



Legislation Details (With Text)

File #: 020481 **Version:** 1
Type: Resolution **Status:** Passed
File created: 7/16/2002 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:** 9/24/2002
Effective date:

Title: Substitute resolution amending a special privilege granted to Hotel Pharmacy Inc., to install and maintain five 4-foot square tree box-outs with grates and guards, seven planter boxes with footings and a structural encroachment consisting of a protective overhang supported by two sidewalls, on the east sidewalk area of North Astor Street and the south sidewalk area of East Brady Street, to now add permission for a bench to be placed in the sidewalk area all abutting 1696 North Astor Street, in the 3rd Aldermanic District in the City of Milwaukee.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments: 1. Special Privilege Application.PDF, 2. Cover Letter.pdf, 3. Fiscal Note.pdf

Date	Ver.	Action By	Action	Result	Tally
7/16/2002	0	COMMON COUNCIL	ASSIGNED TO		
7/17/2002		PUBLIC WORKS COMMITTEE	REFERRED TO		
9/6/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/6/2002	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/9/2002	1	CITY CLERK	DRAFT SUBMITTED		
9/11/2002	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
9/24/2002	1	COMMON COUNCIL	ADOPTED	Pass	16:0
10/3/2002	1	MAYOR	SIGNED		

020481
SUBSTITUTE
830900
THE CHAIR

Substitute resolution amending a special privilege granted to Hotel Pharmacy Inc., to install and maintain five 4-foot square tree box-outs with grates and guards, seven planter boxes with footings and a structural encroachment consisting of a protective overhang supported by two sidewalls, on the east sidewalk area of North Astor Street and the south sidewalk area of East Brady Street, to now add permission for a bench to be placed in the sidewalk area all abutting 1696 North Astor Street, in the 3rd Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to Hotel Pharmacy Inc., to install and maintain five 4-foot square tree box-outs with grates and guards, seven planter boxes with footings and a structural encroachment consisting of a protective overhang supported by two sidewalls, on the east sidewalk area of North Astor Street and the south sidewalk area of East Brady Street, to now add permission for a bench to be placed on one of the tree grates on East Brady Street all abutting 1696 North Astor Street, in the 3rd Aldermanic District in the City of Milwaukee.

Whereas, Hotel Pharmacy Inc. was granted a special privilege under Common Council Resolution File Number 830900, to install and maintain in-ground planters, tree box-outs with grates and guards and a structural encroachment at the premises located at 1696 North Astor Street; and

Whereas, The owner wishes to keep the previously permitted items and now place a bench on the sidewalk in the public right-of-way; and

Whereas, Said items may only legally occupy the public right-of-way by the granting 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 830900 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Hotel Pharmacy Inc., 1696 North Astor Street, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To keep and maintain five 4-foot square tree box-outs with grates and tree guards, approximately 18 inches in diameter, located as follows: four box-outs are located in the 13-foot wide south sidewalk area of East Brady Street, centered approximately 10.5 feet north of the southline of East Brady Street and approximately 11, 36, 61 and 86 feet east of the eastline of North Astor Street; one box-out located in the 23-foot wide east sidewalk area of North Astor Street, centered approximately 15 feet west of the eastline of North Astor Street and approximately 68 feet south of the southline of East Brady Street. The tree grates shall be designed and supported such that they can sustain a live load of at least 250 pounds per square foot and be flush with the sidewalk with grate openings not exceeding $\frac{3}{4}$ inch in the direction of general pedestrian travel. The tree guards shall be designed and installed so that the top of the guard shall be no less than 6 feet above the adjacent established grade.
2. To keep and maintain seven in-ground planter boxes, including subgrade footings, 3.7 feet wide and 6 inches high, in the public way as follows:
 - a. One box in the east sidewalk area of North Astor Street extending approximately 45.5 feet north from a point approximately 88 feet south of the southline of East Brady Street.
 - b. One box in the east sidewalk area of North Astor Street extending from a point approximately 16 feet south of the southline of East Brady Street,
3. To keep and maintain a structural encroachment at the main building entrance on North Astor Street. Said encroachment shall consist of a protective overhang supported by two sidewalls, encroaching approximately 3.1 feet into the east sidewalk area of North Astor Street and the overhang shall be no more than 3.5 feet high and shall provide a minimum vertical clearance of 10 feet to the sidewalk grade below. The structure is 27 feet long, extending north from a point approximately 43 feet south of the southline of East Brady Street.
4. To install and maintain a metal bench on top of the tree grates and surrounding the tree guard on North Astor Street as located in Item 1 above.

Said items shall be designed, constructed and maintained to the approval of the Commissioner of Public Works and the Commissioner of the Department of Neighborhood Services. Any necessary permits shall be obtained prior to placing the bench; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Hotel Pharmacy Inc. d/b/a Brady Street Pharmacy 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 \$5,000.00 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 \$100,000 covering bodily injury to any one person and \$300,000 covering bodily injury to more than one person in any one accident and \$50,000 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 \$186.55. 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 66.0915((3) 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.

Department of Public Works
Infrastructure Services Division
JJM:cjt
September 4, 2002
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