



Legislation Text

File #: 050082, Version: 1

050082

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to RCM Group LLC for a new platform with steps, an existing platform with steps and excess door swing as well as existing vent pipes encroaching into the West Burnham and South 38th Streets for the building at 3722-24 West Burnham Street, in the 8th Aldermanic District in the City of Milwaukee.

This resolution grants permission for a platform with steps to be constructed in the public rights-of-way and for other existing encroachments to remain, abutting 3722-24 West Burnham Street.

Whereas, The building located at 3722-24 West Burnham Street is being remodeled from a tavern to office use; and

Whereas, At the main entrance, the proposal is to rehing the door, eliminate the change of grade between the present outer and inner doors, construct a platform with steps for the change of grade outside of the building but located within the public rights-of-way of West Burnham and South 38th Streets and have the outer door swing out over the platform; and

Whereas, The plan indicates that there is an existing wood electric pole located on West Burnham Street in the 11-foot wide fully concrete paved sidewalk area such that the new lowest step will provide 5 feet of horizontal clearance, being the minimum that should be allowed; and

Whereas, The plan indicates and our field viewing confirms that there is an existing encroaching concrete platform with steps and excess door swing along the South 38th Street side near the rear of the building; and

Whereas, We also observed that there are 2 encroaching vent pipes from the basement on the South 38th Street side; and

Whereas, These items on South 38th Street encroach into an approximately 4.5-foot wide grass area between the building (property line) and public sidewalk within the 15-foot wide east sidewalk area, thereby not being a problem for pedestrians; and

Whereas, All of the above discussed encroachments, in order to be constructed or remain within the public rights-of-way, will require that an enabling resolution be adopted by the Common Council; now, therefore, be it

Resolved, That RCM Group LLC, c/o Robert Marking, 500 Elm Grove Road, Ste. 101, Elm Grove, WI 53122, is hereby granted the following special privileges:

1. To construct, use and maintain a portion of platform with steps located at the main entrance to 3722-24 West Burnham Street, located at the southwest corner of the property, projecting approximately 30 inches into the 11-foot wide fully concrete paved north sidewalk area of West Burnham Street and approximately 2 feet into the 15-foot wide east sidewalk area of South 38th Street, having overall outside dimensions of 8 feet-6 inches and 5

feet-0 inches. The door is to swing out over the platform. Said facility shall not provide less than 5 feet of horizontal clearance to any street furniture such as hydrants, utility poles, street light poles, parking restriction signs and other similar items.

2. To keep, use and maintain an existing platform with steps on the South 38th Street side of 3722-24 West Burnham Street centered approximately 56 feet north of the northline of West Burnham Street. The width is approximately 4 feet, the encroachment is approximately 4.5 feet and the 3-foot wide door encroaches approximately 2 feet, being 1-foot in excess of the 12 inches allowable by Section 245-4-8 of the City of Milwaukee Code of Ordinances.

3. To keep, use and maintain 2 PVC vents projecting horizontally approximately 7 inches and 9 inches and vertically approximately 1 foot, at distances of 37 and 30 feet, respectively, north of the northline of West Burnham Street within the 4.5-foot wide grass area abutting the building within the 15-foot wide east sidewalk area of South 38th Street, from the building at 3722-24 West Burnham Street.

Said above-mentioned items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall be obtained prior to the placing of said items.

Said items shall be maintained or removed from the public right-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, RCM Group 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 \$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 \$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 \$35.00. 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 10, 2005

050082