



Legislation Details (With Text)

**File #:** 021587      **Version:** 1  
**Type:** Resolution      **Status:** Passed  
**File created:** 2/11/2003      **In control:** PUBLIC WORKS COMMITTEE  
**On agenda:**      **Final action:** 4/15/2003  
**Effective date:**

**Title:** Substitute resolution amending a special privilege, that granted permission to The Athenian's Restaurant, Inc., to place a covered walk on the west side of North Prospect Avenue within the public right-of-way at 2239 North Prospect Avenue, to now grant permission to place another covered walk within the public right-of-way abutting the same building on the south side of East Ivanhoe Place, in the 3rd Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

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

| Date      | Ver. | Action By              | Action                   | Result | Tally |
|-----------|------|------------------------|--------------------------|--------|-------|
| 2/11/2003 | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 2/12/2003 |      | PUBLIC WORKS COMMITTEE | REFERRED TO              |        |       |
| 3/27/2003 | 0    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 3/27/2003 | 0    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 3/31/2003 | 1    | CITY CLERK             | DRAFT SUBMITTED          |        |       |
| 4/2/2003  | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 4:0   |
| 4/15/2003 | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 16:0  |
| 4/16/2003 | 1    | MAYOR                  | SIGNED                   |        |       |

Number  
021587  
SUBSTITUTE  
991485  
THE CHAIR

Substitute resolution amending a special privilege, that granted permission to The Athenian's Restaurant, Inc., to place a covered walk on the west side of North Prospect Avenue within the public right-of-way at 2239 North Prospect Avenue, to now grant permission to place another covered walk within the public right-of-way abutting the same building on the south side of East Ivanhoe Place, in the 3<sup>rd</sup> Aldermanic District in the City of Milwaukee.

This resolution amends a special privilege granted to The Athenian's Restaurant, Inc. to place and maintain a covered walk on the west side of North Prospect Avenue, encroaching into the public right-of-way abutting the premises at 2239 North Prospect Avenue, to now grant permission to place another covered walk within the public right-of-way on the south side of East Ivanhoe Place.

Whereas, The Athenian's Restaurant, Inc. was granted a special privilege under Common Council Resolution File Number 991485, adopted on May 23, 2000, to erect and maintain a covered walk within the public right-of-way at the North Prospect Avenue entrance to the building located at 2239 North Prospect Avenue; and

Whereas, The Athenian's Restaurant, Inc. now wishes to erect another covered walk within the public right-of-way at the East Ivanhoe Place entrance to the building at 2239 North Prospect Avenue; and

Whereas, Said covered walks 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 991485 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that The Athenian's Restaurant, Inc., 2239 North Prospect Avenue, Milwaukee, WI 53202, is hereby granted the following special privileges:

1. To erect, use and maintain a covered walk at the property known as 2239 North Prospect Avenue. Said covered walk, 11 feet 4 ½ inches in width, is centered approximately 62 feet west of the westline of North Prospect Avenue and encroaches approximately 7 feet 11 inches into the 10-foot wide fully concrete paved sidewalk area on the south side of East Ivanhoe Place at the 2239 North Prospect Avenue address. The covered walk is supported by the building and by two vertical supports near each corner closest to the curb along each side of the covered walk. Each vertical support nearest the curb is centered approximately 2 feet from the curblines. There is an approximately 11 feet 4 ½ inch wide opening between the vertical supports, which parallel the curb face. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below shall be 8 feet.
2. To keep, use and maintain a covered walk at the property known as 2239 North Prospect Avenue. Said covered walk, 6 feet in width, is centered approximately 70 feet south of the southline of East Ivanhoe Place and encroaches approximately 16 feet 5 inches into the 18-foot wide fully concrete paved sidewalk area on the west side of North Prospect Avenue at the 2239 North Prospect Avenue address. The covered walk is supported by the building and by two vertical supports near each corner closest to the curb along each side of the covered walk. Each vertical support nearest the curb is centered approximately 2 feet from the curblines. There is an approximately 6-foot wide opening between the vertical supports, which parallel the curb face. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below is 8 feet 6 inches.

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 frames 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 coverings 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 walks. The name, street number, or character of the business may be indicated only on the vertical portion of the coverings and shall not exceed 24 inches in height, including logos.

The grantee will be required to keep a "Loading Zone" or have a "No Parking" status adjacent to the covered walks as long as the covered walks occupy the public right-of-way.

Said covered walks shall be constructed, installed, maintained and used to the approval of the Departments of Public Works and 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, The Athenian's Restaurant, 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 \$2,000.00 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 \$150.00. 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 66.0425 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

JJM:cjt  
March 28, 2003  
021587