



## Legislation Text

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**File #: 980610, Version: 1**

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980610  
SUBSTITUTE  
78-84  
THE CHAIR

Substitute resolution amending a special privilege granted to the Irish Pub, Ltd., to place a covered walk and two movable sidewalk planters on the south side of West State Street within the public right-of-way at the 3425 building entrance, to now change the name of the grantee of the special privilege to Derek S. Hanley, in the 16th Aldermanic District in the City of Milwaukee.

- Analysis -

This resolution amends a special privilege granted to the Irish Pub, Ltd. to place and maintain a covered walk and two movable sidewalk planters on the south side of West State Street, encroaching into the public right-of-way abutting the premises at 3425 West State Street, by changing the name of the grantee of the special privilege to Derek S. Hanley.

Whereas, Irish Pub Ltd. was granted a special privilege under Common Council Resolution File Number 74-84, on June 13, 1978, to place and maintain a covered walk and two sidewalk planters at the West State Street entrance to the building located at 3425 West State Street; and

Whereas, The current owner of the property is Derek S. Hanley and should now be named as the grantee of the special privilege; and

Whereas, Said covered walk and sidewalk planters 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Resolved, By the Common Council of the City of Milwaukee that Common Council Resolution File Number 74-84 is hereby rescinded; and, be it

Further Resolved, By the Common Council of the City of Milwaukee that Derek S. Hanley, 3421 West State Street, Milwaukee, WI 53208, is hereby granted the following special privileges:

1. To keep and maintain a covered walk at the property known as 3425 West State Street. Said covered walk, 14-feet 6-inches in width, is centered approximately 65 feet east of the eastline of North 35th Street and encroaches approximately 14.5 feet into the 15.5-foot wide fully concrete paved sidewalk area on the south side of West State Street at the 3425 West State Street 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 1 foot from the curbline. There is an approximately 14-foot 6-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.

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 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 8 inches in height.

The grantee is 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 maintained and used to the approval of the Commissioner of Public Works and the Commissioner of Building Inspection.

2. To keep and maintain two 3.83-foot square, 3.0-foot high above-ground wood tree pots/planters within the 15.5-foot wide fully concrete paved public sidewalk area on the south side of West State Street abutting the building at 3425 West State Street. Said planters are located on either side of the main entrance to the building, which is centered approximately 81 feet east of the eastline of North 35th Street.

Said tree pots/planters shall be kept, used and maintained to the approval of the Commissioners of Public Works and Building Inspection. All necessary permits shall be obtained from the Commissioners of Public Works and Building Inspection prior to placement of these items in the City of Milwaukee public right-of-way. The plant and/or tree material shall be approved by and maintained to the satisfaction of the City

Forester.

and, be it

Further Resolved, That this special privilege is granted only on condition that by acceptance of this special privilege the grantee, Derek S. Hanley, 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 \$105.00. 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

November 3, 1998

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