



Legislation Text

File #: 111457, Version: 1

111457
SUBSTITUTE 1
021088
THE CHAIR

Substitute resolution amending a special privilege for addition of various items in the public right-of-way for the premises at 338 South 1st Street, in the 12th Aldermanic District.

This resolution amends a special privilege for addition of a second storm enclosure, a line fence, two moveable planters, an ice cooler and a grease trap in the public right-of-way for the premises at 338 South 1st Street.

Whereas, Slims Florida LLC requested permission to construct and maintain a storm enclosure in the public right-of-way; and

Whereas, Permission for said storm enclosure was granted in 2003 under Common Council Resolution File Number 021088; and

Whereas, The applicant is requesting permission to construct a second storm enclosure; and

Whereas, A site visit revealed the presence of a two moveable planters, a line fence, and grease trap in the public right-of-way; and

Whereas, Said items wall 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Numbers 021088 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Slim's Florida LLC, 7101 West Wisconsin Avenue, Wauwatosa, WI 53213 is hereby granted the following special privileges:

1. To construct and maintain a storm enclosure at the northeast corner of East Florida Street and South 1st Street. Said storm enclosure projects 2feet into the east, 9 foot 6 inch wide sidewalk area of South 1st Street and 3 feet into the north, 15-foot wide sidewalk area of East Florida Street. The storm enclosure measures 7 feet long 3 feet 4 inches wide.
2. To install and maintain two wood moveable planters adjacent to the storm enclosure described above. Said planters are 2 feet 1 inch square and 2 feet 7 inches tall. One is located in the east, 9-foot 6-inch wide sidewalk area of South 1st Street and the other is located in the north, 15-foot wide sidewalk area of East Florida Street.
3. To install and maintain a wood line fence projecting up to 4 feet 2 inches into the north, 15-foot sidewalk area of East Florida Street that provides screening for various dumpsters located on private property. Said fence runs approximately 5 feet long at a 45-degree angle from the property line and is centered approximately 107 feet east of the eastline of South 1st Street.
4. To place and maintain a grease trap in the north, 15-foot wide sidewalk area of East Florida Street. Said grease trap, which is 3 feet 9 inches wide and 5 feet long, is centered approximately 123 feet east of the eastline of South 1st Street and 2 feet south of the northline of East Florida Street.

5. To place and maintain an ice cooler in the north, 15-foot wide sidewalk area of East Florida Street. Said cooler, which measures 2 feet wide and 4 feet 2 inches long, is centered approximately 84 feet east of the eastline of South 1st Street and is positioned at the northline of East Florida Street.

6. To keep and maintain a storm enclosure projecting 4 feet 2 inches into the north, 15-foot wide sidewalk area of East Florida Street. Said storm enclosure, which measures 4 feet 4 inches long, is centered approximately 35 feet east of the eastline of South 1st Street.

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, Slim's Florida 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 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 \$333.52. 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 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 Neighborhood Services shall have the authority to seek, by resolution, revocation of said special privilege.

Department of Public Works
Infrastructure Services Division
MDL:clm
February 22, 2013
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