



## Legislation Details (With Text)

**File #:** 111655 **Version:** 1

**Type:** Resolution **Status:** Passed

**File created:** 4/11/2012 **In control:** PUBLIC WORKS COMMITTEE

**On agenda:** **Final action:** 11/8/2012

**Effective date:**

**Title:** Substitute resolution amending a special privilege to Vitucci's Inc. for addition of various items in the public right-of-way for the premises at 1832 East North Avenue, in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Cover Letter, 2. Petition, 3. Map, 4. Photos, 5. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
4/11/2012	0	COMMON COUNCIL	ASSIGNED TO		
5/1/2012	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
10/18/2012	0	CITY CLERK	DRAFT SUBMITTED		
10/19/2012	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
10/23/2012	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	3:0
11/8/2012	1	COMMON COUNCIL	ADOPTED	Pass	14:1
11/13/2012	1	MAYOR	SIGNED		

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SUBSTITUTE 1  
100467  
THE CHAIR

Substitute resolution amending a special privilege to Vitucci's Inc. for addition of various items in the public right-of-way for the premises at 1832 East North Avenue, in the 3<sup>rd</sup> Aldermanic District.

This resolution amends a special privilege to Vitucci's Inc. for addition of a fence, a concrete landing with step, five moveable planters, two cigarette butt disposal containers and a pergola in the public right-of-way for the premises at 1832 East North Avenue.

Whereas, The applicant had previously requested permission to construct and maintain a covered walk in the public right-of-way; and

Whereas, Permission for said covered walk to occupy the public right-of-way was granted in 2011 under Common Council Resolution File Number 100467; and

Whereas, The applicant is presently requesting permission to construct and maintain a fence, concrete landing with step, moveable planters, and pergola in the public right-of-way; and

Whereas, A site visit revealed the presence two cigarette butt disposal containers 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 100467 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Vitucci's Inc. Attn: Pietro Azzarello, 3240 East Layton Avenue, Cudahy, WI 53110 is hereby granted the following special privileges:

1. To construct and maintain a metal fence enclosing a sidewalk cafe projecting 11 feet 5 inches into the west, 20-foot sidewalk area of North Cramer Street. Said fence, which is 3 feet 6 inches tall, commences at a point approximately 2 feet north of the northline of East North Avenue and extends north 54 feet 4 inches.
2. To construct and maintain one set of concrete steps projecting 4 feet 2 inches into the west, 20-foot wide sidewalk area of North Cramer Street. Said steps are centered approximately 28 feet north of the northline of East North Avenue and are located within the limits of the aforementioned fence.
3. To install and maintain five metal clad moveable planters in the west, 20-foot wide sidewalk area of North Cramer Street positioned adjacent to the aforementioned fence. Said planters will be 16 inches tall, 46 inches long and 16 inches deep.
4. To install and maintain two cigarette butt disposal containers in the public right-of-way. One of the containers is located in the north sidewalk area of East North Avenue, while the other container is located in the west sidewalk area of North Cramer Street.
5. To construct and maintain a pergola projecting 14 feet into the west, 20-foot wide sidewalk area of North Cramer Street. Said pergola is 6 feet 8 inches wide and centered approximately 28 feet north of the northline of East North Avenue. The pergola is supported by the building and by two columns located 6 feet behind the curb, which are each mounted to a 12-inch diameter concrete pier. The minimum vertical clearance between the bottom of the pergola roof and the sidewalk below is 9 feet 6 inches.
6. To keep and maintain a 10-foot wide covered walk projecting 10 feet into the west, 20-foot wide sidewalk area of North Cramer Street. Said covered walk is centered approximately 66 feet north of the northline of East North Avenue. The minimal vertical clearance between the skirt of the covered walk and the sidewalk below is 8 feet.

Said covered walk and pergola shall generally be constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962. The structure frames shall be designed and supported to withstand snow and other loads of not less than 25 pounds per square foot applied in any direction. No guy wire brackets or diagonal braces shall be permitted lower than 8 feet above the sidewalk level. The coverings shall be of approved material. All fixtures and materials for illumination of the covered walks shall be indicated on the construction plans and approved prior to installation. No sign or advertising device shall be hung from, attached to, printed or painted on any part of the covered walk or pergola. The name, street number, or character of the business may be indicated only on the vertical portion of the covering and shall not exceed 8 inches in height.

Said 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, Vitucci's 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 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 \$1815.19. 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  
Infrastructure Services Division

MDL:clm

September 18, 2012

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