



Legislation Text

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000227

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Nanakusa L.L.C. to place a covered entrance structure on the north side of East Chicago Street, within the public right-of-way at the 408 East Chicago Street entrance to the building, in the 4th Aldermanic District in the City of Milwaukee.

This special privilege grants Nanakusa L.L.C. permission to place and maintain a covered entrance structure on the north side of East Chicago Street, encroaching into the public right-of-way abutting the premises at 408 East Chicago Street.

Whereas, The applicant desires to construct and maintain a covered entrance structure on the sidewalk on the north side of East Chicago Street, which is to be supported by the existing building and by vertical wood supports on concrete piers, with a metal façade and landscaped area, which is to be located in the public right-of-way; and

Whereas, The covered entrance structure will encroach approximately 8 feet 8 inches into the 15-foot wide fully concrete paved sidewalk area on the north side of East Chicago Street; and

Whereas, Said covered entrance structure may only legally encroach into the public right-of-way by the granting of a special privilege by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Nanakusa L.L.C., 408 East Chicago Street, Milwaukee, WI 53202, is hereby granted the following special privilege:

To erect and maintain a covered entrance structure at the property known as 408 East Chicago Street. Said covered entrance structure, 9 feet 9 inches in width, is to be centered approximately 70 feet west of the westline of North Jefferson Street. The structure, which consists of metal cladding attached to vertical wood framing, shall encroach approximately 8 feet 8 inches into the 15-foot wide fully concrete paved sidewalk area on the north side of East Chicago Street at 408 East Chicago Street. Two concrete piers which extend a minimum of 4 feet below grade will support the structure on the sidewalk at the south end. A landscaped area shall be provided to intercept the structure's roof drainage.

All fixtures and materials for illumination of covered entrance structure 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 entrance structure. The name, street number, or character of the business may be indicated only on the vertical portion of the structure and shall not exceed 12 inches in height. All runoff shall be contained within the structure and shall not adversely impact the public right-of-way nor pedestrian usage of the sidewalk.

Prior to installation, permits shall be obtained from the Departments of Public Works and City Development/Neighborhood Services for the covered entrance structure itself and from the Department of Public Works to occupy the right-of-way during construction.

Said covered entrance structure shall be constructed, used and maintained to the approval of the Departments of Public Works and 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, Nanakusa L.L.C. 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 \$2,000.00 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 \$99.87. The subsequent annual fee is subject to change pursuant to the annual fee schedule in effect at the time of annual billing.

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Johnson Controls Inc., shall:

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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division
JJM:cjt
September 12, 2000
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