



Legislation Text

File #: 101516, Version: 1

101516
SUBSTITUTE 1
060793
THE CHAIR

Substitute resolution amending a special privilege to Downer Delaware LLC for addition of a bicycle corral, dumpsters, recycling carts and grease trap in the public right-of-way for the premises at 2608-50 North Downer Avenue, in the 3rd Aldermanic District

This resolution amends special privilege to Downer Delaware LLC for encroachment into the public right-of-way of a bicycle corral, dumpsters, recycling carts and grease trap for the premises at 2608-50 North Downer Avenue.

Whereas, Downer Delaware LLC previously requested a special privilege to construct or to keep several encroachments into the public right-of-way for the premises at 2608-50 North Downer; and

Whereas, These encroachments include a building façade, fence, masonry planter, moveable planters, two stairways, display racks for merchandise, and excess door swings; and

Whereas, Permission for said items was granted in 2008 by adoption of Common Council Resolution File Number 060793; and

Whereas, Subsequently, several items have been removed from the public right-of-way and other items are now permitted to occupy the public right-of-way per revisions to the Milwaukee Code of Ordinances; and

Whereas, The applicant is requesting permission to construct and maintain a bicycle corral in the east parking lane of North Downer Avenue; and

Whereas, A site visit revealed the presence of several dumpsters, recycling carts and a grease trap in the public right-of-way; and

Whereas, Said bicycle corral, dumpsters, recycling carts and grease trap may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 060793 is hereby rescinded; and, be it;

Further Resolved, that Downer Delaware LLC, 788 North Jefferson Street, Suite 800, Milwaukee, Wisconsin 53202 is hereby, granted the following special privileges:

1. To construct and maintain a bicycle corral in the east, 8-foot wide parking lane of North Downer Avenue commencing at a point approximately 14 feet south of the intersection of the westline of North Hackett Avenue and the eastline of North Downer Avenue and extending 15 feet 4 inches to the south. Said bicycle corral consists of two multi-hoop bicycle racks, three bollards, and a rubber parking curb.
2. To install and maintain four dumpsters, two recycling carts and a grease trap in the west, 22-foot 6-inch wide sidewalk area of North Hackett Avenue. The area occupied by the dumpsters and grease trap projects 7 feet into the public way, commences at a point 67 feet northeast of the eastline of North Downer Avenue and extends southwest 21 feet.

3. To keep and maintain a fountain with appurtenant plumbing and electrical facilities in the public right-of-way between and adjacent to North Hackett Avenue and North Downer Avenue north of East Bellevue Place. Said fountain is approximately 7 feet in diameter with the fountain basin being surrounded by a 6-inch wall.
4. To keep and maintain three wood benches with iron ends in the public right-of-way. Two benches are located in the east sidewalk area of North Downer Avenue and one bench is located in the west sidewalk area of North Hackett Avenue. The benches are 4 feet long and 1 foot 6 inches wide.
5. To keep and maintain fifteen moveable planters in the east, 15-foot wide sidewalk area of North Downer Avenue. Said planters are constructed of wood and measure 5 feet long, 1 foot wide and 1 foot 6 inches tall.
6. To keep and maintain a stairway projecting 7 feet into the west, 22-foot 6-inch wide sidewalk area of North Hackett Avenue which connects the sidewalk grade to the second floor. Said stairway, which consists of a double-back section with two platforms, commences at a point approximately 21 feet northeast of the eastline of North Downer Avenue and extends northeast 15 feet 4 inches, parallel to the westline of North Hackett Avenue.
7. To keep and maintain a stairway to the basement that projects 6 feet 6 inches into the west, 22-foot 6-inch wide sidewalk area of North Hackett Avenue. Said basement stairway commences approximately at the eastline of North Downer Avenue and extends 21 feet to the northeast, parallel to the westline of North Hackett Avenue.
8. To keep and maintain a stairway to the basement that projects 6 feet into the westerly 22-foot 6-inch wide sidewalk area of North Hackett Avenue. Said 4-foot 6-inch wide stairway is centered approximately 90 feet northeast of the eastline of North Downer Avenue.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Downer Delaware 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 \$1819.59. 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 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
August 29, 2011
101516