



Legislation Text

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131802

SUBSTITUTE 1

Substitute resolution granting a special privilege to Riverplace Lofts LLC, Docks Building LLC, and Beam House Apartments LLC to construct and maintain a fence, bollards, guard shack, a security phone, and four gate motors in the public right-of-way for the premises at 625 and 640 West Freshwater Way, in the 12th Aldermanic District.

This resolution grants a special privilege to Riverplace Lofts LLC, Docks Building LLC, and Beam House Apartments LLC to construct and maintain a fence, bollards, guard shack, a security phone, and four gate motors in the public right-of-way for the premises at 625 and 640 West Freshwater Way.

Whereas, Riverplace Lofts LLC, the developer requested permission to construct and maintain an illuminated sign and decorative metal fence in the public right-of-way; and

Whereas, The property has subsequently been divided with the owners of record being Docks Building LLC and Beam House Apartments LLC, which appear to be under the same ownership as Riverplace Lofts LLC per the Wisconsin Department of Financial Institutions Corporate Records; and

Whereas, A site visit revealed the presence of a guard shack, bollards, security phone, and four gate motors in the public right-of-way; however, there was no illuminated sign; and

Whereas, The developer was granted an easement to use the area under the Sixth Street Viaduct for a parking lot and, thus, a special privilege is not required for improvements for the parking lot such as curbs, pavement, and parked vehicles; 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 Riverplace Lofts LLC, Docks Building LLC, and Beam House Apartments LLC, c/o Atlas Development, 700 South Water Street, Milwaukee, Wisconsin 53204 are hereby granted the following special privileges:

1. To construct and maintain a decorative metal fence in the right-of-way of South 6th Street north and south of West Freshwater Way. The north portion of the fence commences north of the ramp for the Hank Aaron State Trail and extends north to the South Menomonee Canal. The south portion of the fence commences at the south side of the ramp for the Hank Aaron State Street and extends south to the southline of West Fresh Water Way where the fence extends east to the eastline of South 6th Street. As an easement was granted to the property owner to use the South 6th Street right-of-way for a parking lot, the fence should be considered a line fence.
2. To construct and maintain a guard shack with appurtenant electrical and communications connections at the west end of West Freshwater Way under the 6th Street Viaduct. Said guard shack is 4 feet 4 inches long and 6 feet deep.
3. To construct and maintain seven bollards in the right-of-way of South 6th Street at the west end of West Freshwater Way adjacent to the entrance and exit to the developments at 625 and 640 West Freshwater Way. Two of said bollards, which are located at the east side of the guard shack, are 6 inches in diameter. Five of said bollards, located adjacent to the gate mechanisms and the security phone, are 4 inches in diameter. All of the bollards are between 3 and 4 feet tall.

4. To install and maintain four gate motors with appurtenant electrical and communications wiring in the South 6th Street right-of-way at the development entrance located at the west end of West Freshwater Way. Said gate motors are 1 foot 9 inches deep, 1 foot 6 inches wide, and 1 foot 6 inches tall. There is one motor for each of four gate swings.
5. To install and maintain a security phone with appurtenant electrical and communications wiring in the South 6th Street right-of-way at the development entrance located at the west end of West Freshwater Way. Said security phone is mounted to a post such that the top of the security phone is 4 feet 7 inches about the adjacent pavement. The security phone itself is 10 inches wide and 6 inches deep.

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 grantees, Riverplace Lofts LLC, Docks Building LLC, and Beam House Apartments 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 \$455.00. 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 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

Administration Division

JERREL KRUSCHKE/DAWN SCHMIDT

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