



## Legislation Details (With Text)

<b>File #:</b>	111284	<b>Version:</b>	1
<b>Type:</b>	Resolution	<b>Status:</b>	Passed
<b>File created:</b>	1/18/2012	<b>In control:</b>	PUBLIC WORKS COMMITTEE
<b>On agenda:</b>		<b>Final action:</b>	6/12/2012
<b>Effective date:</b>			
<b>Title:</b>	Substitute resolution granting a special privilege to John E. Kelly to construct and maintain various items in the public right-of-way for the premises at 3129 North Bremen Street, in the 3rd Aldermanic District.		
<b>Sponsors:</b>	THE CHAIR		
<b>Indexes:</b>	SPECIAL PRIVILEGE PERMITS		
<b>Attachments:</b>	1. Cover Letter, 2. Petition, 3. Map, 4. Photos		

Date	Ver.	Action By	Action	Result	Tally
1/18/2012	0	COMMON COUNCIL	ASSIGNED TO		
5/24/2012	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/24/2012	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/24/2012	1	PUBLIC WORKS COMMITTEE	HEARING NOTICES SENT		
5/30/2012	1	PUBLIC WORKS COMMITTEE	RECOMMENDED FOR ADOPTION	Pass	5:0
6/12/2012	1	COMMON COUNCIL	ADOPTED	Pass	15:0
6/21/2012	1	MAYOR	SIGNED		

111284  
SUBSTITUTE  
101316  
THE CHAIR

Substitute resolution granting a special privilege to John E. Kelly to construct and maintain various items in the public right-of-way for the premises at 3129 North Bremen Street, in the 3<sup>rd</sup> Aldermanic District.

This resolution grants a special privilege to John E. Kelly to construct and maintain a café enclosure, storm enclosure, two sets of steps, brick walkways, dumpsters, and picnic tables in the public right-of-way for the premises at 3129 North Bremen Street.

Whereas, George Mireles, an owner of Café Corazon restaurant, which is a tenant of the subject premises, requested permission to construct and maintain a café enclosure in the public right-of-way; and

Whereas, John E. Kelly is the owner of record of the subject property and the applicant of this special privilege; and

Whereas, A site visit revealed the presence of two sets of concrete steps, a storm enclosure, two dumpsters, brick walkways and three picnic tables in the public right-of-way; 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 John E. Kelly, 3129 North Bremen Street, Milwaukee, WI 53212 is hereby granted the following special privileges:

1. To construct and maintain an enclosure for a café in the bicycle and pedestrian right-of-way abutting the subject premises. The enclosure consists of wooden structural supports and roof framing topped by corrugated plastic roofing that is supported by the building on the north side and wood posts on the south side. The enclosure has walls of plastic and canvas material supported by a metal frame attached to the wood structure. Said enclosure, which is 35 feet 5 inches long, projects into the public way 12 feet 5 inches at the east end and 7 feet 5 inches at the west end.
2. To construct and maintain two sets of concrete steps, each with handrails, projecting into the west, 19-foot sidewalk area of North Bremen Street. The north set of steps, which are 4 feet wide, project 4 feet 2 inches into the public way and are centered approximately 55 feet north of the northerly line of the bicycle and pedestrian right-of-way. The south set of steps, which are 5 feet 6 inches wide, project up to 4 feet into the public way over a distance of 9 feet. Said south set of steps is centered approximately 20 feet north of the northerly line of the bicycle and pedestrian right-of-way.
3. To construct and maintain a storm enclosure covering the south set of concrete steps described in Item #2 above. The enclosure is bolted to the edge of the steps so that the handrails are within the enclosure. There is a 3-foot wide door in the east face of the enclosure.
4. To keep and maintain two dumpsters in the west, 19-foot wide sidewalk area of North Bremen Street. Said dumpsters measure 6 feet 6 inches long by 3 feet 6 inches wide.
5. To keep and maintain three picnic tables in the bicycle and pedestrian right-of-way west of the westline of North Bremen Street. Said picnic tables are 5 feet 5 inches wide and 5 feet 3 inches long.
6. To construct and maintain two brick walkways connecting the café enclosure described in Item #1 to the paved public sidewalk in the west sidewalk area of North Bremen Street. Said walkways conform to the existing slope of the lawn area between the paved public sidewalk and the café enclosure.

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, John E. Kelly, 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 \$290.15. 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 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:clm

April 30, 2012

111284