



## Legislation Text

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**File #: 070392, Version: 1**

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070392

SUBSTITUTE 1

THE CHAIR

Substitute resolution granting a special privilege to Atelier Owners Association, Inc. for balconies, moveable planters and excess door swing encroachments for the premises at 318 East Chicago Street, in the 4<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to Atelier Owners Association, Inc. for balconies, four moveable planters and two excess door swing encroachments for the premises at 318 East Chicago Street.

Whereas, Atelier Owners Association, Inc. is requesting permission to construct and maintain balconies for several of its residences; and

Whereas, Said balconies will project more than the 4 feet allowed under Section 245-4-9 of the Milwaukee Code of Ordinances; and

Whereas, A site visit revealed the presence of two excess door swing encroachments and four concrete moveable planters; and

Whereas, Said items may only legally encroach into the public right-of-way by 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 Atelier Owners Association, Inc., 318 East Chicago Street, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct and maintain five balconies in the north, 15-foot wide sidewalk area of East Chicago Street. Said balconies will be constructed one each at the third through seventh floors of the building and will be centered approximately 47 feet west of the westline of North Milwaukee Street. Said balconies, which will be 19 feet 7 inches long, will project 6 feet into the public right-of-way, in excess of the 4 feet allowed in Section 245-4-9 of the Milwaukee Code of Ordinances.
2. To keep and maintain a door swing, which, when fully open, projects 2 feet 5 inches into the north 15-foot sidewalk area of East Chicago Street. The door is centered approximately 100 feet west of the westline of North Milwaukee Street. Said door projects into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
3. To keep and maintain a door swing, which, when fully open, projects 3 feet into the west 12-foot wide sidewalk area of North Milwaukee Street. The door is centered approximately 50 feet north of the northline of East Chicago Street. Said door projects into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.
4. To keep and maintain four concrete moveable planters in the public right-of-way. Said planters are 4 feet in diameter and 2 feet tall. Two of said planters are located in the north 15-foot wide sidewalk area of East

Chicago Street centered about the door of Item #2. Two of said planters are located in the west 12-foot wide sidewalk area of North Milwaukee Street centered about the door of Item #3.

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 have been obtained prior to the granting of this special privilege.

Said items shall be maintained or removed from the public right-of-way, at such future time as it is 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, Atelier Owners Association, Inc., 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 such bond to be approved by the City Attorney. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 covering property damage to any own 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 cancelled 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 \$2,140.64. 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 and 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 1<sup>st</sup> 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works  
Infrastructure Services Division

MDL:lja  
August 30, 2007  
070392

