



Legislation Details (With Text)

**File #:** 081498      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 3/3/2009      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 5/5/2009  
**Effective date:**

**Title:** Substitute resolution amending a special privilege to Mark Saigh for addition of a covered walk and for change of ownership for an existing dumpster enclosure, moveable planters and a concrete step for the premises at 1673-77 North Farwell Avenue, in the 3rd Aldermanic District.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

**Attachments:** 1. Special Privilege Petition, 2. Dept of Public Works cover letter, 3. Fiscal note, 4. Pictures, 5. Hearing Notice List

Date	Ver.	Action By	Action	Result	Tally
3/3/2009	0	COMMON COUNCIL	ASSIGNED TO		
3/4/2009	0	PUBLIC WORKS COMMITTEE	REFERRED TO		
4/15/2009	1	CITY CLERK	DRAFT SUBMITTED		
4/16/2009	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
4/22/2009	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
5/5/2009	1	COMMON COUNCIL	ADOPTED	Pass	14:0
5/13/2009	1	MAYOR	SIGNED		

081498  
SUBSTITUTE 1  
030313  
THE CHAIR

Substitute resolution amending a special privilege to Mark Saigh for addition of a covered walk and for change of ownership for an existing dumpster enclosure, moveable planters and a concrete step for the premises at 1673-77 North Farwell Avenue, in the 3<sup>rd</sup> Aldermanic District.  
This resolution amends a special privilege to Mark Saigh for addition of a covered walk and for change of ownership for an existing dumpster enclosure, moveable planters and a concrete step for the premises at 1673-77 North Farwell Avenue. Whereas, II Dolce Vita LLC, a tenant of the subject premises, requested permission to construct and maintain a covered walk in the public right-of-way; and

Whereas, Special privileges are normally granted to property owners; and

Whereas, Mark Saigh owns the property and he has confirmed via telephone conversation that he is amenable to the installation of the covered walk and that he will take responsibility for the duties of this special privilege; and

Whereas, A previous property owner requested permission to construct and maintain two dumpster enclosures, moveable planters and to keep and maintain a concrete step in the public right-of-way; and

Whereas, Permission for said items was granted under Common Council Resolution File Number 030313 in March 2004; and

Whereas, Said items may only legally encroach into the public right-of-way by the 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 030313 is hereby rescinded; and, be it

Further Resolved, That Mark Saigh, c/o Mimi Trust, 1325 East Altadena Drive, Altadena, California 91001 is hereby granted the following special privileges:

1. To construct and maintain a covered walk projecting 9 feet into the west, 11-foot wide sidewalk area of North Farwell Avenue. Said 6-foot 10-inch wide covered walk is centered approximately 46 feet southerly of southline of East Brady Street. The covered walk is supported by the building at one end and by vertical supports located approximately 2 feet from the curb line. The minimal vertical clearance between the skirt of the covered walk and the sidewalk below is 8 feet.

Said covered walk 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 covering shall be of approved material. All fixtures and materials for illumination of the covered walk 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.

Due to the premium of parking in the vicinity of the subject premises, the grantee is not required to keep a "Loading Zone" or "No Parking" status adjacent to the covered walk.

2. To keep and maintain a concrete step projecting 1 foot into the south, 13-foot wide sidewalk area of East Brady Street. Said step is 6 feet 7 inches long and is centered approximately 64 feet west of the westerly line of North Farwell Avenue.

3. To keep and maintain four "whiskey barrel" type moveable planters being 1 foot 6 inches in diameter and 2 feet tall. Two of the planters are located in the south, 13-foot wide sidewalk area of East Brady Street. The other two planters are located in the westerly, 11-foot wide sidewalk area of North Farwell Avenue.

4. To keep and maintain a cigarette butt container in the westerly, 11-foot wide sidewalk area of North Farwell Avenue. Said container is 1 foot 6 inches in diameter and 3 feet tall. The container is located adjacent to the entrance of the premises at 1677 North Farwell Avenue which is presently a Starbucks coffee shop.

5. To keep, use and maintain a 5-foot tall wood fence-like enclosure for concealing a dumpster, projecting 5 feet 4 inches into the south, 13-foot sidewalk area of East Brady Street. Said enclosure is 10 feet 8 inches long and is centered approximately 43 feet west of the westerly line of North Farwell Avenue.

Said above-mentioned items shall be used, kept, and maintained to the satisfaction of the Commissioners of Public Works and Department of Neighborhood Services. All necessary permits shall have been obtained prior to the granting of this special privilege.

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 accepting this special privilege the

grantee, Mark Saigh, 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 \$2,000.00 such bond to be approved by the City Attorney. This 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 \$50,000 covering bodily injury to any one person and \$100,000 covering bodily injury to more than one person in any one accident and \$20,000 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 \$495.90. 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 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

MDL:ns

April 7, 2009

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