



Legislation Text

File #: 031719, **Version:** 1

031719

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Mandel Riverfront Holdings I, LLC to construct and maintain platforms with stairs and/or a handicap ramp at each end and existing excess door swings encroaching into the public rights-of-way on the south side of East Erie Street, and the east side of North Broadway at the building located at 106-120 North Broadway, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Mandel Riverfront Holdings I, LLC to construct and maintain platforms with a set of stairs and/or a handicap ramp at each end and to keep and maintain excess door swings encroaching into the public right-of-way on the south side of East Erie Street and the east side of North Broadway at the building located at 106-120 North Broadway.

Whereas, Mandel Riverfront Holdings I, LLC (MRH) has purchased the building at 106-120 North Broadway, that was previously used for manufacturing purposes and is now being converted into commercial space on the first floor and residential use on the existing upper two floors and the proposed two floors; and

Whereas, The first floor level is based upon the Broadway side of the building and therefore is considerably higher than the grades along the Erie side of the building and, therefore, in order to provide barrier-free access to that side of the building, two platforms with ramps are proposed to be constructed within the public right-of-way of East Erie Street; and

Whereas, These platforms are to have stairs on the other side; and

Whereas, MRH is also proposing to construct two other platforms with stairs on both sides that will also encroach into the public right-of-way on the south side of East Erie Street; and

Whereas, The plans, survey and our field viewing revealed that there are existing excess door swing encroachments for two sets of double doors and one single door into the east sidewalk area of North Broadway; and

Whereas, The special privilege petition indicates an intent to reconstruct and restore an existing canopy, which projects from the building into the right-of-way; and

Whereas, This "canopy" is in fact a "fixed awning", which is governed by Sec. 245-7 of the Code of Ordinances; and

Whereas, This approximately 277.5-foot long structure, which projects approximately 8 feet, under the building's former use probably was intended to provide shelter at the loading docks, which are now being removed, and as such the structure could have been considered to be removed; and

Whereas, The Architectural Review Board of the Historic Third Ward has adopted certain standards and

policies relating to architecturally significant elements of buildings and one of those policies does not allow said existing elements to be removed; and

Whereas, A recent change in this Ordinance allows structures such as this located within the Historic Third Ward to be rebuilt without needing a special privilege and, therefore, permission for the fixed awning will not be included in the resolution; and

Whereas, These items may only legally encroach into the public rights-of-way by the granting of a special privilege resolution adopted by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Mandel Riverfront Holdings I, LLC, 111 East Wisconsin Avenue, Suite 1700, Milwaukee, WI 53202 is hereby granted the following special privilege:

1. To construct, use and maintain one platform with a ramp on one side and stairs on the other side within the 15-foot wide, south sidewalk area of East Erie Street. Both the ramp and the stairs will be constructed with a stainless steel handrail. The combination platform, ramp and stairs will encroach uniformly approximately 4 feet 6 inches into the public way for a total length of approximately 78 feet 8 inches and will be centered approximately 370 feet east of the eastline of North Broadway.
2. To construct, use and maintain two platforms with stairs and stainless steel handrails on two sides of each platform within the 15-foot wide, south sidewalk area of East Erie Street. Both platforms with their associated stairs encroach uniformly approximately 4 feet 6 inches into the public way for a length of approximately 23 feet for each platform and stairs and will be centered approximately 157 feet and 250 feet, respectively, east of the eastline of North Broadway.
3. To construct, use and maintain one platform with a ramp on one side and stairs on the other side within the 15-foot wide, south sidewalk area of East Erie Street. Both the ramp and the stairs will be constructed with a stainless steel handrail. The combination platform, ramp and stairs will encroach uniformly approximately 4 feet 6 inches into the public way for a total length of approximately 65 feet 3 inches and will be centered approximately 62 feet east of the eastline of North Broadway.
4. To keep, use and maintain an excess door swing encroachment, for a 3-foot wide door, into the east sidewalk area of North Broadway centered approximately 8 feet south of the southline of East Erie Street. Near this door, the sidewalk area of North Broadway is approximately 12 feet wide.
5. To keep, use and maintain excess door swing encroachments for two sets of double doors comprised of two 3-foot wide doors per set, into the east sidewalk area of North Broadway centered approximately 65 feet and 75 feet south of the southline of East Erie Street. Near these doors, the sidewalk area of North Broadway is approximately 15 feet wide.

Said encroachments shall be constructed and maintained to the satisfaction of the Commissioners of the Departments of Public Works and Neighborhood Services and all necessary permits shall be obtained prior to beginning work on above said items.

Said items shall be removed from the public right-of-way at such future time that they are no longer needed, to the satisfaction of the Commissioners 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, Mandel Riverfront Holdings I, 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 \$100,000 covering bodily injury to any one person and \$200,000 covering bodily injury to more than one person in any one accident and \$50,000 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 \$1,003.97. 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 66.0425 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 the Department of Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

; and, be it

Further Resolved, That at such time that a condominium is established, an amendment of the then current legislation shall be sought.

Department of Public Works
Infrastructure Services Division
MDL:cjt
November 18, 2004
031719

Clerical corrections -- jro -- 06/30/08