



Legislation Text

File #: 051206, **Version:** 1

051206
SUBSTITUTE 1
010120
THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Parts House Lofts Condominium Association to keep and maintain balconies and an excess door swing, which encroach into the public rights-of-way at 215 West Maple Street, in the 12th Aldermanic District in the City of Milwaukee.

This resolution grants a special privilege to keep and maintain balconies; excess door swings, a raised concrete platform; and a fenced dumpster storage area in the public rights-of-way for the premises at 215 West Maple Street.

Whereas, Rainmaker Enterprises, Inc. requested permission to construct and maintain balconies and an excess door swing encroaching into the public rights-of-way of West Maple Street and of South 2nd Street; and

Whereas, Permission for said balconies and excess door swing was granted in 2001 under Common Council Resolution File Number 010120; and

Whereas, The property is a condominium with Parts House Lofts Condominium Association as its condominium association; and

Whereas, A site visit revealed the presence of a raised concrete platform with two excess door swings and a fenced dumpster storage area; and

Whereas, Said excess door swings, concrete platforms and dumpster storage area may only legally encroach into the public rights-of-way by granting of a special privilege resolution adopted by the Common Council; and

Whereas, For the liability to be formally transferred to the current owner for the balconies and excess door swing, the Common Council needs to adopt an amending resolution; now, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 010120 is hereby rescinded; and, be it

Further Resolved, that Parts House Condominium Association, 215 West Maple Street #107, Milwaukee, Wisconsin 53204 is hereby granted the following special privileges:

1. To keep and maintain 31 balconies, which extend approximately 5 feet into the public right-of-ways at 215 West Maple Street. Balconies along the south side of West Maple Street are located at the second, third, fourth, fifth and sixths levels. Each level has four straight balconies, approximately 15 feet, 6 inches long. Additionally, two sets of balconies exist along the west side of South 2nd Street. The first set are straight balconies, approximately 11 feet 4 inches long, located at the second, third, fourth, fifth and sixth levels. The second set are corner balconies that wrap around the building's southeast corner with portions extending into South Second Street, which are approximately 17 feet 6 inches long and located at the first, second, third,

fourth, fifth and sixth levels. Said balconies project more than the 4 feet allowed under Section 245-4-9 of the Milwaukee Code of Ordinances.

2. To keep, use and maintain an excess door swing encroachment at the building that, when fully open projects 2 feet into the 15-foot wide south sidewalk of West Maple Street. The doorway is centered approximately 155 feet west of the west line of South 2nd Street. Said projection is in excess of the 12 inches permitted under section 245-4-8 of the Milwaukee Code of Ordinances.

3. To keep and maintain a raised concrete platform with railing. Said platform commences at a point approximately 46 feet 2 inches south of the south line of West Maple Street and ends 16 feet 1 inch to the south. Said platform projects 4 feet into the 15-foot wide sidewalk area on the west side of South 2nd Street. Maximum platform elevation is 2 feet 2 inches above sidewalk grade. Two excess door swings exist within the raised platform limits. Said door swings are centered approximately 59 feet 10 inches and 53 feet south of the southline of West Maple Street and project 2 feet into the 15-foot wide sidewalk area on the west side of South 2nd Street.

4. To keep, use and maintain a fenced and gated commercial waste dumpster storage area. Said fenced area commences at the west property line of South 2nd Street at a point approximately 79 feet 7 inches south of the southline of West Maple Street and extends east approximately 3 feet 2 ½ inches, then extends south approximately 24 feet 7 inches, then extends west approximately 3 feet 2 ½ inches to the west property line of South 2nd Street.

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 Service.

; and, be it;

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Parts House Lofts Condominium Association, 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 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 \$3,555.17. 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
MDL:lja