Legislation Details (With Text)

File #:	080511 **Version:** 1		
Type:	Resolution	**Status:**	Passed
File created:	7/30/2008	**In control:**	PUBLIC WORKS COMMITTEE
On agenda:		**Final action:**	10/29/2008
Effective date:			
Title:	Substitute resolution amending a special privilege to River View Lofts, LLC for addition of a non-code compliant awning encroaching in the public right-of-way for the premises at 245-49 North Water Street, in the 4th Aldermanic District.		
Sponsors:	THE CHAIR		
Indexes:	SPECIAL PRIVILEGE PERMITS		
Attachments:	1. Special Privilege Petition and Drawing, 2. Cover letter, 3. Fiscal Note, 4. Picture, 5. Map, 6. Hearing notice list		

Date	Ver.	Action By	Action	Result	Tally
7/30/2008	0	COMMON COUNCIL	ASSIGNED TO		
8/1/2008	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/29/2008	1	CITY CLERK	DRAFT SUBMITTED		
10/9/2008	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/15/2008	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
10/29/2008	1	COMMON COUNCIL	ADOPTED	Pass	12:0
11/3/2008	1	MAYOR	SIGNED		

080511
SUBSTITUTE 1
061523
THE CHAIR

Substitute resolution amending a special privilege to River View Lofts, LLC for addition of a non-code compliant awning encroaching in the public right-of-way for the premises at 245-49 North Water Street, in the 4th Aldermanic District.

This resolution amends a special privilege to River View Lofts, LLC for addition of a non-code compliant awning in the public right-of-way for the premises at 245-49 North Water Street.

Whereas, River View Lofts, LLC requested permission to install a non-code compliant fixed awning and to keep two sets of double doors in the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 061523 in 2007; and

Whereas, The applicant is presently requesting permission to install an additional non-code compliant fixed awning in the public right-of-way; and

Whereas, The new fixed awning will not slope away from the building at an angle between 30 and 45 degrees from the horizontal, in violation of Section 245-7-6-d of the Milwaukee Code of Ordinances; and

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Whereas, Said non-code compliant fixed awning 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 061523 is hereby rescinded; and, be it

Further Resolved, That, River View Lofts, LLC, 117 North Jefferson Street, Suite 200, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct and maintain a non-code compliant fixed awning in the south 9-foot wide sidewalk area of East Buffalo Street. The awning will commence at a point approximately 90 feet west of the westline of North Water Street and will extend 27 feet to the west. The awning will project 6 feet into the public right-of-way and have a minimum elevation of 8 feet. The awning will not slope away from the building at an angel between 30 and 45 degrees from the horizontal in violation of Section 245-7-6-d of the Milwaukee Code of Ordinances.

2. To keep and maintain a non-code compliant fixed awning in the south, 9-foot wide sidewalk area of East Buffalo Street. Said 13-foot long awning is centered at a point approximately 81 feet west of the westline of North Water Street. The awning projects 4 feet into the public right-of-way. Said awning does not slope away from the building at an angle between 30 and 45 degrees from the horizontal, in violation of Section 245-7-6-d of the Milwaukee Code of Ordinances.

3. To keep and maintain two sets of double doors, each comprised of two 3-foot wide doors. Said doors project 3 feet into the south 9-foot wide sidewalk area of East Buffalo Street in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances. Said double doors are centered approximately 68 and 81 feet west of the westline of North Water Street.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

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, River View Lofts, 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 $3,000 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

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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 $122.59. 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 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
Infrastructure Services Division
MDL:ns
September 19, 2008
080511

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