

A) DATE: May 7, 2004

File Number: 031332

Original Fiscal Note Substitute

SUBJECT: Substitute resolution to amend a special privilege granted to Hotel Metro, LLC, for a sidewalk café and covered walk to now add permission for a storm enclosure, bench, planters on light poles, planters around the covered walk supports and excess door-swings and eliminate reference to the sidewalk café abutting the property at 411 East Mason Street.

B) SUBMITTED BY Jeffrey S. Polenske, P.E./ City Engineer/Infrastructure Services Division/2400

C) CHECK ONE: ADOPTION OF THIS FILE AUTHORIZES EXPENDITURES.
 ADOPTION OF THIS FILE DOES NOT AUTHORIZE EXPENDITURES; FURTHER COMMON COUNCIL ACTION NEEDED.
 LIST ANTICIPATED COSTS IN SECTION G BELOW.
 NOT APPLICABLE/NO FISCAL IMPACT.

D) CHARGE TO: DEPARTMENTAL ACCOUNT (DA) CONTINGENT FUND (CF)
 CAPITAL PROJECTS FUND (CPF) SPECIAL PURPOSE ACCOUNTS (SPA)
 PERM. IMPROVEMENT FUNDS (PIF) GRANT & AID ACCOUNTS (G & AA)
 OTHER (SPECIFY)

E) PURPOSE	SPECIFY TYPE/USE	ACCOUNT	EXPENDITURE	REVENUE	SAVINGS
SALARIES/WAGES:	Annual billing/initial Inspection		\$2.77/4.04		
SUPPLIES:					
MATERIALS:					
NEW EQUIPMENT:					
EQUIPMENT REPAIR:					
OTHER:				\$198.83	
TOTALS:			\$2.77/4.04	\$198.83	

F) FOR EXPENDITURES AND REVENUES WHICH WILL OCCUR ON AN ANNUAL BASIS OVER SEVERAL YEARS CHECK THE APPROPRIATE BOX

BELOW AND THEN LIST EACH ITEM AND DOLLAR AMOUNT SEPARATELY.

<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Cost Billing - \$2.77/4.04
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	Annual Fee (Income) - \$198.83
<input type="checkbox"/> 1-3 YEARS	<input type="checkbox"/> 3-5 YEARS	

G) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

H) LIST ANY ANTICIPATED FUTURE COSTS THIS PROJECT WILL REQUIRE FOR COMPLETION:

Special Privilege Committee Fee Schedule

PLEASE LIST ANY COMMENTS ON REVERSE SIDE AND CHECK HERE

..Number

031332

..Version

SUBSTITUTE 2

..Reference

971928, 031399

..Sponsor

THE CHAIR

..Title

Substitute resolution to amend a special privilege granted to Hotel Metro, LLC, for a sidewalk café and covered walk to now add permission for a storm enclosure, bench, planters on light poles, planters around the covered walk supports, excess door-swings, and a “fence” full time, whether it is outdoor eating time or not and eliminate reference to the sidewalk café, abutting the property at 411 East Mason Street, in the 4th Aldermanic District in the City of Milwaukee.

..Analysis

This resolution to amend a special privilege granted to Hotel Metro, LLC, for a sidewalk café and covered walk to now add permission for a storm enclosure, bench, planters on light poles, planters around the covered walk supports, excess door-swings and a “fence” and eliminate reference to the sidewalk café, abutting the property at 411 East Mason Street.

..Body

Whereas, Common Council Resolution File Number 971928, adopted on May 27, 1998, granted permission to place tables with chairs thereby establishing a sidewalk café area in the public right-of-way on the east side of North Milwaukee Street, adjacent to the business at 732-48 North Milwaukee Street known as Metro Café; and also granted permission for placement and maintenance of a covered walk at the 411 East Mason Street entrance to the hotel; and

Whereas, Early this year after a storm enclosure was observed to be in place on the sidewalk abutting the business at 732-48 North Milwaukee Street, they were reminded that it was in place without permission and therefore it would either need to be removed or they would need to obtain formal approval through the special privilege process in order for it to remain; and

Whereas, They have now submitted a petition that requests permission to keep and maintain a storm enclosure on the sidewalk area on the east side of North Milwaukee Street adjacent to the subject premises that they had placed without permission ; and

Whereas, Our subsequent field viewing revealed that the storm enclosure is in place as well as the covered walk; and in addition there is a concrete bench along the building on the sidewalk, planters attached to city light poles, planters built around the covered walk supports and a wrought iron style fence enclosing an area that surrounds the sidewalk area dining facility, with planters astride the top rail; and

Whereas, They had previously been reminded that the fence was only allowed to be in place during the outdoor dining season; and

