



Legislation Text

File #: 041560, **Version:** 1

041560

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Transportation District Condominium Association to construct and maintain balconies on several floors of the premises at 418 North 3rd Street and permission to keep existing items within the public right-of-way, in the 4th Aldermanic District in the City of Milwaukee. This resolution grants a special privilege to construct and maintain seven balconies and formally grants permission for two excess door swings, two planters, a security camera and a security phone presently encroaching into the public rights-of-way of North 3rd Street and the east-west alley in the block bounded by West Clybourn Street, West St. Paul Avenue, North 2nd Street and North 3rd Street.

Whereas, The applicant has petitioned to construct and maintain seven balconies: six within the public right-of-way of North 3rd Street and one within the public right-of-way of the east-west alley in the block bounded by West Clybourn Street, West St. Paul Avenue, North 2nd Street and North 3rd Street; and

Whereas, All seven balconies project further than the 4 feet allowed under Section 245-4-9 of the City of Milwaukee Code of Ordinances; and

Whereas, A site visit revealed the presence of two moveable planters, two excess door swings, a security camera and a security phone; and

Whereas, Both door swings project further than the 12 inches allowed under Section 245-4-8 of the Code of Ordinances of the City of Milwaukee; and

Whereas, All of said 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 Transportation District Condominium Association, 418 North 3rd Street, Milwaukee, Wisconsin 53203 is hereby granted the following special privileges.

1. To construct, use and maintain two 20-foot long balconies, centered in the public right-of-way of North 3rd Street approximately 12 and 85 feet south of the southline of the east-west alley in the block bounded by West Clybourn Street, West St. Paul Avenue, North 2nd Street and North 3rd Street. Said balconies are to be approximately 15 feet above grade and project a total of 6 feet over the 15-foot wide east sidewalk area of North 3rd Street, which is in excess of the 4 feet allowed under Section 245-4-9 of the City of Milwaukee Code of Ordinances.
2. To construct, use and maintain one 20-foot long balcony, centered approximately 60 feet east of the eastline of North 3rd Street in the 20-foot wide east-west alley in the block bounded by West Clybourn Street, West St. Paul Avenue, North 2nd Street and North 3rd Street. Said balcony is to be approximately 15 feet above grade and will project a total of 6 feet into the public right-of-way, which is in excess of the 4 feet allowed under

Section 245-4-9 of the City of Milwaukee Code of Ordinances.

3. To construct, use and maintain four 20-foot long balconies, with two each being centered approximately 12 and 85 feet south of the southline of the east-west alley in the block bounded by West Clybourn Street, West St. Paul Avenue, North 2nd Street and North 3rd Street. Two of said balconies are to be approximately 26 feet above grade and the other two are to be approximately 39 feet above grade. All four of said balconies will project a total of 6 feet over the 15-foot wide east sidewalk area of North 3rd Street, which is in excess of the 4 feet allowed under Section 245-4-9 of the City of Milwaukee Code of Ordinances.

4. To keep and maintain two concrete moveable planters in the 15-foot wide east sidewalk area of North 3rd Street approximately 60 and 78 feet south of the southline of the east-west alley in the block bounded by West Clybourn Street, West St. Paul Avenue, North 2nd Street and North 3rd Street. Said planters are 2 feet high and 3 inches in diameter.

5. To keep, use and maintain an excess door swing encroachment for a single door centered approximately 55 feet south of the southline of the east-west alley in the block bounded by West Clybourn Street, West St. Paul Avenue, North 2nd Street and North 3rd Street. The door is 3 feet 4 inches wide and when fully open, projects approximately 3 feet into the 15-foot wide east sidewalk area of North 3rd Street, which is in excess of the 12 inches allowed per Section 245-4-8 of the City of Milwaukee Code of Ordinances.

6. To keep, use and maintain an excess door swing encroachment for a single door centered approximately 70 feet south of the southline of the east-west alley in the block bounded by West Clybourn Street, West St. Paul Avenue, North 2nd Street and North 3rd Street. The door is 3 feet wide and when fully open, projects approximately 2 feet 7 inches into the 15-foot wide east sidewalk area of North 3rd Street, which is in excess of the 12 inches allowed per Section 245-4-8 of the City of Milwaukee Code of Ordinances.

7. To keep, use and maintain a security phone centered approximately 65 feet south of the southline of the east-west alley in the block bounded by West Clybourn Street, West St. Paul Avenue, North 2nd Street and North 3rd Street. Said security phone is mounted to the west wall of the building at an approximate height of 3 feet 6 inches, is 11 inches tall, 8 inches wide and projects 4 inches.

8. To keep, use and maintain a security camera centered approximately 35 feet south of the southline of the east-west alley in the block bounded by West Clybourn Street, West St. Paul Avenue, North 2nd Street and North 3rd Street. Said security camera is mounted to the west wall of the building at the second floor level and projects approximately 1 foot into the public right-of-way for an approximate length of 1 foot.

Said above-mentioned items shall be constructed, placed, used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to placement of the items contained in this special privilege.

Said items shall be maintained or removed from the public rights-of-way, at such future time as they are no longer needed, to the satisfaction of the Commissioners of Public Works and Department of 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, Transportation District Condominium Association, 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 \$100,000.00 covering bodily injury to any one person and \$200,000.00 covering bodily injury to more than one person in any one accident and \$40,000.00 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 \$2,295.06. 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.
- Department of Public Works
Infrastructure Services Division
MDL:cjt
June 13, 2005
041560