



## Legislation Text

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**File #: 080029, Version: 1**

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080029

SUBSTITUTE 1

980543

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to The Golden Arrow, LLC for steps and for addition of various items encroaching in the public right-of-way for the premises at 1758 North Water Street, in the 3<sup>rd</sup> Aldermanic District.

This resolution amends a special privilege for change of ownership to The Golden Arrow, LLC for steps and for addition of door swings, gate swings, a moveable planter, security cameras and a backup driveway encroaching into the public right-of-way for the premises at 1758 North Water Street.

Whereas, Paul Knaust requested permission to keep and maintain steps and a covered walk in the public right-of-way; and

Whereas, Permission for said steps and a covered walk was granted in 1998 under Common Council File Number 980543; and

Whereas, Said covered walk is no longer present in the public right-of-way, and

Whereas, A site visit revealed the presence of a moveable planter, an excess door swing, metal gate swings, a back-up driveway and security cameras encroaching in the public right-of-way; 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; and

Whereas, The Golden Arrow, LLC now owns the property; and

Whereas, For the liability to be formally transferred to the current property owner, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 980543 is hereby rescinded; and, be it

Further Resolved, That The Golden Arrow, LLC, 1758 North Water Street, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To keep, use and maintain a set of concrete steps in the public right-of-way at the intersection of the eastline of North Water Street and the northline of East Pearson Street. Said concrete steps encroach into the public way a total of 11.22 square feet.
2. To keep and maintain a movable planter in the north 16-foot wide sidewalk area of East Pearson Street. Said planter is 2 feet tall and 2 feet in diameter and is centered approximately 10 east of the intersection of the eastline of North Water Street and the northline of East Pearson Street.
3. To keep, use and maintain a backup driveway centered approximately 94 feet east of the eastline of North Water Street in the north 16-foot wide sidewalk area of East Pearson Street. Said back-up driveway serves a 3-foot wide service door.

Vehicles using the back-up driveway shall park in such a way so they do not project past the centerline of the street.

4. To keep and maintain a double excess door swing comprised of two single 3-foot wide doors, in the north 16-foot wide sidewalk area of East Pearson Street. Said door swings are centered approximately 42 feet east of the eastline of North Water Street. The doors, when fully open, project 3 feet into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

5. To keep and maintain a double gate swing, comprised of two single 5 foot 8 inch wide gate swings in the north 16-foot wide sidewalk area of East Pearson Street. Said gate swings are centered approximately 107 feet east of the intersection of the eastline of North Water Street. The single gates, when fully open, project 5 feet 8 inches into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

6. To keep and maintain a single excess door swing in the east 15-foot wide sidewalk area of North Water Street. Said door swing is centered approximately 104 feet north of the northline of East Pearson Street. The door, when fully open, projects 2 feet 6 inches into the public right-of-way in excess of the 12 inches allowed under Section 245-4-8 of the Milwaukee Code of Ordinances.

7. To keep and maintain two security cameras in the public right-of-way, one in the east 15-foot wide sidewalk area of North Water Street and one in the 16-foot wide sidewalk area of East Pearson Street. Each camera is approximately 1 foot wide and projects 1 foot into the public right-of-way. Said cameras are located approximately 10 feet north and east of the intersection of the eastline of North Water Street and the northline of East Pearson 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.

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, The Golden Arrow, 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 \$5,000 such bond to be approved by the City Attorney. This 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 own 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 cancelled 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 \$765.37. 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 and 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

7. Owner must ensure sufficient traffic control while using the back up driveway to allow continued, safe traffic flow for two-way traffic on East Pearson Street at all times. Traffic control measures may include, but are not limited to flag persons and traffic cones.

Department of Public Works  
Infrastructure Services Division

MDL: ns

August 27, 2008

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