

..Number

130808

..Version

SUBSTITUTE

..Reference

030221

..Sponsor

..Title

Substitute resolution granting a special privilege to The Chef's Table LLC for a wood entrance structure and a backup driveway in the public right-of-way for the premises at 500 South 3rd Street, in the 12th Aldermanic District.

..Analysis

This resolution grants a special privilege to The Chef's Table LLC to construct and maintain a wood entrance structure with platforms and steps and to keep and maintain a backup driveway in the public right-of-way for the premises at 500 South 3rd Street.

..Body

Whereas, The applicant has renovated the existing building and as part of the renovation constructed a new wood entrance structure; and

Whereas, A previously existing loading dock, which had not been in use for a number of years, will be returned to use; 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 The Chef's Table, 500 South 3rd Street, Milwaukee, WI 53204 is hereby granted the following special privileges:

1. To construct and maintain a wood structure located at the southeast corner of West Virginia Street and South 3rd Street, which consists of two platforms with different heights connected by one step and a set of steps at the east side of the lower platform. Said structure projects 5 feet 9 inches into the east, 20-foot wide sidewalk area of South 3rd Street, commencing at the southline of West Virginia Street and extending south 11 feet 7 inches. Said structure projects 4 feet 3 inches into the south, 15-foot wide sidewalk area of West Virginia Street, commencing at the eastline of South 3rd Street and extending east 8 feet 10 inches.

2. To keep and maintain a 23-foot wide back up driveway centered approximately 65 feet east of the eastline of South 3rd Street that serves a 6-foot 3-inch wide loading dock door. Vehicles using the driveway may not extend beyond the centerline of West Virginia Street. The grantee must ensure sufficient traffic control while using the backup driveway to allow continued, safe traffic flow on West Virginia Street. Traffic control measures may include, but are not limited to flag persons and traffic cones.

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, The Chef's Table 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 \$509.45. 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.

..Requestor

Department of Public Works

..Drafter

Infrastructure Services Division

MICHAEL LOUGHRAN/DAWN SCHMIDT/C. MURPHY

August 8, 2014