



Legislation Text

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001718

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to 1325 North Van Buren, LLC, to construct and/or maintain a portion of the existing building, a building facade, balconies, a roof eave and an excess door swing, which encroach into the public right-of-way at 1325 North Van Buren Street, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to 1325 North Van Buren, LLC to construct and/or maintain a portion of the existing building, a building facade, balconies, a roof eave and an excess door swing, which encroach into the public right-of-way on the west side of North Van Buren Street at the building known as 1325 North Van Buren Street.

Whereas, The existing industrial building located at 1325 North Van Buren Street is being renovated to provide residential condominium units with indoor parking; and

Whereas, Several items, which include a building facade, balconies at the upper floors, a roof eave and a double door swing will encroach into the public right-of-way on the west side of North Van Buren Street; and

Whereas, A review of the building plans found that a portion of the existing building presently extends into the sidewalk area on the west side of North Van Buren Street; and

Whereas, These items may only be permitted to 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 1325 North Van Buren, LLC, 626 East Ogden Avenue, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To install and maintain a building façade consisting of new stone and face brick over existing masonry, at the first floor elevation of the building at 1325 North Van Buren Street. The facade, installed on the building face commencing at the building corner, approximately 60 feet south of the southline of East Ogden Avenue, extends south for the length of the building, being approximately 120 feet. The height of the facade above the sidewalk on the west side of North Van Buren Street varies between 12 to 15 feet. Several doors and windows are located in this façade area.
2. To install and maintain balconies, which extend approximately 5 feet 4 inches into the public right-of-way at 1325 North Van Buren Street, as follows: three balconies at the third, fourth and fifth levels, commencing at a point approximately 105 feet south of the southline of East Ogden Avenue and extending south approximately 25 feet. Two balconies, at the penthouse level, commencing at points approximately 105 and 120 feet south of the southline of East Ogden Avenue and extending south approximately 11 feet, respectively.
3. To install and maintain a main roof eave which extends approximately 6 feet 5 inches into the public right-of-way at 1325 North Van Buren Street for a distance of approximately 132 feet.

4. To use and maintain a double door swing encroachment at the building known as 1325 North Van Buren Street that, when fully open, projects into the public right-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The doorway is centered approximately 115 feet south of the southline of East Ogden Avenue and its maximum encroachment is approximately 1 foot 6 inches into the 10-foot wide sidewalk area on the west side of East Ogden Avenue.
5. To maintain the existing building facade at 1325 North Van Buren Street, which encroaches approximately 6 inches into the sidewalk area on the west side of North Van Buren Street for the length of the building, being approximately 120 feet.

Said items shall be constructed and maintained to the approval of the Commissioners of Public Works and Neighborhood Services and all necessary permits shall be procured from the Commissioner of Public Works;

and, be it

Further Resolved, 1325 North Van Buren, LLC is hereby notified that at such future time these items are no longer needed, they will be physically and financially responsible for removing said items from the public right-of-way;

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, 1325 North Van Buren, 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 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 \$10,000.00 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 \$252.23. 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 66.0915(3) 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 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

May 4, 2001

001718