



Legislation Details (With Text)

File #: 980617 **Version:** 1
Type: Resolution **Status:** Passed
File created: 9/1/1998 **In control:** PUBLIC WORKS COMMITTEE
On agenda: **Final action:** 10/9/1998
Effective date:

Title: Substitute resolution to grant a special privilege to Bravo Restaurants, Inc., to place a covered walk on the east side of North Jefferson Street within the public right-of-way at the building entrance located approximately 165 feet south of East Wells Street, at 770 North Jefferson Street, in the 4th Aldermanic District in the City of Milwaukee.

Sponsors: THE CHAIR

Indexes: SPECIAL PRIVILEGE PERMITS

Attachments:

Date	Ver.	Action By	Action	Result	Tally
9/1/1998	0	COMMON COUNCIL	ASSIGNED TO		
9/1/1998		PUBLIC WORKS COMMITTEE	REFERRED TO		
9/24/1998	0	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
9/29/1998	1	CITY CLERK	DRAFT SUBMITTED		
10/1/1998	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	4:0
10/9/1998	1	COMMON COUNCIL	ADOPTED	Pass	16:1
10/19/1998	1	MAYOR	SIGNED		

980617
SUBSTITUTE

THE CHAIR

Substitute resolution to grant a special privilege to Bravo Restaurants, Inc., to place a covered walk on the east side of North Jefferson Street within the public right-of-way at the building entrance located approximately 165 feet south of East Wells Street, at 770 North Jefferson Street, in the 4th Aldermanic District in the City of Milwaukee.

- Analysis -

This special privilege grants the applicant, Bravo Restaurants Inc., (Ed Debevic's) permission to place and maintain a covered walk on the east side of North Jefferson Street encroaching into the public right-of-way at the building entrance located approximately 165 feet south of East Wells Street, at 770 North Jefferson Street for the restaurant known as Ed Debevic's.

Whereas, The applicant desires to place and maintain a covered walk at the entrance to the premises for the restaurant known as Ed Debevic's at 770 North Jefferson Street located approximately 165 feet south of the southline of East Wells Street; and

Whereas, Said covered walk 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 Bravo Investments, Inc., 205 West Wacker Drive, Number 1800, Chicago, IL 60606, is hereby granted the following special privilege:

To erect and maintain a covered walk at the entrance to the building located approximately 165 feet south of the southline of East Wells Street at 770 North Jefferson Street. Said covered walk, 10 feet 4 inches in width, is to be centered approximately 165 feet south of the southline of East Wells Street and shall encroach approximately 13 feet 8 inches into the approximately 15-foot wide sidewalk area on the east side of

North Jefferson Street. The covered walk shall be supported by vertical supports located as follows:

- one vertical post at each corner of the covered walk adjacent to the building
- one vertical post on each side of the covered walk approximately 1 foot 4 inches from (west of) the building
- one vertical post on each side of the covered walk approximately 9 feet 10 inches west of the building being approximately 5 feet 4 inches from the curb
- one vertical post on each side of the covered walk approximately 11 feet 2 inches west of the building
- one vertical post on each side of the covered walk approximately 1 foot 4 inches diagonally inward from the aforementioned posts which are 11 feet 2 inches west of the building, being approximately 3 feet from the curb

Post covers may be placed grouping the inner two and outer three vertical supports.

There shall be an approximate 8-foot 4-inch wide opening on the sidewalk between the vertical supports and post covers. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below shall be 9-feet 3-inches.

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 and wind pressure of 20 pounds per square foot applied in any direction. No guy wires, 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 covered walks shall be 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 on the front of the covered walk and shall not exceed 18 inches in height.

The grantee will be 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.

Said covered walk shall be constructed, installed, maintained and used to the approval of the Commissioner of Public Works and the Commissioner of Building Inspection.

Prior to installation, permits shall be obtained from the Commissioners of Public Works and Building Inspection for the covered walk structure itself and from the Commissioner of Public Works to occupy the right-of-way during construction.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Bravo Restaurants, 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 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 \$1,000.00 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 \$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. 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 \$75.00. 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 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 66.045 of the Wisconsin Statutes (1979), 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 Building Inspection shall have the authority to seek, by resolution, revocation of said special privilege.

Infrastructure Services Division

JJM:cjt

September 28, 1998

980617