



## Legislation Text

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**File #: 980666, Version: 1**

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SUBSTITUTE

### THE CHAIR

Substitute resolution granting a special privilege to Newland Enterprises for a set of concrete steps and covered walk to occupy the public right-of-way adjacent to 1515 North Van Buren Street, in the 3rd Aldermanic District in the City of Milwaukee.

### - Analysis -

This resolution grants a special privilege to Newland Enterprises for a set of concrete steps and covered walk to occupy the public right-of-way adjacent to 1515 North Van Buren Street.

Whereas, A building is currently under construction at 1515 North Van Buren Street known as Lyon Courthouses, which is a residential condominium; and

Whereas, Entrance steps with a covered walk are proposed to be placed on the west side of North Van Buren Street in the sidewalk area adjacent to the building, which will encroach into the public right-of-way; and

Whereas, In conjunction with this project, the existing curb along this property is to be moved 4 feet to the east thereby widening the fully concrete paved sidewalk area from the existing 10 feet to 14 feet; and

Whereas, Encroachment of the steps and covered walk in the public right-of-way can only be allowed through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Newland Enterprises, a Wisconsin General Partnership, 11326 North Country View Drive, Mequon, WI 53092, is hereby granted the following special privileges:

1. To construct and maintain one set of 8-foot wide concrete steps with handrail within the west sidewalk area of North Van Buren Street, abutting the building currently under construction at 1515 North Van Buren Street. Said steps shall encroach approximately 4 feet 8 inches into the 14-foot wide fully concrete paved sidewalk area. Said 8 foot wide step encroachment is centered approximately 86 feet north of the northline of East Lyon Street. Said steps shall be constructed abutting the building in such a manner that their use would not interfere with through pedestrian movement at any time. A 2-foot wide wall may be constructed on either side of the steps, extending 4 feet 8 inches into the public right-of-way.

2. To erect and maintain a covered walk at the entrance to the building at 1515 North Van Buren Street, approximately 86 feet north of the northline of East Lyon Street. Said covered walk, 12 feet in width, shall encroach approximately 4 feet 8 inches into the approximately 14-foot wide sidewalk area on the west side of North Van Buren Street. The aluminum structure shall be supported by the building at one end and by one vertical support at each corner resting atop a wall on either side of steps described in Item 1. above.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The structure 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 wires, 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 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 canopy. The name, street number, or character of the location may be indicated only on the vertical portion of the canopy.

The grantee will be required to keep a "No Parking" status adjacent to the covered walk as long as the structure occupies the public right-of-way.

Said steps and covered walk shall be constructed, used and maintained to the satisfaction of the Departments of Public Works and Neighborhood Services/City Development. All required permits shall be procured prior to beginning construction. Said items shall be removed from the public right-of-way in such future time as they are no longer needed to the satisfaction of the Departments of Public Works and Neighborhood Services/City Development.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Newland Enterprises, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the City Clerk a bond of a surety company duly incorporated in the State of Wisconsin, or duly licensed to do business in this State, in the sum of \$5,000.00 such bond to be approved by the City Attorney. The applicant shall also file with the City Clerk 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.

Both bond and insurance policy shall provide that they shall not be canceled until after at least thirty days' notice in writing to the City Clerk.

3. Pay to the City Treasurer an annual fee which has an initial amount of \$124.81. 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 any 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

July 19, 1999

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