



## Legislation Details (With Text)

|                        |  |                      |                        |
|------------------------|--|----------------------|------------------------|
| <b>File #:</b>         | 091220   | <b>Version:</b>      | 1                      |
| <b>Type:</b>           | Resolution   | <b>Status:</b>       | Passed                 |
| <b>File created:</b>   | 1/20/2010  | <b>In control:</b>   | PUBLIC WORKS COMMITTEE |
| <b>On agenda:</b>      |  | <b>Final action:</b> | 1/19/2011              |
| <b>Effective date:</b> |  |                      |                        |
| <b>Title:</b>          | Substitute resolution amending a special privilege for change of ownership to Stonewater Historic Milwaukee LLC for tree grates with guards and for addition of historic building encroachments and a moveable planter for the premises at 225 East Michigan Street, in the 4th Aldermanic District. |                      |                        |
| <b>Sponsors:</b>       | THE CHAIR  |                      |                        |
| <b>Indexes:</b>        | SPECIAL PRIVILEGE PERMITS  |                      |                        |
| <b>Attachments:</b>    | 1. Cover Letter, 2. Special Privilege Petition, 3. Map, 4. Photos, 5. Fiscal Impact Statement, 6. Hearing Notice List  |                      |                        |

| Date       | Ver. | Action By              | Action                   | Result | Tally |
|------------|------|------------------------|--------------------------|--------|-------|
| 1/20/2010  | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 1/22/2010  | 0    | PUBLIC WORKS COMMITTEE | REFERRED TO              |        |       |
| 12/30/2010 | 1    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 1/6/2011   | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 4:0   |
| 1/19/2011  | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 15:0  |
| 1/24/2011  | 1    | MAYOR                  | SIGNED                   |        |       |

091220

SUBSTITUTE

911232

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Stonewater Historic Milwaukee LLC for tree grates with guards and for addition of historic building encroachments and a moveable planter for the premises at 225 East Michigan Street, in the 4<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to Mitchell Renaissance LLC for tree grates with guards and for addition of historic building encroachments and a moveable planter for the premises at 225 East Michigan Street.

Whereas, Charles Realty Corporation requested permission to install and maintain tree grates with guards in the public right-of-way adjacent to the properties at 207 East Michigan Street and 225 East Michigan Street; and

Whereas, Permission for said tree grates and guards was granted in 1991 under Common Council Resolution File Number 911232; and

Whereas, The properties are now under separate ownership; and

Whereas, Stonewater Historic Milwaukee LLC owns the subject property; and

Whereas, A site visit revealed the presence of existing, historic building encroachments and a moveable planter, which 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 said tree grates with guards 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 Resolution File Number 911232 is hereby rescinded; and, be it

Further Resolved, That Stonewater Historic Milwaukee LLC, 700 North Water Street, Suite 400, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To keep and maintain two, 4-foot square tree grates with guards in the south, 12-foot wide sidewalk area of East Michigan Street. Said tree grates are centered approximately 172 and 212 feet east of the eastline of North Water Street and 8 feet north of the southline of East Michigan Street.
2. To keep and maintain a moveable planter in the south, 12-foot wide sidewalk area of East Michigan Street centered approximately 153 feet east of the eastline of North Water Street and 3 feet north of the southline of East Michigan Street. Said planter is 2 feet in diameter and 1 foot 6 inches tall.
3. To keep and maintain six historic façade sections projecting up to 1 foot 8 inches into the south, 12-foot wide sidewalk area of East Michigan Street. Said façade sections, which vary in length between 4 feet and 5 feet, are evenly spaced between the north-south alley abutting the subject premises and the westline of North Broadway and are centered about the main entrance located at the center of the building façade. Said façade components project into the public way in excess of the 8 inches allowed under Section 245-4-3 of the Milwaukee Code of Ordinances.
4. To keep and maintain a historic entrance façade consisting of two, 6-foot long nonstructural columns projecting up to 5 feet 9 inches into the south, 12-foot sidewalk area of East Michigan Street. The nonstructural columns are centered about a point approximately 60 feet west of the westline of North Broadway. Said nonstructural columns project more than the 8 inches allowed under Section 245-4-3 of the Milwaukee Code of Ordinances.

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, Stonewater Historic Milwaukee 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 \$35.00. 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 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:ns

December 8, 2010

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