



Legislation Text

File #: 080509, **Version:** 1

080509

SUBSTITUTE 1

031091

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Water Street Lofts Condominium Association Inc for a retaining wall and barrier free access ramp and for addition of bollards in the public right-of-way for the premises at 210 South Water Street, in the 12th Aldermanic District.

This resolution amends a special privilege for change of ownership to Water Street Lofts Condominium Association Inc for a retaining wall and barrier free access ramp and for addition of bollards in the public right-of-way for the premises at 210 South Water Street.

Whereas, Water Street Development Corporation requested permission to construct a concrete retaining wall and barrier free access ramp in the public right-of-way; and

Whereas, Permission for said retaining wall and barrier free access ramp was granted in 2004 under Common Council Resolution File Number 031091; and

Whereas, Water Street Lofts Condominium Association Inc is condominium association for the property; and

Whereas, For the liability to be formally transferred to the condominium association for the property, the Common Council needs to adopt an amending resolution; and

Whereas, A site visit revealed the presence of bollards in the public right-of-way; and

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

Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 031091 is hereby rescinded; and, be it

Further Resolved, That Water Street Lofts Condominium Association Inc, 16535 West Blue Mound Road, Suite 120, Brookfield, WI 53005 is hereby granted the following special privileges:

1. To keep and maintain a concrete retaining wall with metal railing in the west, variable width sidewalk area of East Pittsburgh Avenue. The wall commences at a point approximately 8 feet east of the eastline of South Water Street and extends 90 feet east where it connects to the North Broadway Bridge over the Menomonee River. Said 1-foot wide retaining wall runs parallel and approximately 5 feet southerly of the northerly line of East Pittsburgh Avenue.
2. To keep and maintain a barrier free access ramp in the variable width, west sidewalk area of East Pittsburgh Avenue. The barrier free access ramp commences at a point approximately 8 feet east of the eastline of South Water Street and extends east to the Riverwalk. Said barrier free access ramp is located between the northline of East Pittsburgh Avenue and the aforementioned retaining wall, which is located 5 feet south of the northline of East Pittsburgh Avenue, such that there is a minimum width of 5 feet available for pedestrian usage.
3. To install and maintain two, 6-inch diameter bollards to protect a gas service pipe located on private property. Said 5-foot tall bollards are located 6 inches west of the eastline of South Water Street and are centered about a point

approximately 6 feet west of the westline of East Pittsburgh Street.

4. To install and maintain two, 8-inch diameter bollards located 4 inches west of the eastline of South Water Street. Said 4-foot tall bollards area centered approximately 60 and 73 feet north of the northline of East Pittsburgh Avenue.

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, Water Street Lofts Condominium Association 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 \$10,000 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 \$428.27. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division

MDL: ns

October 1, 2008

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