



Legislation Text

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021227

SUBSTITUTE

THE CHAIR

Substitute resolution granting a special privilege to Second Property LLC to construct, use and maintain balconies and keep, use and maintain a drop-down dock, dock bumpers, ladder, mirror, security cameras and an excess door-swing, which encroach into the public rights-of-way of an alley and North 2nd Street abutting 413 North 2nd Street, in the 4th Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to construct, use and maintain balconies and keep, use and maintain a drop-down dock, dock bumpers, ladder, mirror, security cameras and an excess door swing which encroach into the public rights-of-way of an alley and North 2nd Street abutting 413 North 2nd Street.

Whereas, The upper floors of the existing building located at 413 North 2nd Street are being redeveloped to ultimately create residential condominium units; and

Whereas, They propose to construct balconies at the 2nd through the 6th floors on three sides of the building; however, only those on the rear of the building would encroach into the public right-of-way of the alley; and

Whereas, The proposed projection is 7.5 feet and Section 245-4-9 of the Milwaukee Code of Ordinances (Code) limits the projection to 4 feet; and

Whereas, Adoption of a resolution granting a special privilege is the procedure to allow an amount in excess of the Code; and

Whereas, Our field viewing revealed that there are several existing items located on the back of the building encroaching into the same alley, which are: a drop-down dock, dock bumpers at another dock, a ladder, a mirror and security cameras; and, in addition, there are also items on the front of the building that encroach into North 2nd Street, which are: security cameras and excess door swings; and

Whereas, Since these items are intended to remain, a special privilege resolution will be required; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Second Property LLC, 413 North 2nd Street, Milwaukee, WI 53203, is hereby granted the following special privileges:

1. To install, use and maintain balconies, which extend approximately 7.5 feet into the 20-foot-wide alley right of way at 413 North 2nd Street, as follows: located at the second, third, fourth, fifth and sixth levels, with each level to have 2 straight balconies, each approximately 22 feet long, extending into the right-of-way on the east side of the north-south alley in the block bounded by West Clybourn Street, West St. Paul Avenue, North 2nd Street and North 3rd Street. The Milwaukee Code of Ordinances, Section 245-4-9, only allows a 4-foot projection. The balconies are centered approximately 73 and 127 feet north of the northline of West St. Paul

Avenue.

2. To keep, use and maintain a double door swing encroachment at the building known as 413 North 2nd Street that, when fully open, projects approximately 3 feet into the public right-of-way of North 2nd Street, which is in excess of the 12-inch maximum distance permissible under Section 245-4-8 of the Milwaukee Code of Ordinances. The doorway is centered approximately 95 feet north of the northline of West St. Paul Avenue.

3. To keep, use and maintain 2 security cameras attached to the east face of the building at 413 North 2nd Street projecting approximately 1.5 feet into North 2nd Street at distances of approximately 58 and 152 feet north of the northline of West St. Paul Avenue at a height of approximately 22 feet above the sidewalk.

4. To keep, use and maintain 2 security cameras attached to the west face of the building at 413 North 2nd Street projecting approximately 1.5 feet into the 20-foot wide north-south alley at distances of approximately 52 and 154 feet north of the northline of West St. Paul Avenue at a height of approximately 22 feet above the alley.

5. To keep, use and maintain dock bumpers approximately 8.75 feet in length projecting approximately 16 inches into the north-south alley on the west face of the building at 413 North 2nd Street centered approximately 79 feet north of the northline of West St. Paul Avenue whose dock level is approximately 3.5 feet above the alley.

6. To keep, use and maintain a main dock consisting of an overhead door, dock bumpers, a drop-down section and a ladder projecting varying amounts into the north-south alley and attached to the west face of the building at 413 North 2nd Street. The overhead door is slightly recessed into the building. The bumpers project approximately 8 ½ inches along a 20-foot length. The 8-foot wide drop-down section projects approximately 16 inches in the "up" position and approximately 8 feet 8 inches in the "down" position. In the "down" position, the dock level is approximately 5 feet 8 inches above the alley. The center of the drop-down dock is approximately 108 feet north of the northline of West St. Paul Avenue and the center of the overhead door is approximately 112 feet north of the northline of West St. Paul Avenue. The 17-inch wide metal ladder begins at alley grade and extends up approximately 10.5 feet at approximately 121 feet north of the northline of West St. Paul Avenue and encroaches approximately 16 inches and serves as access to the dock.

7. To keep and maintain a 3-foot wide convex mirror attached to the west face of the building at 413 North 2nd Street approximately 133 feet north of the northline of West St. Paul Avenue and encroaching approximately 13 inches into the north-south alley at a height of approximately 7.5 feet above the alley, which is being used by the occupants of the building on the west side of the building as they emerge from the tunnel-like exit of their basement parking area.

Said items shall be constructed, used and maintained to the approval of the Commissioners of Public Works and Neighborhood Services and all necessary permits shall be procured from the Commissioners of Public Works and City Development; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Joseph Sowatzke, Agent for Second Property, 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 \$250,000 covering bodily injury to any one person and \$500,000 covering bodily injury to more than one person in any one accident and \$100,000 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 \$1,169.07. 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
March 28, 2003
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Clerical errors corrected by DPW 4/8/03. mbh