



Legislation Details (With Text)

**File #:** 020903      **Version:** 1

**Type:** Resolution      **Status:** Passed

**File created:** 10/15/2002      **In control:** PUBLIC WORKS COMMITTEE

**On agenda:**      **Final action:** 12/20/2002

**Effective date:**

**Title:** Substitute resolution to grant a special privilege to Working Class LLC to keep and maintain a recently installed covered walk on the north side of West Fond du Lac Avenue within the public right-of-way at the 1810-16 West Fond du Lac Avenue building entrance to the restaurant and tavern as well as existing kitchen venting projecting into North 18th Street, in the 17th Aldermanic District in the City of Milwaukee.

**Sponsors:** THE CHAIR

**Indexes:** SPECIAL PRIVILEGE PERMITS

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

| Date       | Ver. | Action By              | Action                   | Result | Tally |
|------------|------|------------------------|--------------------------|--------|-------|
| 10/15/2002 | 0    | COMMON COUNCIL         | ASSIGNED TO              |        |       |
| 10/16/2002 |      | PUBLIC WORKS COMMITTEE | REFERRED TO              |        |       |
| 12/4/2002  | 0    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 12/4/2002  | 0    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 12/4/2002  | 0    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 12/4/2002  | 0    | PUBLIC WORKS COMMITTEE | HEARING NOTICES SENT     |        |       |
| 12/4/2002  | 1    | CITY CLERK             | DRAFT SUBMITTED          |        |       |
| 12/11/2002 | 1    | PUBLIC WORKS COMMITTEE | RECOMMENDED FOR ADOPTION | Pass   | 5:0   |
| 12/20/2002 | 1    | COMMON COUNCIL         | ADOPTED                  | Pass   | 16:0  |
| 12/23/2002 | 1    | MAYOR                  | SIGNED                   |        |       |

020903  
 SUBSTITUTE  
 THE CHAIR

Substitute resolution to grant a special privilege to Working Class LLC to keep and maintain a recently installed covered walk on the north side of West Fond du Lac Avenue within the public right-of-way at the 1810-16 West Fond du Lac Avenue building entrance to the restaurant and tavern as well as existing kitchen venting projecting into North 18<sup>th</sup> Street, in the 17<sup>th</sup> Aldermanic District in the City of Milwaukee.

This special privilege grants Working Class LLC permission to keep and maintain a recently installed covered walk on the north side of West Fond du Lac Avenue encroaching into the public right-of-way abutting the premises at 1810-16 West Fond du Lac Avenue and also existing kitchen venting projecting into North 18<sup>th</sup> Street.

Whereas, The applicant desired to have a covered walk at 1810-16 West Fond du Lac Avenue; and

Whereas, It was observed that a covered walk was installed at 1810-16 West Fond du Lac Avenue; and

Whereas, No permit had been obtained to allow its placement; and

Whereas, Said covered walk may only legally occupy the public right-of-way by the and granting of a special privilege resolution by the Common Council; and

Whereas, The owner was so notified and obtained a Petition for Special Privilege and promptly submitted it; and

Whereas, Our field viewing disclosed that the kitchen venting at this building projects approximately 4 feet into North 18<sup>th</sup> Street approximately 10 feet above the sidewalk and also requires Code relief in order to remain in the right-of-way; now, therefore, be it

Resolved, By the Common Council of the City of Milwaukee that Working Class LLC, 1810-16 West Fond du Lac Avenue, Milwaukee, WI 53205 is hereby granted the following special privileges:

1. To keep and maintain a recently erected covered walk at the property known as 1810-16 West Fond du Lac Avenue. Said covered walk 6.5 feet in width, is centered approximately 66 feet northwesterly of the westline of North 18<sup>th</sup> Street and encroaches approximately 9 feet 10 inches into the 12-foot wide sidewalk area on the northerly side of West Fond du Lac Avenue at the 1810-16 West Fond du Lac 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 approximately 4.1 feet between them. Each vertical support is centered approximately 2 feet north of the present curblines. The minimum vertical clearance between the skirt of the covered walk and the sidewalk below is approximately 8 feet 6 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.

2. To keep, use and maintain kitchen venting, consisting of ductwork and fan, projecting into the west side of North 18<sup>th</sup> Street side of the building at 1810-16 West Fond du Lac Avenue detailed as follows: ductwork projecting approximately 1 foot and approximately 10 feet above the sidewalk beginning approximately at a point 34 feet north of West Fond du Lac Avenue and extending north approximately 22 feet. The fan unit is approximately 24 inches in diameter and is located approximately 45 feet north of West Fond du Lac Avenue, projecting approximately 4 feet and at least 10 feet above the sidewalk.

All fixtures and materials for illumination of covered walk 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 and shall not exceed 6 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.

Permits shall be obtained from the Departments of Public Works, and City Development for the covered walk structure itself and from the Department of Public Works to occupy the right-of-way, as necessary. All necessary permits for the venting shall also have been obtained.

Said covered walk and venting shall be constructed, installed, maintained and used to the approval of the Departments of Public Works, Neighborhood Services and Health

; and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Working Class LLC, 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 \$3,000.00 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 \$80.14. 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 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

December 4, 2002

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