Apartments, LLC, in the 12th Aldermanic District in the City of Milwaukee.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Application for Special Privilege.PDF, 2. Fiscal Note.pdf, 3. Cover Letter.pdf		

Date	Ver.	Action By	Action	Result	Tally
2/12/2002	0	COMMON COUNCIL	ASSIGNED TO		
5/16/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/16/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/21/2002	1	CITY CLERK	DRAFT SUBMITTED		
5/22/2002	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
6/4/2002	1	COMMON COUNCIL	ADOPTED	Pass	17:0
6/13/2002	1	MAYOR	SIGNED		

011417  
SUBSTITUTE  
71-732  
THE CHAIR

Substitute resolution amending a special privilege granted to Kunzelman-Esser Company, to keep a covered walk on the west side of South 7<sup>th</sup> Street within the public right-of-way at 710 West Historic Mitchell Street , to now change the name of the grantee of the special privilege to Kunzelman-Esser Loft Apartments, LLC, in the 12<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Kunzelman-Esser Company to keep and maintain a covered walk on the west side of South 7<sup>th</sup> Street encroaching into the public right-of-way abutting the premises at 710 West Historic Mitchell Street, by changing the name of the grantee of the special privilege to Kunzelman-Esser Loft Apartments, LLC.

Whereas, Kunzelman-Esser Company was granted a special privilege under Common Council Resolution File Number 71-732, on July 2, 1971, to keep and maintain a covered walk at the South 7<sup>th</sup> Street entrance to the building located at 710 West Mitchell Street; and

Whereas, The current owner of the property is Kunzelman-Esser Loft Apartments, LLC and should now be named as the grantee of the special privilege; and

Whereas, Said covered walk may only legally occupy the public right-of-way by the granting 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 71-732 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Kunzelman-Esser Loft Apartments, LLC, Gorman & Co., Inc. managing member, 1244 South Park Street, Madison, WI 53715, is hereby granted the following special privilege:

To keep and maintain a covered walk at the property known as 710 West Historic Mitchell Street. Said covered walk, 10 feet in width, is centered approximately 102 feet north of the northline of West Historic Mitchell Street and encroaches approximately 13 feet into the 15-foot wide fully concrete paved sidewalk area on the west side of North 7<sup>th</sup> Street at the 710 West Historic Mitchell Street address. The covered walk is supported by the building and by two vertical supports near each corner closest to the curb along each side of the covered walk. Each vertical support nearest the curb is centered approximately 2 feet from the curblane. There is an approximately 10-foot wide opening between the vertical supports, which parallel the curb face. 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 and wind pressure of 20 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination of covered walk 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 name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 12 inches in height.

The grantee is required to keep a "Loading Zone" or have a "No Parking" status adjacent to the covered walk as long as the covered walk occupies the public right-of-way.

Said covered walk shall be maintained and used to the approval of the Commissioners of Neighborhood Services and Public Works;

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Kunzelman-Esser Loft 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 \$1,000.00 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 \$75.00. 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 66.0915((3) 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

May 20, 2002  
011417