



## Legislation Text

---

**File #: 130548, Version: 1**

---

130548

### SUBSTITUTE 1

Substitute resolution granting a special privilege to Nelson Development Corporation of Milwaukee for various encroachments in the public right-of-way for the premises at 343 North Broadway, in the 4<sup>th</sup> Aldermanic District. This resolution grants a special privilege to Nelson Development Corporation of Milwaukee to construct and maintain an ornamental steel and glass canopy; steel and wood tables with integral bike racks; permanently affixed tables; and storm enclosures in the public right-of-way for the premises at 343 North Broadway, also known as 225 East St Paul Avenue. Whereas, The applicant has renovated a portion of its building and installed several items in the public right-of-way to accommodate new and existing tenants, including an ornamental steel and glass canopy; steel and wood tables with integral bike racks; permanently affixed tables; and storm enclosures; 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 Nelson Development Corporation of Milwaukee, 225 East St Paul Avenue, Milwaukee, WI 53202 is hereby granted the following special privileges:

1. To construct and maintain an ornamental steel and glass canopy projecting 8 feet 10 inches into the south, 15-foot wide sidewalk area of East St. Paul Avenue. Said canopy commences at a point approximately 106 feet west of the westline of North Broadway and extends 36 feet to the east. Said canopy, which is a minimum of 10 feet above the adjacent sidewalk grade, projects more than the 6 feet permitted under Section 245-7-4 of the Milwaukee Code of Ordinances.
2. To construct and maintain five metal bike racks with integral drink and foot rails in the south, 15-foot wide sidewalk area of East St. Paul Avenue. Each bike rack is 4 feet 8 inches long, 3 feet 7 inches tall and occupies a space that is 1 foot 3 inches wide. Said racks are centered approximately 76, 84, 92, 105, and 113 feet west of the westline of North Broadway. All components of the racks, except for the wood drink rail, are bolted to the sidewalk pavement with 3/8 inch diameter, 4 inch long bolts.
3. To install and maintain two tables bolted to the sidewalk pavement in the south, 15-foot wide sidewalk of East St Paul Avenue. Said tables, which have a metal frame and wood tabletop, are 1 foot 6 inches wide and 4 feet 8 inches long. The tables are centered approximately 97 and 92 feet west of the westline of North Broadway.
4. To install and maintain a table bolted to the sidewalk pavement in the south, 15-foot wide sidewalk of East St Paul Avenue. Said table commences at a point approximately 86 feet west of the westline of North Broadway and extends east 14 feet 1 inch. The table consists of a metal frame and wood table top.
5. To place and maintain two moveable planters in the south, 15-foot wide sidewalk area of East St Paul Avenue. Said planters are centered about a building entrance located approximately 60 feet west of the westline of North Broadway and about a point approximately 3 feet north of the southline of East St Paul Avenue. The terra cotta planters are 3 feet 4 inches in diameter and 2 feet 6 inches tall.
6. To construct and maintain two storm enclosures in the west, 20-foot wide sidewalk area of North Broadway. Said enclosures are to be constructed at the building entrances located approximately 25 and 50 feet south of the southline of East St Paul Avenue. Said storm enclosures will be about 9 feet long, 7 feet wide and 11 feet tall. They will be constructed

of a glass and aluminum storefront system clad with wood paneling and decorative iron columns.

Said items shall be used, kept and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services.

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, Nelson Development Corporation of Milwaukee, shall:

1. Become primarily liable for damages to persons or property by reason of the granting of this special privilege.
2. File with the Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$516.19. 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 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

Administration Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

August 22, 2014