



## Legislation Text

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**File #:** 051205, **Version:** 1

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051205

SUBSTITUTE 1

THE CHAIR

Substitute resolution to grant a special privilege to Schlitz-Cooper Lofts, LLC to construct and maintain a platform with stairs, an excess door swing, and a retaining wall with handrail in the public right-of-way for the premises at 141 West Vine Street in the 6<sup>th</sup> Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to Schlitz-Cooper Lofts, LLC to construct and maintain a platform with stairs; an excess door swing; and a concrete retaining wall with metal handrail to provide a depressed window access in the public right-of-way adjacent to the building at 141 West Vine Street

Whereas, Schlitz-Cooper Lofts, LLC is requesting permission to construct and maintain a concrete platform with stairs; and excess door swing; and a concrete retaining wall with metal handrail to provide depressed window access; and

Whereas, Said items may only legally encroach into the public right-of-way by granting of a special privilege resolution adopted by the Common Council; now be it

Resolved, By the Common Council of the City of Milwaukee that Schlitz-Cooper Lofts, LLC, 141 West Vine Street Milwaukee, WI 53212 is hereby granted the following special privileges:

1. To construct and maintain a platform with stairs in the south 20-foot wide sidewalk area of West Vine Street. Said platform and stairs will consist of brick faced 8-inch thick concrete walls with footings and metal handrails. Said platform and stairs will commence at the southline of West Vine Street at a point approximately 80 feet, 6 inches east of the eastline of North 2<sup>nd</sup> Street and is 12 feet, 5 inches long and will project 4 feet, 5 inches into the sidewalk area. The platform will be approximately 4 feet above sidewalk grade.
2. To construct and maintain one excess door swing encroachment. Said new doorway is centered on the above platform along the southline of West Vine Street approximately 83 feet, 6 inches east of the eastline of North 2<sup>nd</sup> Street. Said door swing when fully open, projects 2 feet, 9 inches into the 20-foot wide sidewalk area of West Vine Street, which is in excess of the 12 inches permissible under Section 245-4.8 of the Milwaukee Code of Ordinances.
3. To construct and maintain a concrete retaining wall with footing topped with a metal handrail in the east 20-foot wide sidewalk area of North 2<sup>nd</sup> Street, allowing construction of three depressed windows along the North 2<sup>nd</sup> Street building face. Said retaining wall will consist of 6-inch thick concrete walls with footings and be topped with metal handrails. Said retaining wall commences at the eastline of North 2<sup>nd</sup> Street at a point approximately 8 feet, 3 inches south of the southline of West Vine Street. The retaining wall extends west approximately 5 feet, then extends south approximately 14 feet. The maximum depression for the window area will be approximately 2 feet below sidewalk grade.

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 acceptance of this special privilege the grantee, Schlitz-Cooper Lofts, 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 \$50,000.00 covering bodily injury to any one person and \$100,000.00 covering bodily injury to more than one person in any one accident and \$20,000.00 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 \$74.08. 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 1<sup>st</sup> 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  
April 4, 2006  
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