Legislation Details (With Text)

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Title:	Substitute resolution granting a special privilege to JBC LLC for a covered walk, raised planter, and entrance step in the public right-of-way for the premises at 1007 North Cass Street, in the 4th Aldermanic District.		
Sponsors:	THE CHAIR		
Indexes:	SPECIAL PRIVILEGE PERMITS		
Attachments:	1. Cover Letter, 2. Petition, 3. Map, 4. Photo, 5. Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
12/21/2010	0	COMMON COUNCIL	ASSIGNED TO		
12/23/2010	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
5/26/2011	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/2/2011	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
6/14/2011	1	COMMON COUNCIL	ADOPTED	Pass	15:0
6/23/2011	1	MAYOR	SIGNED		

101041
SUBSTITUTE 1
THE CHAIR

Substitute resolution granting a special privilege to JBC LLC for a covered walk, raised planter, and entrance step in the public right-of-way for the premises at 1007 North Cass Street, in the 4th Aldermanic District.

This resolution grants a special privilege to JBC LLC for a covered walk, raised planter, and entrance step in the public right-of-way for the premises at 1007 North Cass Street.

Whereas, The applicant is requesting permission to construct and maintain a covered walk in the public right-of -way; and

Whereas, A site visit revealed the presence of a raised planter and entrance step 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 JBC LLC, c/o Shoreline Real Estate Company Inc, 1007 North Cass Street, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To construct and maintain a covered walk projecting 20 feet into the west, 22-foot wide sidewalk area of North Cass Street. The south edge of the 21-foot 6-inch wide covered walk is approximately 44 feet north of the northline of East State Street. Said covered walk is supported by the building on the west end and by four

steel columns, two at the north edge and two at the south edge. The steel columns, which are bolted to pier foundations, are centered 20 feet and 15 feet east of the westline of North Cass Street.

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 wire 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 storm enclosures. 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.

2. To construct and maintain a 2-foot tall raised planter surrounded by a 1-foot wide lannon stone retaining wall that projects into the west, 22-foot wide sidewalk area of North Cass Street and into the north, variable width sidewalk area of East State Street. On North Cass Street, the planter projects 3 feet into the public way, commences at a point approximately 5 inches south of the northline of East State Street and extends north 7 feet 11 inches. On East State Street, the planter projects about 5 inches into the public way, commencing at the westline of North Cass Street, and extends west 8 feet 8 inches.

3. To construct and maintain a concrete entrance step projecting 10 inches into the variable width, north sidewalk area of East State Street. Said 7-foot 6-inch long step is centered approximately 25 feet west of the westline of North Cass 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.

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, JBC 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 $95.83. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

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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
May 13, 2011
101041

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