



Legislation Details (With Text)

File #: 140646 **Version:** 1
Type: Resolution **Status:** Passed
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Title: Substitute resolution amending a special privilege to Downer Delaware LLC for addition of a barrier free access ramp and cigarette butt disposal bins in the public right-of-way for the premises at 2551-2597 North Downer Avenue, in the 3rd Aldermanic District.

Sponsors: THE CHAIR

Indexes: PERMITS

Attachments: 1. Application & Plans, 2. MAP.pdf, 3. Photos.pdf, 4. Cover Letter.pdf

Date	Ver.	Action By	Action	Result	Tally
9/3/2014	0	COMMON COUNCIL	ASSIGNED TO		
9/4/2014	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/9/2015	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
9/22/2015	1	COMMON COUNCIL	ADOPTED	Pass	15:0
9/29/2015	1	MAYOR	SIGNED		

140646
SUBSTITUTE 1
121190

Substitute resolution amending a special privilege to Downer Delaware LLC for addition of a barrier free access ramp and cigarette butt disposal bins in the public right-of-way for the premises at 2551-2597 North Downer Avenue, in the 3rd Aldermanic District.

This resolution amends a special privilege to Downer Delaware LLC for addition of a barrier free access ramp and cigarette butt disposal bins in the public right-of-way for the premises at 2551-2597 North Downer Avenue.

Whereas, Downer Delaware LLC had requested permission to keep and maintain a balcony structure, two gate swings, a concrete step, several moveable planters, a covered walk and three benches in the public rights-of-way adjacent to the subject premises; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 121190 in 2013; and

Whereas, The moveable planters and benches have been removed from the public right-of-way; and

Whereas, A site visit revealed the presence of two cigarette butt disposal cans in the public right-of-way; and

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

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 121190 is hereby rescinded; and, be it

Further Resolved, That Downer Delaware LLC, c/o Van Buren Management, Inc., 788 North Jefferson Street, Suite 800,

Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To construct and maintain a barrier free access ramp with metal handrails projecting 4 feet 3 inches into the south, 14-foot wide sidewalk area of East Bellevue Place. Said ramp commences approximately 42 feet west of the westline of North Downer Avenue and extends west 23 feet 6 inches.
2. To place and maintain two cigarette butt disposal cans in the south, 14-foot wide sidewalk area of East Bellevue Place. Said cans are located adjacent to the street curb near building entrances centered approximately 66 and 90 feet west of the westline of North Downer Avenue.
3. To keep and maintain a balcony structure projecting 10 feet 6 inches into the south, 14-foot wide sidewalk area of East Bellevue Place. Said structure commences approximately 15 feet west of the westline of North Downer Avenue and extends west 46 feet 8 inches. Said balcony structure is supported by four columns centered approximately 9 feet 4 inches north of the southline of East Bellevue Place and evenly positioned along the length of the balcony structure. The columns are built atop 15-inch diameter concrete pier foundations.
4. To keep and maintain a double gate comprised of two 6-foot wide gates which enclose an electrical equipment room. Said gates are centered approximately 50 feet north of the northline of East Webster Places. The gates, when fully open, project 6 feet into the north-south alley located west of North Downer Avenue in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
5. To keep and maintain a concrete step projecting 1-foot into the north-south alley located west of North Downer Avenue. The 4-foot long step is centered approximately 45 feet south of the southline of East Bellevue Place.
6. To keep and maintain a gate swing projecting into the south, 14-foot wide sidewalk area of East Bellevue Place. Said gate is centered approximately 12 feet east of the eastline of the north-south alley located west of North Downer Avenue. The gate, when fully open, projects 3 feet 10 inches into the public way, in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
7. To keep and maintain an 8-foot 3-inch wide covered walk projecting 12 feet into the south, 14-foot wide sidewalk area of East Bellevue Place. Said covered walk is centered approximately 90 feet west of the westline of North Downer Avenue.

The covered walk shall be supported by the building and 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 curb line. There is an opening 8 feet 3 inches wide between the vertical supports, which parallels the curb. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below is 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 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 the covered walk shall be indicated on 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 8 inches in height.

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

Said 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, Downer Delaware 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 Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$1524.34. 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 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

August 24, 2015