



Legislation Details (With Text)

**File #:** 091114      **Version:** 1

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

**File created:** 12/22/2009      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 7/7/2010

**Effective date:**

**Title:** Substitute resolution amending a special privilege to Pipito Inc for removal of a popcorn wagon and for addition of six moveable planters in the public right-of-way for the premises at 7718-20 West Burleigh Street, in the 5th Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Fiscal Note, 2. Special Privilege Petition, 3. Letter from Department of Public Works, 4. Photos, 5. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
12/22/2009	0	COMMON COUNCIL	ASSIGNED TO		
6/18/2010	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/18/2010	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/18/2010	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/18/2010	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
6/18/2010	1	CITY CLERK	DRAFT SUBMITTED		
6/23/2010	0	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
7/7/2010	1	COMMON COUNCIL	ADOPTED	Pass	13:0
7/9/2010	1	MAYOR	SIGNED		

091114  
SUBSTITUTE 1  
921064  
THE CHAIR

Substitute resolution amending a special privilege to Pipito Inc for removal of a popcorn wagon and for addition of six moveable planters in the public right-of-way for the premises at 7718-20 West Burleigh Street, in the 5<sup>th</sup> Aldermanic District.

This resolution amends a special privilege to Pipito Inc for removal of a popcorn wagon from the public right-of-way and for addition of six moveable planters in the public right-of-way for the premises at 7718-20 West Burleigh Street. Whereas, Pipito Inc d/b/a Mama Mia Restaurant requested permission to keep and maintain a popcorn wagon, two covered walks, and four moveable planters in the public right-of-way; and

Whereas, Permission for said items was granted in 1992 under Common Council Resolution File Number 921064; and

Whereas, The applicant has removed the popcorn wagon from the public right-of-way; and

Whereas, A site visit revealed the presence of six additional moveable planters in the public right-of-way; and

Whereas, To eliminate property owner’s liability for said popcorn wagon and to grant permission for the six additional

moveable planters, the Common Council needs to adopt an amending resolution; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 921064 is hereby rescinded; and, be it

Further Resolved, That Pipito Inc, 7718 West Burleigh Street, Milwaukee, Wisconsin 53222, is hereby granted the following special privileges:

1. To keep and maintain ten, 4-foot diameter concrete moveable planters in the north, 12-foot wide sidewalk area of West Burleigh Street. Said planters are centered approximately 9 feet south of the northline of West Burleigh Street and are evenly spaced between the westline of North 77<sup>th</sup> Street and a point approximately 200 feet to the west.
2. To keep and maintain two covered walks projecting 10 feet into the north, 12-foot wide sidewalk area of West Burleigh Street. The east covered walk is 6 feet 6 inches wide and centered approximately 81 feet west of the westline of North 77<sup>th</sup> Street. The west covered walk is 9 feet wide and centered approximately 160 feet west of the westline of North 77<sup>th</sup> Street.

Said covered walks 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 covered walk frame 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 walks. 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 applicant is not required to maintain a "Loading Zone" or other "No Parking" adjacent to either covered walk.

Said above-mentioned 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, Pipito 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 City Clerk 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 own 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 cancelled 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 \$300.00. 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 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 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:ns

June 7, 2010

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