



## Legislation Details (With Text)

**File #:** 090496 **Version:** 1

**Type:** Resolution **Status:** Passed

**File created:** 9/1/2009 **In control:** COMMON COUNCIL

**On agenda:** **Final action:** 10/14/2014

**Effective date:**

**Title:** Substitute resolution amending a special privilege for change of ownership to Warehouse No. 1 LLC for a covered walk and ADA ramp structure and for addition of two benches, a moveable planter and a private parking area in the public right-of-way for the premises at 120-126 North Jefferson Street, in the 4th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Cover Letter, 2. Photos, 3. Special Privilege Petition, 4. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
9/1/2009	0	COMMON COUNCIL	ASSIGNED TO		
9/14/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
9/26/2014	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/26/2014	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/1/2014	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
10/14/2014	1	COMMON COUNCIL	ADOPTED	Pass	15:0
10/23/2014	1	MAYOR	SIGNED		

090496  
SUBSTITUTE 1  
980978  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Warehouse No. 1 LLC for a covered walk and ADA ramp structure and for addition of two benches, a moveable planter and a private parking area in the public right-of-way for the premises at 120-126 North Jefferson Street, in the 4<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to Warehouse No. 1 LLC for a covered walk and ADA ramp structure and for addition of two benches, a moveable planter and a private parking area in the public right-of-way for the premises at 120-126 North Jefferson Street.

Whereas, Corcoran Place LLC had requested permission to keep and maintain a covered walk; ADA ramp with platform and steps; loading area; excess door swing and canopy in the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 980978 in 1999; and

Whereas, Warehouse No. 1 LLC now owns the property; and

Whereas, The excess door swing and canopy are now permissible encroachments in the public right-of-way; and

Whereas, For the liability for the remaining items to be formally transferred to the current property owner, the

Common Council needs to adopt an amending resolution; and

Whereas, A site visit revealed the presence of two benches, a moveable planter and a private parking area 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 Numbers 980978 is hereby rescinded; and, be it

Further Resolved, That Warehouse No. 1 LLC, c/o Colliers International, Attn: Chad Venne, 1243 North 10<sup>th</sup> Street, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To occupy and maintain a private parking area in the south, 15-foot wide sidewalk area of East Corcoran Place and the south 5 feet of the 8-foot wide south parking lane on East Corcoran Place. Said 20-foot wide parking area commences at a point approximately 43 feet east of the eastline of North Jefferson Street and extends east 71 feet. Cars are permitted to be parked perpendicularly to the street and may extend up to 5 feet into the roadway. At no time may parked vehicles obstruct the through traffic lanes on East Corcoran Place. The parking area must be removed from the public right-of-way
2. To install and maintain two decorative benches projecting 9 inches into the east, 15-foot wide sidewalk area of North Jefferson Street. Said 4-foot 10-inch long benches are centered approximately 60 and 92 feet south of the southline of East Corcoran Place.
3. To install and maintain a 2-foot 6-inch diameter ceramic moveable planter in the east, 15-foot wide sidewalk area of North Jefferson Street. Said planter is centered approximately 3 feet south of the southline of East Corcoran Place and 3 feet west of the eastline of North Jefferson Street.
4. To keep and maintain an ADA ramp with platform and steps projecting 9 feet 8 inches into the south, 15-foot wide sidewalk area of East Corcoran Place. Said structure commences at a point approximately 6 feet east of the eastline of North Jefferson Street and extends east 36 feet.
5. To keep and maintain a covered walk projecting 10 feet into the south, 15-foot wide sidewalk area of East Corcoran Place. Said 14-foot long covered walk is centered approximately 13 feet east of the eastline of North Jefferson Street. The covered walk is supported by the building at one end and by two vertical supports located approximately 5 feet behind the street curb.

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 7 feet above the sidewalk level. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The business may be indicated only on the vertical portion of the covering and shall not exceed 12 inches in height.

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 it is 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, Warehouse No. 1 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 \$4841.41. 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

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

September 18, 2014