



## Legislation Details (With Text)

|                        |  |                      |                        |
|------------------------|--|----------------------|------------------------|
| <b>File #:</b>         | 061337   | <b>Version:</b>      | 1                      |
| <b>Type:</b>           | Resolution   | <b>Status:</b>       | Passed                 |
| <b>File created:</b>   | 2/6/2007   | <b>In control:</b>   | PUBLIC WORKS COMMITTEE |
| <b>On agenda:</b>      |  | <b>Final action:</b> | 4/17/2007              |
| <b>Effective date:</b> |  |                      |                        |
| <b>Title:</b>          | Substitute resolution amending a special privilege for change of ownership to Bruce Street Properties, LLC for encroachment into the public right-of-way of a building façade and for addition of a platform with steps, excess door swings, a ladder to the roof and a bollard for the premises at 1230 West Bruce Street, in the 12th Aldermanic District. |                      |                        |
| <b>Sponsors:</b>       | THE CHAIR  |                      |                        |
| <b>Indexes:</b>        | SPECIAL PRIVILEGE PERMITS  |                      |                        |
| <b>Attachments:</b>    | 1. Special Privilege Petition.PDF, 2. Fiscal Note, 3. Cover letter from DPW, 4. Picture 1, 5. Picture 2, 6. Picture 3  |                      |                        |

| Date      | Ver. | Action By              | Action                   | Result | Tally |
|-----------|------|------------------------|--------------------------|--------|-------|
| 2/6/2007  | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 2/7/2007  | 0    | PUBLIC WORKS COMMITTEE | REFERRED TO              |        |       |
| 3/23/2007 | 1    | CITY CLERK             | DRAFT SUBMITTED          |        |       |
| 3/23/2007 | 1    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 3/23/2007 | 1    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 3/28/2007 | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 4:0   |
| 4/17/2007 | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 15:0  |
| 4/24/2007 | 1    | MAYOR                  | SIGNED                   |        |       |

061337  
SUBSTITUTE 1  
47-2056  
66-2724  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Bruce Street Properties, LLC for encroachment into the public right-of-way of a building façade and for addition of a platform with steps, excess door swings, a ladder to the roof and a bollard for the premises at 1230 West Bruce Street, in the 12<sup>th</sup> Aldermanic District. Substitute resolution amending a special privilege for change of ownership to Bruce Street Properties, LLC for encroachment into the public right-of-way of a building façade and for addition of a platform with steps, excess door swings, a ladder to the roof and a bollard for the premises at 1230 West Bruce Street.

Whereas, Olson Motor Service, Inc. requested permission to construct and maintain a building façade within the public right-of-way; and

Whereas, Permission for said building facade was granted in 1947 under Common Council File Number 47-2056; and

Whereas, Arthur E. Gebhardt 1966 Trust requested an amendment of the 1947 special privilege to change the owner of said building façade; and

Whereas, The name change amendment was granted under Common Council Resolution File Number 66-2724 in 1966;

and

Whereas, A site visit revealed the presence of a platform with steps, two single excess door swings, a ladder to the roof, and a bollard in the public right-of-way; and

Whereas, Bruce Street Properties, LLC now owns the property; and

Whereas, Said new items may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; and

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

Resolved, By the Common Council of the City of Milwaukee, that Common Council File Numbers 47-2056 and 66-2724 are hereby rescinded; and, be it

Further Resolved, That Bruce Street Properties, LLC, 1228 West Bruce Street, Milwaukee, WI 53204, is hereby granted the following special privileges:

1. To keep and maintain a bollard in the north, 15-foot 6-inch wide sidewalk area of West Bruce Street. Said 8-inch diameter bollard stands 2 feet tall and is centered approximately 7 feet east of the westline of South 12<sup>th</sup> Street, extended.
2. To keep and maintain a 3-foot wide door that, when fully open, projects 3 feet into the north, 15-foot 6-inch wide sidewalk area of West Bruce Street. Said door is centered approximately 39 feet west of the westline of South 12<sup>th</sup> Street, extended. The door projection is in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
3. To keep and maintain a metal ladder attached to the building for the purpose of accessing the roof. Said 2-foot wide ladder, centered approximately 101 feet west of the westline of South 12<sup>th</sup> Street extended, projects 8 inches into the public right-of-way. The owner has affixed a board to the ladder to prevent its usage by unauthorized persons. This board or some other measure to prevent usage of the ladder by unauthorized persons must be in place at all times.
4. To keep and maintain a 4-foot 7-inch long concrete platform with steps in the north 15-foot 6-inch wide sidewalk area of West Bruce Street. Said platform and steps, centered approximately 222 feet west of the westline of South 12<sup>th</sup> Street extended, projects 4 feet 7 inches into the public right-of-way. There are two handrails on either side of the platform.
5. To keep and maintain a 3-foot wide door that, when fully open, projects 3 feet into the north, 15-foot 6-inch wide sidewalk area of West Bruce Street, over the concrete platform of Item #4 above. Said door is centered approximately 222 feet west of the westline of South 12<sup>th</sup> Street extended and projects in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
6. To keep a building façade in the north, 15-foot 6-inch wide sidewalk area of West Bruce Street commencing at a point approximately 7 feet east of the westline of South 12<sup>th</sup> Street extended and ending at a point 135 feet 6 inches to the west. Said building façade projects 0.60 feet at the east end and 0.18 feet at the west end.
7. To keep a building façade in the north, 15-foot 6-inch wide sidewalk area of West Bruce Street commencing at a point approximately 130 feet west of the westline of South 12<sup>th</sup> Street extended and ending at a point 35 feet to the west. Said building façade projects 0.62 feet into the public way.

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, Bruce Street Properties, 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 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 \$107.75. 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:lja

March 21, 2007

061337