Whereas, They subsequently submitted a written request for the fence to be “up year-round” and subsequently Common Council Resolution File Number 031399 was created; and

Whereas, Said “fence” file is duplicative and that subject can be contained within the subject file; and

Whereas, Permission for the sidewalk café is now given by permit and is no longer given by special privilege and therefore may be deleted from the resolution; and

Whereas, Existence of the covered walk, bench, planters, storm enclosure and fence within the public right-of-way can only be allowed through the adoption of a special privilege resolution by the Common Council; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 971928 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that File Number 031399 is hereby placed on file; and, be it

Further Resolved, By the Common Council of the City of Milwaukee, that Hotel Metro, LLC, 411 East Mason Street, Milwaukee, Wisconsin 53202, is hereby granted the following special privileges:

1. To keep, use and maintain a storm enclosure on the east sidewalk area of North Milwaukee Street adjacent to the business at 732-48 North Milwaukee Street. Said storm enclosure is approximately 5.6 feet wide, approximately 8.5-feet high and extends approximately 6.5 feet into the 15-foot wide fully concrete paved public sidewalk area. The enclosure is centered at a point approximately 64 feet south of the southline of East Mason Street.

2. To keep, use and maintain a covered walk at the property known as 411 East Mason Street. Said covered walk, 8 feet 3 inches in width, is centered approximately 90 feet east of the eastline of North Milwaukee Street and encroaches approximately 11 feet into the 12-foot wide public sidewalk area at this specific location on the south side of East Mason Street. The covered walk is supported by the building and by vertical supports on each side of the structure near each corner closest to the curb approximately 7-feet north of the southline of East Mason Street. This would provide approximately 6 feet 9 inches of clear width for through pedestrians. (see item #4 below) The minimum vertical clearance between the skirt of the covered walk and the sidewalk below shall be 8 feet.

Said covered walk shall generally have been constructed in accordance with the policies set forth in Common Council Resolution File Number 62-1211-a, adopted July 24, 1962, i.e., designed and supported to withstand snow and other loads of not less than 25 pounds per square foot and wind pressure of 20 pounds per square foot applied in any direction; no guy wires, brackets or diagonal braces permitted lower than 8 feet above the sidewalk level and the covering shall be of approved material.

All fixtures and materials for illumination of the covered walk shall have been indicated upon 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. 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.

The grantee is required to keep a "Loading Zone" or have a "No Parking" status adjacent to the covered walk as long as the covered walk occupies the public right-of-way.

Prior to installation, permits shall have been obtained from the Commissioners of Public Works and City Development for the covered walk structure itself and from the Commissioner of Public Works to occupy the right-of-way during construction.

3. To keep, use and maintain a concrete bench slab generally abutting the East Mason Street side of the building at 411 East Mason Street that is approximately 6-feet long, 1.85 feet deep and centered approximately 75 feet east of the eastline of North Milwaukee Street and 1 foot north of the southline of East Mason Street. The seat is approximately 16 inches above the sidewalk.

4. To keep, use and maintain, including the plant material, two 2-foot diameter planters surrounding City harp light poles approximately 7.5 feet above the sidewalk, along the building at 411 East Mason Street with one being on each abutting street: 67 feet south of the southline of East Mason Street on North Milwaukee Street and 50 feet east of the eastline of North Milwaukee Street on East Mason Street.

5. To keep, use and maintain, including the plant material, two 2-foot square, 1.7 foot high planters surrounding the vertical supports of the covered walk of item #2 above. There is approximately 5.75 feet of horizontal clearance for pedestrians between the building and the planter and approximately 4.2 feet between the planter and the curbline.

6. To keep, use and maintain one set of 3-foot wide double doors, that have a total encroachment of approximately 1.8 feet, being 0.8 feet in excess of the 12 inches allowable at the entrance on East Mason Street at the location of the covered walk of item #2 above.

7. To keep, use and maintain a 60-foot long fence area in place in the public right-of-way on the east side of North Milwaukee Street along the Café Metro located at 732-48 North Milwaukee Street which projects approximately 6.5 feet. Said fence shall be allowed to have 11 planters astride the top rail of the fence. The area begins immediately south of the storm enclosure of item 2 above

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Hotel Metro, 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 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 \$500,000.00 such bond to be approved by the City Attorney. The 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 \$250,000 covering bodily injury to any one person and \$40,000 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. Both bond and insurance policy shall provide that they shall not be canceled 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 \$561.51. 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 any 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.

..Requestor

Department of Public Works

..Drafter

Infrastructure Services Division

JJM:cjt

May 3, 2004

031332

CITY OF MILWAUKEE FISCAL NOTE

CC-170 (REV. 6/86)

Ref: GEN\FISCALNT.MST

A) DATE: May 3, 2004

File Number: 031332

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