



## Legislation Text

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**File #: 160487, Version: 1**

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160487  
SUBSTITUTE 1  
150294  
THE CHAIR

Substitute resolution amending a special privilege to Florida Lofts LLC for addition of six moveable planters in the public right-of-way for the premises at 408 West Florida Street, in the 12<sup>th</sup> Aldermanic District.

This resolution amends a special privilege to Florida Lofts LLC for addition of six moveable planters in the public right-of-way for the premises at 408 West Florida Street.

Whereas, Florida Lofts LLC had previously requested permission to construct and maintain three awnings that project into the public right-of-way beyond what is permitted by the Milwaukee Code of Ordinances; and

Whereas, Permission for said awnings was granted under Common Council Resolution File Number 150294; and

Whereas, Florida Lofts LLC is now requesting permission to install and maintain six moveable planters in the public right-of-way; and

Whereas, Said moveable planters 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 150294 is hereby rescinded; and, be it

Further Resolved, That Florida Lofts LLC, 122 West Washington Avenue #350, Madison, Wisconsin 53703 is hereby granted the following special privileges:

1. To install and maintain three square concrete moveable planters in the north sidewalk area of West Florida Street. Said planters are located on the curb extension located between South 4<sup>th</sup> Street and a point approximately 115 feet to the west. Said planters are all 3 feet square and 3 feet tall.
2. To install and maintain three wood and metal moveable planters adjacent to the building in the north sidewalk area of West Florida Street. Said planters are 2 feet 6 inches long, 2 feet wide and 2 feet tall.
3. To keep and maintain three excess awning projections projecting 7 feet 2 inches into the north, 15-foot wide sidewalk area of West Florida Street. Going east to west, the awnings are 16 feet 6 inches, 16 feet 6 inches and 16 feet in length. Said awnings, which are constructed out of metal, are fully supported by the building. The awnings are located towards the west end of the building between South 4<sup>th</sup> Street and vacated South 5<sup>th</sup> Street. Said awnings project more than the 6 feet permitted under Section 245-7-4 of the Milwaukee Code of Ordinances. The minimum height of the bottom of the awning to the

Said 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 it is 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, Florida Lofts 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 Commissioner of Public Works 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. The insurance policy shall provide that it shall not be cancelled until after at least thirty days' notice in writing to the Commissioner of Public Works.
3. Pay to the City Treasurer an annual fee, which has an initial amount of \$176.64. 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.

Department of Public Works

Administration Division

JERREL KRUSCHKE/DAWN SCHMIDT

April 16, 2020

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