



Legislation Text

File #: 000612, **Version:** 2

000612

SUBSTITUTE 2

THE CHAIR

Substitute resolution granting a special privilege to Astor Row Condominiums to construct concrete block planters and a concrete block wall partially located within the public rights-of-way abutting the premises known as 1000-14 East Lyon Street, in the 3rd Aldermanic District in the City of Milwaukee.

This special privilege grants the applicant permission to partially locate concrete block planters and a concrete block wall in the public rights-of-way, within the 20-foot wide sidewalk area on the north side of East Lyon Street and within the 22.15-foot wide sidewalk area on the east side of North Astor Street, adjacent to the properties known as 1000-14 East Lyon Street.

Whereas, Astor Row Condominiums proposes to construct and maintain raised concrete block planters ranging in height from 1 foot to 3 feet, which are to be partially located in the public rights-of-way on the north side of East Lyon Street and on the east side of North Astor Street, adjacent to 1000-14 East Lyon Street; and

Whereas, An "L" shaped concrete block wall, 8 inches in height, is to be partially located within the sidewalk area at the north side of East Lyon Street adjacent to 1000-14 East Lyon Street; and

Whereas, The planters and wall may only legally occupy the City of Milwaukee public rights-of-way by the granting of a special privilege; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Astor Row Condominiums c/o Ogden & Co., Inc., 1665 North Water Street, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To construct and maintain six 9.5 foot-deep by 12.5-foot long raised concrete planters within the public rights-of-way located as follows; Six planters are located at the north side of East Lyon Street, centered approximately 8.25, 26.75, 45.25, 63.75, 82.25 and 100.75 feet east of the eastline of North Astor Street. The concrete block planters extend into the right-of-way approximately 5.5 feet and are between 1 foot and 3 feet high, with a 3-foot 6-inch high railing placed around the perimeter of each planting area.
2. To construct and maintain an approximately 49.5-foot long by 5-foot deep concrete block planter located at the east side of North Astor Street, extending approximately 3 feet into the right-of-way. The planter begins approximately 5.5 feet south of the northline of East Lyon Street and extends north approximately 49.5 feet, being approximately 12 inches high.
3. To construct and maintain an "L"-shaped 8-inch concrete block wall, approximately 8 inches high, which encroaches approximately 5.5 feet into the sidewalk area at the north side of East Lyon Street. The wall is located approximately 115 feet east of the eastline of North Astor Street.

Said planters and wall shall be constructed and maintained to the approval of the Departments of Public Works and Neighborhood Services. All necessary permits shall be obtained from the Departments of Public Works and Neighborhood Services prior to placement of these items in the City of Milwaukee public rights-of-way.

The plant material shall be approved by and maintained to the satisfaction of the City Forester

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Astor Row Condominiums, 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 \$5,000.00 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 \$2,499.21. 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 66.045 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.

Department of Public Works
Infrastructure Services Division

JJM:cjt

September 27, 2000

000612