



## Legislation Text

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**File #: 180509, Version: 1**

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180509

### SUBSTITUTE 1

Substitute resolution granting a special privilege to AREC 19 LLC to construct and maintain a platform with steps and handrails, railing, code non-compliant signs, and steel blocks in the public right-of-way for the premises at 1526 South 1<sup>st</sup> Street, in the 12<sup>th</sup> Aldermanic District.

This resolution grants a special privilege to AREC 19 LLC to construct and maintain a platform with steps and hand rails, a railing extending from the platform structure, three code non-compliant signs, and two steel blocks in the public right-of-way for the premises at 1526 South 1<sup>st</sup> Street.

Whereas, AREC 19 LLC, the applicant, is requesting permission to construct and maintain a platform with steps and handrails and an railing in the public right-of-way; and

Whereas, A site visit revealed the presence of a three code non-compliant signs and two steel blocks 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; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that AREC 19 LLC, 2727 North Central Avenue, Phoenix, AZ 85004 is hereby granted the following special privileges:

1. To construct and maintain a concrete platform with steps and handrails projecting 4 feet 9 inches into the west, 15-foot wide sidewalk area of South Barclay Street. Said 7-foot long structure is centered approximately 540 feet south of the south line of East Orchard Street. The top of the platform is 1 foot 7 inches above the adjacent sidewalk grade.
2. To construct and maintain a handrail extension that projects 7 feet 9 inches beyond the north edge of the platform and step structure described in item #1. The handrail is located approximately 4 feet 9 inches east of the west line of South Barclay Street.
3. To install and maintain two code non-compliant signs projecting 6 inches into the east, 8-foot wide sidewalk area of South 1<sup>st</sup> Street. Said signs are 7 feet 5 inches above the adjacent sidewalk grade, which is less than the 10 feet required under Milwaukee Code of Ordinances Section 244-10. Said signs are located on the north or south side of the garage door entrance to the building centered approximately 215 feet south of the south line of East Orchard Street.
4. To install and maintain one traffic signal sign projecting 1-foot into the east, 8-foot wide sidewalk area of South 1<sup>st</sup> Street. Said sign is 4 feet 4 inches above the adjacent sidewalk grade, which is less than the 10 feet required under Milwaukee Code of Ordinances Section 244-10. Said sign is located on the north side of the garage door entrance to the building centered approximately 215 feet south of the south line of East Orchard Street.
5. To install and maintain two steel blocks being used as guard posts in the east, 8-foot wide sidewalk area of South 1<sup>st</sup> Street. Said blocks are approximately 1-foot wide, 1-foot long, and 1 foot 6 inches tall and are located adjacent to the building face at the east line of South 1<sup>st</sup> Street. The blocks are on either side of the garage door entrance to the building centered approximately 215 feet south of the south line of East Orchard Street.

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 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, AREC 19 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 \$201.96. 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 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

May 12, 2020

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