



Legislation Text

File #: 080355, Version: 1

080355

SUBSTITUTE

070526

THE CHAIR

Substitute resolution amending a special privilege for change of ownership to Bostco Condo Association Ltd for items previously granted permission and for addition of a sign encroaching into the public right-of-way for the premises at 331 West Wisconsin Avenue, in the 4th Aldermanic District.

This resolution amends a special privilege for change of ownership to Bostco Condo Association Ltd for platforms and ramps, door swings, a non-code compliant marquee, bridge columns and a covered walk and for addition of a sign encroaching into the public right-of-way for the premises at 331 West Wisconsin Avenue.

Whereas, Common Council Resolution File Number 070526 combined two previously existing special privilege resolutions which had granted permission for a variety of items to encroach into the public right-of-way; and

Whereas, Common Council Resolution File Number 070526 was adopted on July 31, 2007; and

Whereas, The bridge columns that were included in the previous special privilege resolution have now been incorporated into the air space lease for a skywalk over North 4th Street; and

Whereas, Bostco Condo Association Ltd is now the entity responsible for common elements of the property; and

Whereas, Whereas, For the liability to be formally transferred to Bostco Condo Association Ltd, the Common Council needs to adopt an amending resolution; and

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

Whereas, Said sign 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Resolved, By the Common Council of the City of Milwaukee, that Common Council Resolution File Number 070526 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Bostco Condo Association Ltd, 301 West Wisconsin Avenue, Suite 400, Milwaukee, Wisconsin 53203 is hereby granted the following special privileges:

1. To keep, use, and maintain a concrete platform and barrier-free access ramp with steel handrail, in the 15-foot wide, east sidewalk area of North 4th Street. Said ramp and platform are approximately 5 feet 6 inches wide and 31 feet 4 inches long and are centered approximately 139 feet south of the southline of West Wisconsin Avenue. Said platform has steps along its south end and west side near the south and opposite the south single door of item #2. Said steps do not encroach into the public right-of-way beyond 5 feet 6 inches.

2. To keep, use and maintain two excess door swing encroachments comprised of two single 3-foot wide doors, which project over the platform of item #1. Said doors are centered approximately 145 and 155 feet south of the southline of West Wisconsin Avenue. Said door swings project further than the 12 inches allowed under Sec. 245-4-8 of the Code of Ordinances of the City of Milwaukee.

3. To keep and maintain a marquee centered approximately 139 feet south of the southline of West Wisconsin Avenue in the 15-foot wide, east sidewalk area of North 4th Street. Said marquee is approximately 34 feet in length, parallel to the building, which is in excess of the length, parallel to the building, allowed by Section 245-10-3 of the Code of Ordinances of the City of Milwaukee. Section 245-10-3 permits a length, parallel to the building, equivalent to the width of the door (s) plus 10 feet. The combined width of the existing doors under said marquee is approximately 15 feet. A minimum 10-foot clearance is maintained between the bottom of the marquee and the sidewalk.

4. To keep, use and maintain a concrete platform and barrier-free access ramp with steel handrail, in the 15-foot wide, east sidewalk area of North 4th Street. Said ramp and platform are approximately 5 feet 6 inches wide and 32 feet 7 inches long and are centered approximately 231 feet south of the southline of West Wisconsin Avenue. Said platform has steps along its north and west side near the north and opposite the double doors of item #6. Said steps do not encroach into the public right-of-way beyond 5 feet 6 inches.

5. To keep, use and maintain one excess door swing encroachment comprised of a single 3-foot wide door, which projects over the platform of item #4 and is centered approximately 233 feet south of the southline of West Wisconsin Avenue. Said door swing projects further than the 12 inches allowed under Sec. 245-4-8 of the Code of Ordinances of the City of Milwaukee.

6. To keep, use and maintain one excess door swing encroachment comprised of a set of double doors. Each door of the set is 3 feet wide and projects over the platform of item #4. The set is centered approximately 227 feet south of the southline of West Wisconsin Avenue. Said door swings project further than the 12 inches allowed under Sec. 245-4-8 of the Code of Ordinances of the City of Milwaukee.

7. To keep and maintain a covered walk in the 15-foot wide, east sidewalk area of North 4th Street. Said structure projects approximately 7 feet into the public right-of-way for a length of approximately 17 feet 6 inches and is supported by two steel supports, one located 2 feet south of the north end and one located 2 feet north of the south end. Said structure is centered approximately 231 feet south of the southline of West Wisconsin Avenue. There is a minimum 8-foot clearance between the bottom of the covering and the sidewalk grade.

8. To keep and maintain a 5-foot tall a-frame business sign in the 15-foot wide, east sidewalk area of North 4th Street. Said sign is centered approximately 235 feet south of the southline of West Wisconsin Avenue. The sign, when fully open, is 3 feet wide parallel to the curb and 3 feet wide perpendicular to the curb.

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, Bostco Condo Association Ltd, 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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 \$414.21. 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 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: ns

October 21, 2008

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