



Legislation Text

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050454

SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Rivren Group, LLC to construct and maintain balconies, excess door swings, masonry belt courses, and exterior light fixtures in the public right-of-way for the premises at 102-110 North Water Street, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants permission to Rivren Group, LLC to construct and maintain balconies, excess door swings, masonry belt course, and exterior light fixtures in the public right-of-way abutting the premises at 102-110 North Water Street.

Whereas, Rivren Group, LLC is in the process of constructing a new condominium development; and

Whereas, The applicant is requesting permission to construct and maintain excess balcony projections, excess door swings, an excess masonry belt course projection and excess light fixture projections; and

Whereas, Said items may only legally encroach into the public right-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 Rivren Group, LLC, 320 East Buffalo Street, Suite 700, Milwaukee, Wisconsin 53202 is hereby granted the following special privileges:

1. To construct and maintain three balconies at the second floor level, approximately 13 feet above the adjacent sidewalk grade, which will project 4 feet 8 inches into the southerly, 15-foot sidewalk area of East Erie Street. Said balconies, which are to be 9 feet 10 inches long, will be centered approximately 18, 26, and 199 feet easterly of the eastline of North Water Street. Said balconies will project in excess of the 4 feet allowed under Section 245-4.9 of the Milwaukee Code of Ordinances.
2. To construct and maintain twelve balconies at the third thru sixth floor levels, which will project 4 feet 8 inches into the southerly, 15-foot wide sidewalk area of East Erie Street. Said balconies, which are to be 9 feet 10 inches long, will be centered approximately 18, 26, and 199 feet easterly of the eastline of North Water Street. Said balconies will project in excess of the 4 feet allowed under Section 245-4.9 of the Milwaukee Code of Ordinances.
3. To construct and maintain one, 22-foot 8-inch long balcony at the seventh floor level. Said balcony, which projects 4 feet 4 inches, will commence at a point 32 feet south of the southerly line of East Erie Street. Said balcony will project into the east, 12-foot wide sidewalk area of North Water Street in excess of the 4 feet allowed under Section 245-4.9 of the Milwaukee Code of Ordinances.
4. To construct and maintain three, 6-foot wide double excess door swings, comprised of two single 3-foot wide doors each. Said doors will project 1 foot 4 inches into the southerly, 15-foot wide sidewalk area of East Erie Street centered approximately 55, 66, and 92 feet easterly of the eastline of North Water Street. Said doors will project in excess of the 12 inches allowed under Section 245-4.8 of the Milwaukee Code of Ordinances.
5. To construct and maintain masonry belt course at the second floor level, approximately 13 feet above the surrounding sidewalk grade. Said masonry belt course will project 8 inches into the southerly, 15-foot wide sidewalk area of East Erie Street at several building column locations for a total length of 22 feet 9 inches. These columns will be centered approximately 3, 25, 48, 156, and 179 feet easterly of the eastline of North Water Street. The mason belt course at these

locations will project in excess of the 4 inches allowed under Section 245-4.3 of the Milwaukee Code of Ordinances.

6. To install and maintain twelve light fixtures in the public rights-of-way of East Erie Street and North Water Street. Said light fixtures will be centered approximately 2, 34, 48, 84, 120, 156, and 179 feet easterly of the eastline of North Water Street and approximately 3, 28, 54, 80 and 106 feet south of the southerly line of East Erie Street. Said light fixtures project in excess of the 1-foot allowed for light fixtures located between 7 and 10 feet above grade per Section 245-4.25 of the Milwaukee Code of Ordinances.

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 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 accepting this special privilege the grantee, Rivren 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 \$10,000.00 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 \$100,000 covering bodily injury to any one person and \$200,000 covering bodily injury to more than one person in any one accident and \$40,000 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 \$326.69. 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 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:lja
May 24, 2006
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