



## Legislation Details (With Text)

<b>File #:</b>	110498	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	9/1/2011	<b>In control:</b>	COMMON COUNCIL
<b>On agenda:</b>		<b>Final action:</b>	12/17/2013
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution granting a special privilege to Lap Dog LLC to construct and maintain various items in the public right-of-way for the premises at 2301 South Kinnickinnic Avenue, in the 14th Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Cover Letter, 2. Petition and Drawings, 3. Map, 4. Photos.pdf, 5. Hearing Notice List		

Date	Ver.	Action By	Action	Result	Tally
9/1/2011	0	COMMON COUNCIL	ASSIGNED TO		
9/12/2011	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
11/27/2013	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
12/4/2013	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
12/17/2013	1	COMMON COUNCIL	ADOPTED	Pass	14:0
12/23/2013	1	MAYOR	SIGNED		

110498

### SUBSTITUTE 1

Substitute resolution granting a special privilege to Lap Dog LLC to construct and maintain various items in the public right-of-way for the premises at 2301 South Kinnickinnic Avenue, in the 14<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Lap Dog LLC to construct and maintain seven raised planter beds, a bus shelter structure with integral bike racks, one set of concrete steps, a single concrete step, a raised platform and seven private light fixtures with appurtenant electrical wiring in the public right-of-way for the premises at 2301 South Kinnickinnic Avenue.

Whereas, The applicant is requesting permission to construct and maintain seven raised planter beds, a bus shelter structure with bike racks, one set of concrete steps, a single concrete step, a raised platform and seven private light fixtures with appurtenant electrical wiring in the public right-of-way to complement its new building at the subject premises; 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 Lap Dog LLC, 2999 North Humboldt Boulevard, Milwaukee, WI 53212 is hereby granted the following special privileges:

1. To construct and maintain seven raised planters of various shapes and sizes in the south, 21-foot sidewalk area of East Lincoln Avenue located between South Howell Avenue and South Kinnickinnic Avenue. Said planters are surrounded by 6-inch thick raised concrete curbing or walls that vary in height between 6 inches and 3 feet. Total length of the walls or curbing around all seven planters is 160 feet 8 inches.

2. To construct and maintain a raised concrete platform projecting 6 feet 3 inches into the south, 21-foot wide sidewalk area of East Lincoln Avenue. Said platform commences at a point approximately 17 feet east of the eastline of South Howell Avenue and extends east 20 feet 10 inches. The platform has a maximum height of 2 feet above the adjacent sidewalk grade.
3. To construct and maintain a bus shelter structure with integral bike racks in the south, 21-foot wide sidewalk area of East Lincoln Avenue. Said structure is centered approximately 15 feet north of the southline of East Lincoln Avenue and commences at a point approximately 20 feet east of the eastline of South Howell Avenue and extends east 30 feet. The structure, which has no walls, is constructed out of steel members and has a fiberglass roof. The integral bike racks allow for bicycles to be hung vertically from the structure above the sidewalk.
4. To construct and maintain concrete steps with handrails projecting 2 feet 4 inches into the south, 21-foot wide sidewalk area of East Lincoln Avenue. Said 3-foot wide steps, which face west, are centered approximately 15 feet east of the eastline of South Howell Avenue.
5. To construct and maintain a concrete step with handrails projecting 1-foot into the south, 21-foot wide sidewalk area of East Lincoln Avenue. Said 6-foot 1-inch long step is centered approximately 23 feet west of the westline of South Kinnickinnic Avenue.
6. To install and maintain seven private light fixtures with appurtenant electrical wiring in the public right-of-way. Three pairs of said light fixtures are located in raised planters within the south, 21-foot wide sidewalk area of East Lincoln Avenue. These three pairs of lights are centered about points approximately 12, 11 and 3 feet north of the southline of East Lincoln Avenue and 16, 43, and 75 feet east of the eastline of South Howell Avenue, respectively. The seventh light fixture is located in a planter bed South Kinnickinnic Avenue and is centered approximately 12 feet east of the westline of South Kinnickinnic Avenue and 11 feet south of the southline of East Lincoln Avenue.

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, Lap Dog 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 \$941.10. 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 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:clm  
November 12, 2013