



## Legislation Text

---

**File #: 101323, Version: 1**

---

101323  
SUBSTITUTE 1  
061031  
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to 311 Chicago Condominium Association Inc for a covered walk, tree grates, raised platforms, stationary planters and a bronze sculpture for the premises at 311 East Chicago Street, in the 4<sup>th</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to 311 Chicago Condominium Association Inc for a covered walk, tree grates, raised platforms, stationary planters and a bronze sculpture for the premises at 311 East Chicago Street.

Whereas, 311 Chicago LLC requested permission to keep and maintain a covered walk, tree grates, raised platforms, stationary planters and a bronze sculpture in the public right-of-way; and

Whereas, Permission for said items was granted in 2007 under Common Council Resolution File Number 061031; and

Whereas, 311 Chicago Condominium Association Inc is now responsible for the property, and

Whereas, For the liability for said items to be formally transferred to the applicant, 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 061031 is hereby rescinded; and, be it

Further Resolved, That 311 Chicago Condominium Association Inc, c/o Weas Development, 172 North Broadway, #300, Milwaukee, Wisconsin, 53202, is hereby granted the following special privileges:

1. To keep and maintain four tree grates and guards in the public right-of-way. Three tree grates with guards are located in the east, 20-foot wide sidewalk area of North Broadway, centered approximately 17 feet west of the eastline of North Broadway and 24, 61 and 112 feet south of the southline of East Chicago Street. The fourth tree grate with guard is located in the south, 15-foot wide sidewalk area of East Chicago Street, centered approximately 12 feet north of the southline of East Chicago Street and 53 feet east of the eastline of North Broadway. Said tree grates are 4-foot square and the guards are 5 feet tall.
2. To keep and maintain a covered walk in the south, 15-foot wide sidewalk area of East Chicago Street centered approximately 100 feet east of the eastline of North Broadway. Said covered walk is 19 feet in width, projects 13 feet into the public way, and is supported by the building at one end and by one vertical support at each corner closest to the curb. Each 4-foot square vertical support is centered approximately 3 feet from the curb line. There is an 11-foot opening between vertical supports. Minimal vertical clearance between the bottom of the covered walk and the sidewalk below is 8 feet.

Said covered walk shall 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 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. The covering shall be of approved material. All fixtures and materials for illumination shall be indicated upon 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 covered walk. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and may not exceed 8 inches in height.

3. To keep and maintain a raised platform in the 20-foot wide east sidewalk area of North Broadway. The platform, which is 3 feet 6 inches above the adjacent sidewalk grade, projects 10 feet into the sidewalk area commencing at the southline of East Chicago Street and extending south 141 feet. Within the limits of the platform are eight sets of stairs; handrails; eight excess doors swings that open over said platform; and non-moveable planters, which run parallel to the public sidewalk. Total area of the platform and ancillary items is 1410 square feet.

4. To keep and maintain a raised platform in the 15-foot wide south sidewalk area of East Chicago Street. The platform, which is 3 feet 6 inches above the adjacent sidewalk grade, projects 5 feet into the sidewalk area commencing at the at the eastline of North Broadway and extending east 132 feet. Within the limits of the platform are four sets of stairs; handrails; barrier free ramps which are parallel to the walk; and a non-moveable planter. Total area of the platform and ancillary items is 660 square feet.

5. To keep and maintain a bronze sculpture of a fireman with dog resting on a bench in the east 20-foot wide sidewalk area of North Broadway. Said sculpture is located approximately 147 feet south of the southline of East Chicago Street and measures 6 feet long and 4 feet wide.

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 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 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, 311 Chicago Condominium Association Inc, 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 \$6,603.06. 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  
August 17, 2011  
101323