



## Legislation Text

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**File #: 980952, Version: 1**

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SUBSTITUTE  
80-468  
THE CHAIR

Substitute resolution amending a special privilege granted to Artistic Plating Company, Inc. to install and maintain a drawbridge-type loading platform and a door swing projection which, encroach into the public rights-of-way adjacent to their property located at 428 West Vliet Street, to now grant permission for two raised planter areas and an additional door swing projection to encroach into the public right-of-way at the same location, in the 6th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution amends a special privilege granted to Artistic Plating Company, Inc. to install and maintain a drawbridge-type loading platform and a door swing projection which encroach into the public right-of-way adjacent to the premises known as 428 West Vliet Street, to now grant permission for two raised planter areas and an additional door swing projection to encroach into the public right-of-way at the same location.

Whereas, Artistic Plating Company, Inc., was granted a special privilege under Common Council Resolution File Number 80-468, on July 29, 1980, to install and maintain a drawbridge-type loading platform and a door swing projection which encroach into the public rights-of-way at 428 West Vliet Street; and

Whereas, Artistic Plating, Inc. now desires to keep two existing raised planter areas, which encroach into the public right-of-way, and an exterior swinging door, which, when fully opened, encroaches into the public way by more than the 12-inches allowable by Section 245-4-8 of the Code of Ordinances; and

Whereas, The loading platform, landscape areas and door swing projections may only occupy 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 80-468 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Artistic Plating Company, Inc., 405 West Cherry Street, Milwaukee, WI 53212, is hereby granted the following special privileges:

1. To keep and maintain two raised planter areas surrounded by railroad ties in the public way on the north side of West Vliet Street adjacent to 428 West Vliet Street. Planters of 30 feet and 10 feet in length are centered at distances of approximately 121 and 145 feet east of the eastline of North 5th Street, respectively. The two planters are elevated to a maximum of 14 inches above the sidewalk grade and encroach approximately 6 feet into the public right-of-way. Said planters contain a variety of plant and landscape material.

2. To keep, use and maintain a 7-foot by 11-foot wide drawbridge-type loading platform on the east side of the building at 428 West Vliet Street, located adjacent to the north-south alley in the block bounded by West Cherry Street, West Vliet Street, North 4th Street and North 5th Street. Said platform is entirely on private property when closed, but shall extend no further than 11 feet into the 20-foot wide public alley, when in use, for the purpose of loading and unloading trucks. The platform is centered approximately 55 feet north of the northline of West Vliet Street.

3. To keep and maintain two 40-inch wide doors on the south side of the building at 428 West Vliet Street, which when fully open, project approximately 34 inches into the 15-foot wide public sidewalk area on the north side of West Vliet Street. Said doors are centered approximately 104 and 138 feet east of the eastline of North 5th Street.

Said items shall be constructed, used and maintained to the satisfaction of the Commissioners of Public Works and Building Inspection. All required permits shall be procured. 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 Public Works and Building Inspection.

;and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Artistic Plating Company, Inc., 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 \$3,000.00 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 \$35.00. 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

November 30, 1998

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