



Legislation Text

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..Number

011436

SUBSTITUTE

80-1046

THE CHAIR

Substitute resolution amending a special privilege granted to Thomas J. Kuesel, to place and/or maintain a covered walk, five existing raised circular concrete curbs around planting areas and a concrete step in the public right-of-way adjacent to the property at 709 East Juneau Avenue to now change the name of the grantee of the special privilege to Tomar Limited Partnership to add two movable planters and to change the shape and edging of the now existing raised planting areas to square and wood, respectively, in the 4th Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Thomas J. Kuesel, to place and/or maintain a covered walk, five existing raised circular concrete curbs around planting areas and a concrete step in the public right-of-way adjacent to the property at 709 East Juneau Avenue by changing the name of the grantee of the special privilege to Tomar Limited Partnership and by adding two movable planters and changing the shape and edging of the now existing raised planting areas to square and wood, respectively.

Whereas, Thomas J. Kuesel was granted a special privilege under Common Council Resolution File Number 80-1046, on October 21, 1980, to place and/or keep and maintain a covered walk, five existing raised circular concrete curbs around planting areas and a concrete step to remain and be maintained in the public right-of-way adjacent to the property at 709 East Juneau Avenue; and

Whereas, The current corporate owner of the property is Tomar Limited Partnership and should now be named as the grantee of the special privilege; and

Whereas, Our field investigation revealed that the planting areas are now square and have a raised wood edging and also that there are two movable planters flanking the building entrance; and

Whereas, Said covered walk, curbs, movable planters, and step may only legally occupy the public right-of-way by the granting of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 80-1046 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Tomar Limited Partnership c/o Key Management, Inc., 773 North Van Buren Street, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To keep and maintain a covered walk at the property known as 709 East Juneau Avenue. Said covered walk, 7 feet in width, is centered approximately 63 feet east of the eastline of North Van Buren Street and encroaches approximately 17.2 feet into the 20-foot wide sidewalk area on the south side of East Juneau Avenue. The covered walk is supported by the building and by a vertical support near each corner closest to the curb along

each side of the covered walk. Each vertical support nearest the curb is centered approximately 28 feet from the curbline. There is an approximately 5.7-foot wide opening between the vertical supports, which parallel the curb face. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below shall be 8 feet.

Said covered walk shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The frame shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot applied in any direction. No guy wires, brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The covering shall be of approved material.

All fixtures and materials for illumination of the covered walk shall be indicated upon construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk. The name, street number, or character of the business may be indicated only on the vertical portion of the covered walk and shall not exceed 12 inches in height.

The grantee will be required to obtain and keep a "Loading Zone" or have a "No Parking" status adjacent to the covered walk as long as the covered walk occupies the public right-of-way. If not complied with, it may constitute grounds for removal of the structure.

2. To keep and maintain five raised 5-foot square wood-edged planting areas located at 709 East Juneau Avenue. Said edging is approximately 3 ½-inches thick and approximately 4 inches in height above the sidewalk grade and with centerlines located at distances of approximately 28 feet, 48 feet, 76 feet, 93 feet and 115 feet east of the eastline of North Van Buren Street, and approximately 5.5 feet south of the south curbline of East Juneau Avenue, being 14.5 feet north of the southline of East Juneau Avenue.

3. To keep and maintain an approximate 8.8-foot wide concrete step at the entrance to 709 East Juneau Avenue, being the bottom of three steps, which encroaches approximately 8 inches. The masonry structures flanking said step, pediments, are permitted to encroach per section 245-4-4 of the Milwaukee Code of Ordinances.

4. To keep and maintain two 2-foot high, 4-foot diameter, exposed aggregate coated concrete movable planters flanking the building entrance, adjacent to the entrance pediments that encroach approximately 4 feet.

Said covered walk, edging, movable planters and step shall be maintained and used to the approval of the Commissioner of Public Works and the Commissioner of the 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, Key Management, 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 \$2,000.00 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 \$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. 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 \$225.89. 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 66.0915(3) of the Wisconsin Statutes (1979), 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.

Public Works Department

Infrastructure Services Division

JJM:dle

April 17, 2002

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