



Legislation Text

File #: 020626, **Version:** 1

020626

SUBSTITUTE

990821

THE CHAIR

Substitute resolution amending a special privilege that was granted to Jack & Zina Falluca to construct a platform at West Maple Street, respectively and ramp encroachment as well as create 2 excess door swing encroachments into the public rights-of-way of South 8th Street, at the building located at 800 West Maple Street, to now change the name of the grantee of the special privilege to Palermo Properties, LLC, and add additional areas discovered during the field viewing in the 12th Aldermanic District in the City of Milwaukee. This resolution amends a special privilege that was granted to Jack & Zina Falluca to construct a platform at West Maple Street, respectively and ramp encroachment as well as create 2 excess door swing encroachments into the public rights-of-way of South 8th Street, at the building located at 800 West Maple Street, to now change the name of the grantee of the special privilege to Palermo Properties, LLC and add additional areas discovered during the field viewing.

Whereas, Jack and Zina Falluca were desirous to construct a concrete ramped entrance to provide for barrier-free access to the building that was being renovated and in order to do this, a platform ramp was proposed to encroach into the public right-of-way on the west side of South 8th Street and in addition there were to be 2 exterior doors located at the building which, when fully opened, encroached into the public right-of-way on the north side of West Maple Street by more than the 12-inches allowable by Section 245-4-8 of the Code of Ordinances and subsequently, a special privilege was adopted under Common Council Resolution File Number 990821 for this work; and

Whereas, The current name of the owner of the property is Palermo Properties, LLC and should now be named as the grantee of the special privilege; and

Whereas, Our field investigation revealed that these items had been created and, in addition, several other encroaching items were observed, being 4 bollards, an air-curtain apparatus, a trash basket, steps and security cameras; and

Whereas, Since all of these items are to remain, their continued encroachment may only occur in the public rights-of-way through the adoption 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 990821 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Palermo Properties, LLC, 800-822 West Maple Street, Milwaukee, WI 53204 is hereby granted the following special privileges:

1. To keep, use and maintain an existing platform and ramp at 800 West Maple Street, which projects into the

west sidewalk area of South 8th Street. Said structure commences at a point approximately 37 feet north of the northline of West Maple Street and continues north for a distance of approximately 21 feet. Said structure projects approximately 4.67 feet into the 15-foot wide sidewalk area. A 3-foot wide door extends out over the platform.

2. To keep, use and maintain two doors at the building known as 800 West Maple Street that, when fully opened, project into the public right-of-way in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The doors are located on the north side of West Maple Street, centered approximately 4 feet and 85 feet west of the westline of South 8th Street, respectively, and their maximum encroachment is approximately 3 feet into the 15-foot wide fully concrete paved sidewalk area.
3. To keep and maintain 4 concrete-filled pipe bollards, within the west sidewalk area of South 8th Street abutting the property and buildings at 800 West Maple Street. The approximate 4-foot high, 8-inch diameter bollards are located approximately 112, 120, 170 and 260 feet north of the northline of West Maple Street.
4. To keep and maintain 2 sets of concrete steps on the north side of West Maple Street for the building at 800 West Maple Street at the location of the door in item 2. above. The 4-foot wide west steps have 3 risers and the 3-foot wide east steps have 1 riser in the right-of-way. Projections are approximately 2.3 feet and 0.7 feet, respectively.
5. To use and maintain a driveway approach that is generally used as a backup driveway for the removal of trash, etc. The center of the 8-foot wide overhead door is approximately 116 feet north of the northline of West Maple Street along the west side of South 8th Street for the building at 800 West Maple Street. The other 2 overhead doors either don't open or are not used by vehicles.
6. To keep, use and maintain an air-curtain apparatus projecting approximately 2.5 feet into the west side of South 8th Street at the door of item 5. above. The apparatus is a series of fans inside a housing to create a moving air barrier in order that flying insects or blowing dust doesn't enter the manufacturing plant when the overhead door is open for trash removal.
7. To keep, use and maintain a cylindrical trash basket attached to the building of 800 West Maple Street projecting approximately 12 inches into the north right-of-way of West Maple Street approximately 93 feet west of the westline of South 8th Street.
8. To keep, use and maintain 2 security cameras attached to the east and south walls of the building at 800 West Maple Street approximately 37 and 95 feet north and west of the northline of West Maple Street and the westline of South 8th Street, respectively, approximately 14 feet above sidewalk grade. The former primarily provides views of the ramp and the latter views of the west door of item 2. above.

Said encroachments shall be maintained to the satisfaction of the Commissioners of the Departments of Public Works and Neighborhood Services.

Said items shall be removed from the public rights-of-way, at such future time that they are no longer needed, to the satisfaction of the Commissioners of the Departments of Public Works and 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, for Palermo Properties, 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. 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 \$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 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 \$233.88. 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

JJM:cjt
June 26, 2003
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